



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 457

July 16, 2004

*Whether section 255.001 of the Election Code requires that a political advertising disclosure statement be included on shirts that bear a candidate's political logo. (AOR-512)*

The Texas Ethics Commission has been asked whether section 255.001 of the Election Code requires that a political advertising disclosure statement be included on shirts that bear a candidate's political logo.<sup>1</sup> A person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not indicate that it is political advertising and that does not disclose the name of an individual or group responsible for the political advertising. Elec. Code § 255.001(a). There is an exception to the disclosure requirement in section 255.001(a) for political advertising in the form of "campaign buttons, pins, hats, or similar campaign materials."<sup>2</sup> In our opinion, a shirt is similar to a campaign button or hat because it is intended to be worn. Therefore, a shirt that bears a candidate's political logo is not required to include a political advertising disclosure statement.

### SUMMARY

A shirt that bears a candidate's political logo is not required to include a political advertising disclosure statement.

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<sup>1</sup> We use the phrase "political advertising disclosure statement" to refer to the information section 255.001(a) requires to be included in political advertising.

<sup>2</sup> The term "political advertising" includes a communication supporting a candidate for nomination or election to a public office that appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication. *Id.* § 251.001(16). We interpret the term "political advertising" to include items such as hats, pins, buttons, and other items intended to be worn. Otherwise, it would not have been necessary to include a provision that excepts hats, pins, and buttons from the requirements of section 255.001(a).