



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 624

June 12, 2025

ISSUE

Whether certain communications to legislators and their staff about a political party's rules, platform, and legislative priorities require a legislative advertising disclosure statement. (AOR-725)

SUMMARY

None of the communications subject to this request would require the legislative advertising disclosure statement.

FACTS

The requestor is the general counsel of a Texas political party and seeks an advisory opinion on behalf of the party and its leaders.

The party leaders include the party chair, vice chair, and two state executive committee members from each senate district. From time to time, particularly during the legislative session, the party's leaders and staff will communicate in writing with legislators and their staff. The party's leaders may testify on, for, or against legislation. The requestor asks for guidance when such communications would require a legislative advertising disclosure statement under Section 305.027 of the Government Code.

ANALYSIS

Certain communications made in support or against legislation require a legislative advertising disclosure statement. Tex. Gov't Code § 305.027. However, as explained below, none of the communications subject to this request would require the disclosure statement.

The law requires a person who knowingly enters into a contract or other agreement to print, publish, or broadcast legislative advertising to include a disclosure statement that indicates:

- (1) that the communication is legislative advertising;

(2) the full name of the individual who personally entered into the contract or agreement with the printer, publisher, or broadcaster and the name of the person, if any, that the individual represents;

(3) in the case of advertising that is printed or published, the address of the individual who personally entered into the agreement with the printer or publisher and the address of the person, if any, that the individual represents.

Tex. Gov't Code § 305.027(a). Chapter 305 of the Government Code defines "legislative advertising" as a communication that supports, opposes, or proposes legislation and that:

(1) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or

(2) appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, button, or similar form of written communication.

Id. § 305.027(e).

The requestor asks whether written communication to legislators and their staff, and testimony at legislative hearings from leaders of the party to legislators would require a legislative advertising disclosure.

Testimony at a legislative hearing does not meet the definition of legislative advertising because providing testimony is not publishing a communication for consideration in a periodical or broadcasting by radio or television. Nor is it a communication similar to a pamphlet, circular, flier or sign.

Written communications with the legislators and their staff regarding legislation of the type at issue in this complaint also do not appear to meet the definition of political advertising. We assume from the request that the communications are either personal communications with individual lawmakers or targeted to groups of a lawmakers or their staff.

For a communication to meet the definition of a "legislative advertising" it must appear "in a pamphlet, circular, flier, billboard or other sign, bumper sticker, button, or similar form of written communication." Signs, circulars, fliers, and television or radio broadcasts are all fixed media that cost money to produce and meant for broad distribution.

A personal communication such as a letter to a friend or an individual legislator standing alone would not meet the definition of legislative advertising because its limited and personal nature makes it distinct from a similar communication to a pamphlet, circular, flier. This is true regardless of whether the communication is sent through the United States Postal Service or is an electronic communication.

The TEC interpreted the similarly defined term "political advertising" in the context of electronic communications through rule. In doing so, the TEC construed "political advertising" to exclude "an individual communication made by e-mail or text message but does include mass e-mails and text messages involving an expenditure of funds beyond the basic cost of hardware messaging software and bandwidth." 1 Tex. Admin. Code § 20.1(11)(B). We apply the same construction to the term

“legislative advertising.” Properly construed, none of the communications asked about in this request meet the definition of legislative advertising.

Even if a communication meets the definition of legislative advertising, a disclosure statement is not required unless a person “knowingly enters into a contract or other agreement to print, publish, or broadcast” the legislative advertising. Tex. Gov’t Code § 305.027.

Nothing in the request suggests that any communications will be made pursuant to a contract with another person and therefore would not require a legislative advertising disclosure statement.