



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 625

June 12, 2025

ISSUE

Whether the use of a logo created by a labor organization's political committee that resembles, but is different from, a city-created logo violates a law under the jurisdiction of the Texas Ethics Commission. (AOR-726)

SUMMARY

So long as the logo created by the political committee is not a resource of the city, its use by a city employee for political advertising would not violate a law under the TEC's jurisdiction.

FACTS

The requestor is a police officer and a member of a labor organization that established and maintains a general-purpose political committee.

The requestor asks if the political committee may use as its logo an image of a badge that resembles the official badge and logo of the city police department. Both images are in the shape of a badge, feature the United States and Texas flags, and have a prominent star in the center. The PAC logo has a smaller star and the initials of the police association rather than an image of the state seal in the city logo. The PAC logo also has the name of the city with the words "Police Association PAC" surrounding the badge rather than the name of the city and the words "Texas Police Officer" in the city logo.

ANALYSIS

The requestor asks whether he would violate any law or rule if the political committee uses the proposed logo in its political advertising and other communications. The TEC may issue an advisory opinion regarding only certain laws. Tex. Gov't Code § 571.091. The laws relevant to this request and under the TEC's advisory opinion jurisdiction are Chapter 39 of Penal Code and title 15 of the Election Code. This opinion is therefore limited to the consideration of this question as it relates to those laws.

Election Code Considerations

An officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising. Tex. Elec. Code. § 255.003(a). Whether the requestor may use the proposed logo turns on whether the logo is a resource of the city or whether public funds were used in its creation.

The term “public funds” is not defined by the Election Code. However, we have held that “the spending of public funds” includes any use of a political subdivision’s resources for political advertising. Tex. Ethics Comm’n Op. No. 532 (2015) *citing* Tex Ethics Comm’n Nos. No. 443 (2002) (the prohibition applies to a school district’s use of its facilities to post political advertising in a restricted area of a school on work time), 45 (1992) (the prohibition applies to a school district’s use of employees’ work time and internal mail system equipment to distribute political advertising); *see also* Tex. Att’y Gen. Op. No. KP-0177 at 4 (2018) (“subsection 255.003(a) prohibits the use of school district staff, facilities, or other resources to advertise for or against a candidate or measure.”).

In EAO 532, the TEC held that an officeholder would violate Section 255.003 by using a modified city letterhead that included the city logo and slogan in political advertising because “both the original and the modified letterhead include the city logo and slogan that were paid for, in part, with city funds, and there is no indication that the city does not continue to maintain an ownership interest in the logo or slogan.” The TEC concluded the logo and slogan were “the city’s intellectual property and, as such, would constitute a city resource.” Consequently, an officer or employee of the city would violate Section 255.003 if he used or authorized the use of the modified slogan and logo for political advertising.

Similar to EAO 532, we assume the city-created police badge logo is a resource belonging to the city. However, in EAO 532, the officeholder used an un-changed version of the city’s logo in his own political advertising. He only removed names from a letterhead. Unlike the logo in EAO 532, the requestor here made significant changes to the city logo. Importantly, it is clear from its face that the logo represents the city police association political committee—not the police department itself. Therefore, the use of the proposed political committee logo would not be a use of city resources.

It is not clear from the facts presented with the request how the proposed PAC logo was created. If the requestor, as an employee of the city, got access to digital version of the city logo that was not available to the public, it is conceivable that would constitute a violation of Section 255.003. However, if the requestor created a similar logo to the city’s without using the city logo or repurposed a publicly available logo, it would not be a violation of Section 255.003. *Cf.* Tex. Ethics Comm’n Op. No. 561 (2021) (repurposing publicly available government-created video recording is not a “misuse” of government property).

Penal Code Considerations

This request also raises the question of whether the use of a city logo violates a provision of Chapter 39 of the Penal Code, which generally prohibits a public servant from misusing government resources. The law states a public servant commits an offense if he intentionally or knowingly misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment. Tex. Penal Code § 39.02(a)(2). The misuse must be done with intent to obtain a benefit or with intent to harm or defraud another to constitute a criminal offense. *Id.* § 39.02(a).

As discussed above, the logo designed by the political committee is not a resource of the city. However, the same caveat regarding its creation applies to the application of the Penal Code. If the requestor—who is a public servant—came into possession of a non-public digital version of the city logo by virtue of his employment and then modified it for PAC purposes, it could constitute a violation of Section 39.02(a)(2). However, if the requestor created a similar logo to the city's either without using the city logo or came into possession of the city logo in a manner that was not connected to his employment, it would not. Tex. Ethics Comm'n Op. No. 561 (2021).