



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 645

May 13, 2026

ISSUE

Does paying a social media company's users for engaging with political advertising content (viewing advertisements, watching videos, completing surveys, etc.) constitute bribery of a voter under Section 36.02(a)(1) of the Penal Code?

Does paying a social media company's users to complete a survey that includes questions about the user's voting intentions—where compensation is identical regardless of the user's answers—constitute prohibited vote-buying under Texas law?

What disclaimer and disclosure requirements under Chapter 255 of the Election Code apply to political advertisements posted on social media?

May candidates, political parties, and political committees use the requestor's social media platform to deliver political advertisements and compensate users for engagement with the advertisements without violating Texas election laws? (AOR-749)

SUMMARY

Paying the requestor's users for engaging with political advertising content through its advertising marketplace does not constitute bribery under Section 36.02(a)(1) of the Penal Code under the facts presented.

Payment of compensation to the requestor's users to complete a survey that includes questions about the user's voting intentions—where compensation is identical regardless of the user's answers does not constitute bribery under Section 36.02(a)(1) of the Penal Code.

Chapter 255 of the Election Code requires specific disclaimers and disclosures on political advertisements.

Use of the requestor's advertising marketplace by candidates, political parties, and political committees does not violate Section 36.02(a)(1) of the Penal Code.

FACTS¹

The requestor is a company that operates a social media platform. According to the requestor, its platform is distinguished by two core features: (1) a credibility scoring system that evaluates users

¹ For the purposes of analyzing the issues presented in this opinion, we assume that the facts provided by the requestor are true and accurate.

based on verified attributes and community feedback, and (2) its advertising marketplace that compensates users for engaging with advertising content.

The requester provided the following description of its advertising marketplace:

1. User Opt-In and Rate Setting. Users voluntarily enable advertising marketplace participation through their account settings. Participation is entirely optional. Users who enable the advertising marketplace establish their own personal “rate card” specifying the compensation they require for various engagement actions, including: viewing an advertisement, watching a video, filling out a form or survey, making a comment, sharing content, or taking other specified actions.
2. User Preference Curation. Users define the categories of advertising content they wish to receive through tags, filters, and category selections. Users who do not wish to receive political advertising may exclude such content from their feed entirely.
3. Campaign Creation by Advertisers. Advertisers create advertising campaigns by specifying: (a) total campaign budget; (b) demographic targeting parameters (age range, geographic location by zip code); (c) credibility score thresholds; (d) maximum compensation per individual user (“MaxPer” cap); and (e) compensation rates for each engagement action type.
4. Content Review and Approval. The requestor reviews all advertising content for compliance with platform policies before publication. Political advertising is subject to enhanced review to ensure compliance with applicable disclosure requirements under Chapter 255 of the Election Code.
5. Advertisement Delivery. Approved advertisements are delivered to users’ content feeds based on matching between advertiser targeting parameters and user demographic attributes and declared content preferences. Advertisements initially appear in a blurred or obscured state, displaying only the advertiser’s name and credibility rating. Users can see who is advertising before choosing whether to engage.
6. User Engagement and Compensation. When a user clicks on a blurred advertisement, the content is revealed, and the user earns their specified “View” rate. Additional compensable actions (watching embedded video, completing a survey, etc.) earn additional fees at the user’s pre-established rates. Users are compensated only once per action type per advertisement.
7. Instant Settlement. Upon completion of a compensable engagement action, funds are instantaneously transferred from the campaign’s escrow account to the user’s digital wallet² (80%) and the requestor’s platform account (20%). Users may immediately transfer earned funds to their connected U.S. bank account.
8. Campaign Termination. Campaigns remain active until the allocated budget is exhausted or

² The requestor maintains integrated digital wallet functionality so that users may connect external U.S. bank accounts to facilitate instant transfers between their wallet with the requestor and personal banking accounts.

the advertiser manually terminates the campaign.

The requestor also provided the following example detailing how its advertising marketplace functions:

A candidate for Texas State Senate seeks to communicate her policy positions to potential voters in her district. The candidate's campaign committee creates an advertising marketplace campaign with the following parameters:

Parameter	Value
Campaign Budget	\$10,000.00
Geographic Target	Zip codes within Texas Senate District 14
Age Range	18 years and older
Credibility Score Threshold	4.0 or higher (scale of 1-5)
MaxPer (per user cap)	\$5.00
Compensation - View Ad	\$0.25
Compensation - Watch Video	\$0.75
Compensation - Complete Survey	\$1.00

The campaign uploads a three-minute video in which the candidate discusses her positions on education policy, a voter survey asking about policy priorities and voting intentions, and text content with hyperlinks to her campaign website. The campaign includes the required "Pol. Adv. Paid for by" disclaimer identifying the campaign committee per Texas Election Code § 255.001. A qualifying user sees the blurred advertisement in her feed, observes that it is from the candidate's campaign committee, and chooses to click. Upon clicking, she views the ad content (\$0.25), watches the policy video (\$0.75), and completes the voter survey (\$1.00), earning \$2.00 in total compensation (\$1.60 net after requestor's 20% platform fee).

The user's compensation is identical regardless of how she answers the survey questions—including any questions about her voting intentions. A user who indicates she intends to vote for the candidate receives the same compensation as a user who indicates she intends to vote for the opponent or who declines to answer. The compensation is for the act of completing the survey, not for any particular response. Moreover, there is no mechanism by which the requestor or the campaign verifies actual voting behavior. The user's survey response has no bearing on whether she actually votes or for whom she votes.

ANALYSIS

Payment to the requestor's users for engaging with political advertising content through its advertising marketplace does not constitute bribery under Section 36.02(a)(1) of the Penal Code.

Section 36.02(a)(1) of the Penal Code states in pertinent part that a person commits an offense if he intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another any benefit as consideration for the recipient's . . . vote, or other exercise of discretion as a voter. A "benefit" is defined as "anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest." Tex. Penal Code § 36.01(3). Merriam-Webster's

Dictionary defines "pecuniary" with the phrases "consisting of or measured in money" and "of or relating to money." Webster's Twelfth Collegiate Dictionary (2025). Therefore, monetary payment is a benefit. *See* Tex. Ethics Comm'n Op. No. 123 (1993).

However, in order for bribery to occur, the benefit must be offered, conferred, solicited, or accepted as consideration for the recipient's vote.

In this case, the requestor would pay its users from a candidate's, political party's, or political committee's advertising account set up with the requestor upon the user's engagement with the candidate's political party's, or political committee's political advertisement. This payment constitutes a benefit to the user.

However, the facts provided by the requestor do not indicate that payment is conditioned upon the user agreeing to vote in a particular manner or even vote in general. Rather, the payment is initiated upon the user viewing an advertisement or taking a survey. Therefore, the payment is not offered or made in consideration for a user's specific vote, and, thus, is not a bribe under Section 36.02(a)(1).³

Payment to the requestor's users to complete a survey that includes questions about the user's voting intentions—where compensation is identical regardless of the user's answers does not constitute bribery under Section 36.02(a)(1) of the Penal Code.

It is assumed that the requestor's use of the term "vote-buying" refers to Section 36.02(a)(1) of the Penal Code.

As previously discussed, because payment is based on the user taking the survey and not the actual responses, it is not consideration for the user's vote or agreement to vote. Therefore, payment to the requestor's users for completing a survey that includes questions about the user's voting intentions does not constitute a bribery under Section 36.02(a)(1).

Chapter 255 of the Election Code requires specific disclaimers and disclosures on political advertisements.

Because the requestor states that the communications contemplated in its request would be political advertisements, the following disclaimer and disclosure requirements under Chapter 255 of the Election Code would apply to the individual advertisements:

- Section 255.001 – Required Disclosure on Political Advertising
- Section 255.005 – Misrepresentation of Identity
- Section 255.006 – Misleading Use of Office Title
- Section 255.008 – Disclosure on Political Advertising for Judicial Office

³ Despite our conclusion, we can envision a scenario in which a candidate's advertisement implies that payment is conditioned upon the user's agreement to vote for the candidate. Although, that is not how the requestor's advertising marketplace works, this may still constitute a bribe. However, this is not the fact scenario presented in the request, and it is presumed for the purposes of this opinion that the political advertisements posted on the requestor's advertising marketplace are lawful advertisements.

Use of the requestor's advertising marketplace by candidates, political parties, and political committees does not violate Section 36.02(a)(1) of the Penal Code.

The Texas Ethics Commission (TEC) is only authorized to interpret the laws specified in Section 571.061 of the Government Code. Therefore, we cannot conclude that use of the requestor's advertising marketplace by candidates, political parties, and political committees would not violate any election related law within Texas. However, our responses above analyze the facts provided by the requestor about its advertising marketplace as they relate to the laws within the TEC's jurisdiction.