

USE OF COUNTY RESOURCES TO PROVIDE ELECTION FACTS

On October 5, 2015, the Texas Ethics Commission adopted Ethics Advisory Opinion No. 531. The opinion held that a particular communication distributed by a political subdivision regarding a measure was not political advertising.

Section 255.003 of the Election Code prohibits an officer or employee of a political subdivision from spending or authorizing the spending of public funds for political advertising. That law does not prohibit the distribution of a communication that factually describes the purposes of a measure and does not advocate passage or defeat of the measure.

It is recommended that political subdivisions review Ethics Advisory Opinion No. 531 (and the communication attached to the opinion) for a useful example of a communication that factually describes the purposes of a measure without advocating passage or defeat of the measure. In addition, it is recommended that political subdivisions read the Texas Ethics Commission's guide to the prohibition against using political subdivision resources for political advertising in connection with an election, which can be found at https://www.ethics.state.tx.us/resources/advertising/Bsub_adv.php.