

TEXAS ETHICS COMMISSION

The Texas Ethics Commission is authorized by the Government Code, §571.091, to issue advisory opinions in regard to the following statutes: the Government Code, Chapter 302; the Government Code, Chapter 305; the Government Code, Chapter 572; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39. Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Ethics Advisory Opinions

EAO-638: Whether asking questions of or requesting a formal written opinion from certain state officials, without suggesting an answer to the questions, would require registration under Chapter 305, Texas Government Code. (AOR-740).

SUMMARY

A request seeking the clarification of the operation of a law or to seek compliance with an existing law, without suggesting an answer, is not a communication to influence administrative or legislative action under Chapter 305 of the Government Code and would not require lobby registration.

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Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on February 11, 2026.

TRD-202600641
Amanda Arriaga
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Texas Ethics Commission
Filed: February 12, 2026



EAO-639: Whether a video recorded with students at a charter school is political advertising for the purposes of Sections 255.003 and 255.001 of the Election Code. (AOR-741).

SUMMARY

Section 255.003 applies to officers and employees of a political subdivision. For purposes of Section 255.003 of the Election Code, a charter school is not a political subdivision. Therefore, the use of a charter school's resources would not implicate Section 255.003. However, a political advertisement video recorded at a charter school would raise concerns of violations of Section 253.094 of the Election Code, and possibly Sections 36.08 and 39.02 of the Penal Code.

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TRD-202600642
Amanda Arriaga
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EAO-640: Whether the revolving door prohibition in Section 572.069 of the Government Code would prohibit a former employee of a state agency from accepting certain employment. (AOR-742).

SUMMARY

A former state employee participates on behalf of a state agency in a procurement or contract negotiation with a subcontractor if the subcontractor is identified as providing work in the contract.

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TRD-202600643
Amanda Arriaga
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EAO-641: Whether a tax rate election ("TRE") flier prepared by a school district (the "district") is political advertising for the purposes of Section 255.003 of the Election Code. (AOR-744).

SUMMARY

The TRE flier prepared by the district constitutes political advertising because it advocates for passage of the TRE and, therefore, would vio-

late Section 255.003(a) of the Election Code if distributed to voters by the district.

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Amanda Arriaga
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EAO-642: Whether a video constitutes political advertising for the purposes of the Election Code's prohibition against using public funds for political advertising. (AOR-745).

SUMMARY

When considering whether a specific video constitutes political advertising for the purposes of the Election Code, we view the communica-

tion as a whole. A significant factor in determining whether a particular communication is a political advertisement is whether it provides information without promoting a public office or measure.

The mere fact that a communication includes an express disclaimer of support or opposition is not determinative. However, the video considered in this opinion is a political advertisement for the purposes of Section 255.003 of the Election Code because it includes advocacy.

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