

Caleb Burns Comments on Texas Campaign Financing Regulations

San Antonio Express-News; Houston Chronicle

October 6, 2015

Caleb P. Burns, a partner in Wiley Rein's Election Law & Government Ethics Practice, was quoted in the *San Antonio Express-News* and *Houston Chronicle*, discussing the Texas Ethics Commission's recent decision to promulgate regulations to require greater disclosure in connection with political advertising. The article states that under the new rule, communications by a group such as a 501(c)4 nonprofit will trigger disclosure requirements if the communications are made close to an election and are "susceptible to no other reasonable interpretation than to urge the passage or defeat" of a candidate or a ballot measure. The preexisting version of the regulation required disclosure only when a political advertisement used express words of advocacy or defeat of a candidate, a standard known as the so-called "magic words."

Mr. Burns said the Commission is likely exceeding its authority because the legislature has never amended state law to make disclosure requirements apply beyond the express advocacy category of political advertising.

"This notion that the Legislature has intended ... to shape or to expand regulation beyond the 'express advocacy' [or] 'magic words' definition of political activity is belied by the history of what the Legislature has done," Mr. Burns said.

To read the full *San Antonio Express-News* article, please [click here](#).

To read the full *Houston Chronicle* article, please [click here](#).

Related Professionals

Caleb P. Burns
Partner
202.719.7451
cburns@wiley.law

Practice Areas

Election Law & Government Ethics