

SUBJECT: Type size requirement on the word “for” on political advertising

COMMITTEE: Elections — committee substitute recommended

VOTE: 7 ayes — Danburg, J. Jones, Averitt, Denny, Hodge, Madden, Uher
0 nays
2 absent — Gallego, Greenberg

WITNESSES: None.

BACKGROUND: Under the Election Code, a candidate for public office who is not an incumbent must include the word “for” in front of the name of the office on campaign communications and political advertising, in order to make clear this candidate does not hold the office. Otherwise, the candidate has committed the offense of misleading use of office title, punishable as a class A misdemeanor with maximum penalty of one year in jail and a \$4,000 fine.

DIGEST: CSHB 1068 would require the word “for” to be a type size at least one-half the type size used for the name of the office.

The bill would not apply to political advertising and campaign communications disseminated before its September 1, 1999, effective date.

SUPPORTERS SAY: CSHB 1068 would help clear up voter confusion and prevent evasions of the law. In 1997, the Legislature required non-incumbent candidates whose political signs included the office sought to place the word “for” on the sign. The intent was to clarify which candidates were incumbents and which were not. However, many political candidates placed the word “for” in tiny type size. While technically complying with the law, this did not clarify anything since “for” could not be read easily. CSHB 1068 would place sizing requirements on campaign communications to make clear to the voter whether the candidate is or is not an incumbent and prevent candidates from evading the law.

OPPONENTS SAY: CSHB 1068 would impose a competitive disadvantage on political challengers. Requiring lettering sizes on a sign with limited space would leave

less space for the candidate's name. In effect, this would diminish the impact of the challenger's sign. This bill would impose a restriction on office seekers without so restricting their incumbent opponents. It also would subject candidates to possible jail time just for failing to use the right type size, which could be subject to political abuse.

NOTES:

The original bill would have required the same size type for the word "for" as the office sought.