

Irving Rambler Political Advertising Rate Card 2010

The Irving Rambler is Irving's weekly community newspaper targeting Irving's people, places and events. We effectively reach the Irving market even in a tough economy. *The Irving Rambler* provides information on the local government, schools and the people of Irving. It's an ideal venue to reach the people in Irving who are active in their community.

- Weekly printing with distribution to people who are so interested in the community that they pay for the newspaper
- Optional discounted advertising in the Grand Prairie Rambler
- Kept and passed on providing a very high readership
- Providing articles that readers talk about

POLITICAL ADVERTISING POLICIES

Any advertisement involving a political figure, party or government issue, regardless of whether or not there is an election, is considered political.

Candidates may advertise at any time before or after filing for an election. We do not have special increased rates for political advertising but use our standard display advertising rates. Candidates can use our contract rates to qualify for multiple advertisement discounts, but are required to pay in advance for the entire contract at the time of signing.

Any political advertising which directly or indirectly mentions an opposing candidate or opinion must be published in time to give opposition an opportunity to reply. *The Irving Rambler* will, at its' discretion provide an opportunity for opposing views to be published the same issue of the Irving Rambler that any negative advertising is placed.

Any person or organization placing political advertising which directly or indirectly mentions someone or some

organization or governmental policy in an unflattering way, must provide *The Irving Rambler* with documentation proving any statement included in the advertising.

Any person or organization placing political advertising which directly or indirectly mentions someone or some organization or governmental policy in an unflattering way must sign a form holding *The Irving Rambler* harmless if any lawsuits are filed.

All political ads must include all information required by local, state and federal law.

"Paid Political Advertisement" and the name and address of the individual or organization responsible for placement of the ad is required to be included in all advertising.

All political advertising is payable in advance, and insertion orders must be signed by the candidate or an agent.

Political advertising will be published only when full payment has been made prior to the deadline of publication date, and the insertion order has been signed by the candidate or agent.

POLITICAL GUIDELINES

The Irving Rambler will not "pick sides" during any political race. We follow the rules and regulations of the Texas Ethics Commission and provide fair access to all candidates running for office. This means we provide the same opportunities for press releases to all candidates running for an office. Each candidate running is given the same opportunities as any other candidate.

We print each candidates' biography and platform after the candidate has filed with the City of Irving.

During City Council and School Board elections, the *Irving Rambler* often designs a survey for all of the

candidates to answer after the filing is closed. It is the candidates option whether to participate or not. If a candidate decides not to participate, the statement "No comment" will be placed by the candidates name to indicate that the option was offered and declined.

Prior to election the paper often publishes letters to the editor voicing opinions about the candidates. Candidates are encouraged to have supporters submit letters. However, the *Irving Rambler* usually does not print form letters.

Parts of the Election Code

Chapter 225 - Relevant to print media

Sec. 255.001. REQUIRED DISCLOSURE ON POLITICAL ADVERTISING. (a) A person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not indicate in the advertising:

- (1) that it is political advertising; and
- (2) the full name of:
 - (A) the person who paid for the political advertising;
 - (B) the political committee authorizing the political advertising;or
- (C) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

(b) Political advertising that is authorized by a candidate, an agent of a candidate, or a political committee filing reports under this title shall be deemed to contain express advocacy.

(c) A person may not knowingly use, cause or permit to be used, or continue to use any published, distributed, or broadcast political advertising containing express advocacy that the person knows does not include the disclosure required by Subsection (a). A person is presumed to know that the use of political advertising is prohibited by this subsection if the commission notifies the person in writing that the use is prohibited. A person who learns that political advertising signs, as defined by Section 255.007, that have been distributed do not include the disclosure required by Subsection (a) or include a disclosure that does not comply with Subsection (a) does not commit a continuing violation of this subsection if the person makes a good faith attempt to remove or correct those signs. A person who learns that printed political advertising other than a political advertising sign that has been distributed does not include the disclosure required by Subsection (a) or includes a disclosure that does not comply with Subsection (a) is not required to attempt to recover the political advertising and does not commit a continuing violation of this subsection as to any previously distributed political advertising.

(d) This section does not apply to:

- (1) tickets or invitations to political fund-raising events;
 - (2) campaign buttons, pins, hats, or similar campaign materials;
- or
- (3) circulars or flyers that cost in the aggregate less than \$500 to publish and distribute.

(e) A person who violates this section is liable to the state for a civil penalty in an amount determined by the commission not to exceed \$4,000.

Amended by Acts 1987, 70th Leg., ch. 899, Sec. 1, eff. Sept. 1, 1987; Acts 2003, 78th Leg., ch. 249, Sec. 2.23, eff. Sept. 1, 2003.

Sec. 255.002. RATES FOR POLITICAL ADVERTISING.

(a) The rate charged for political advertising by a radio or television station may not exceed:

(1) during the 45 days preceding a general or runoff primary election and during the 60 days preceding a general or special election, the broadcaster's lowest unit charge for advertising of the same class, for the same time, and for the same period; or

(2) at any time other than that specified by Subdivision (1), the amount charged other users for comparable use of the station.

(b) The rate charged for political advertising that is printed or published may not exceed the lowest charge made for comparable use of the space for any other purposes.

(c) In determining amounts charged for comparable use, the amount and kind of space or time used, number of times used, frequency of use, type of advertising copy submitted, and any other relevant factors shall be considered.

(d) Discounts offered by a newspaper or magazine to its commercial advertisers shall be offered on equal terms to purchasers of political advertising from the newspaper or magazine.

(e) A person commits an offense if the person knowingly demands or receives or knowingly pays or offers to pay for political advertising more consideration than permitted by this section.

(f) An offense under this section is a Class C misdemeanor.

Amended by Acts 1987, 70th Leg., ch. 899, Sec. 1, eff. Sept. 1, 1987.

Sec. 255.004. TRUE SOURCE OF COMMUNICATION.

(a) A person commits an offense if, with intent to injure a candidate or influence the result of an election, the person enters into a contract or other agreement to print, publish, or broadcast political advertising that purports to emanate from a source other than its true source.

(b) A person commits an offense if, with intent to injure a candidate or influence the result of an election, the person knowingly represents in a campaign communication that the communication emanates from a source other than its true source.

(c) An offense under this section is a Class A misdemeanor.

Amended by Acts 1987, 70th Leg., ch. 899, Sec. 1, eff. Sept. 1, 1987.

Sec. 255.005. MISREPRESENTATION OF IDENTITY. (a)

A person commits an offense if, with intent to injure a candidate or influence the result of an election, the person misrepresents the person's identity or, if acting or purporting to act as an agent, misrepresents the identity of the agent's principal, in political advertising or a campaign communication.

(b) An offense under this section is a Class A misdemeanor.

Amended by Acts 1987, 70th Leg., ch. 899, Sec. 1, eff. Sept. 1, 1987; Acts 1997, 75th Leg., ch. 864, Sec. 249, eff. Sept. 1, 1997.

Sec. 255.006. MISLEADING USE OF OFFICE TITLE.

(a) A person commits an offense if the person knowingly enters into a contract or other agreement to print, publish, or broadcast political advertising with the intent to represent to an ordinary

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and prudent person that a candidate holds a public office that the candidate does not hold at the time the agreement is made.

(b) A person commits an offense if the person knowingly represents in a campaign communication that a candidate holds a public office that the candidate does not hold at the time the representation is made.

(c) For purposes of this section, a person represents that a candidate holds a public office that the candidate does not hold if:

(1) the candidate does not hold the office that the candidate seeks; and

(2) the political advertising or campaign communication states the public office sought but does not include the word "for" in a type size that is at least one-half the type size used for the name of the office to clarify that the candidate does not hold that office.

(d) A person other than an officeholder commits an offense if the person knowingly uses a representation of the state seal in political advertising.

(e) An offense under this section is a Class A misdemeanor.

Amended by Acts 1987, 70th Leg., ch. 899, Sec. 1, eff. Sept. 1, 1987; Acts 1993, 73rd Leg., ch. 300, Sec. 30, eff. Aug. 30, 1993; Acts 1997, 75th Leg., ch. 864, Sec. 250, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1134, Sec. 9, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 5.17, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 737, Sec. 1, eff. Sept. 1, 1999.

Sec. 255.008. DISCLOSURE ON POLITICAL ADVERTISING FOR JUDICIAL OFFICE. (a) This section applies only to a candidate or political committee covered by Subchapter F, Chapter 253.

(b) Political advertising by a candidate who files a declaration of intent to comply with the limits on expenditures under Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate may include the following statement: "Political advertising paid for by (name of candidate or committee) in compliance with the voluntary limits of the Judicial Campaign Fairness Act."

(c) Political advertising by a candidate who files a declaration of intent to comply with the limits on expenditures under Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate that does not contain the statement prescribed by Subsection (b) must comply with Section 255.001.

(d) Political advertising by a candidate who files a declaration of intent to exceed the limits on expenditures under Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate must include the following statement: "Political advertising paid for by (name of candidate or committee), (who or which) has rejected the voluntary limits of the Judicial Campaign Fairness Act."

(e) The commission shall adopt rules providing for:

(1) the minimum size of the disclosure required by this section in political advertising that appears on television or in writing; and

(2) the minimum duration of the disclosure required by this section in political advertising that appears on television or radio.

(f) A person who violates this section or a rule adopted under this section is liable for a civil penalty not to exceed:

(1) \$15,000, for a candidate for a statewide judicial office or a specific-purpose committee for supporting such a candidate;

(2) \$10,000, for a candidate for chief justice or justice, court of appeals, or a specific-purpose committee for supporting such a candidate; or

(3) \$5,000, for a candidate for any other judicial office covered by Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate.

(g) Section 253.176 applies to the imposition and disposition of a civil penalty under this section.

Added by Acts 1995, 74th Leg., ch. 763, Sec. 6, eff. Sept. 1, 1995.

Ethics Advisory Opinion #242 - A group of persons that has the principal purpose of assisting an identified officeholder is, by definition, a specific-purpose political committee. Elec. Code § 251.001(12), (13). Once a specific-purpose political committee exceeds \$500 in political contributions received or political expenditures made, it must file an Appointment of Campaign Treasurer with the same filing authority with whom the officeholder files title 15 reports. Id. § 253.031.

Ethics Advisory Opinion #404 - A political committee may use its name in the political advertising disclosure statement required by Election Code section 255.001 even if the committee has not yet filed a campaign treasurer appointment.

Presumably, many political committees are unincorporated associations, but a political committee may be incorporated. *See* Elec. Code § 253.092 (political committee that incorporates for liability purposes only is not subject to restrictions on corporate political activity); *see also* 1 T.A.C. § 24.1(d) (procedure for incorporating for liability purposes only). *See generally* 7 Tex. Jur. 3d *Associations and Clubs* (1997).

A political committee must comply with the rules in Election Code sections 252.003(d) and 252.0031(b) regardless of whether it has appointed a campaign treasurer.

A political committee must comply with any applicable rules outside of the Election Code that apply to the use of a name by a particular type of organization. *See generally* Bus. & Com. Code § 36.10 (assumed name law applicable to any noncorporate person that regularly conducts business or renders professional services in Texas).

Ethics Advisory Opinion #102 - In most circumstances, an advertisement congratulating a sports team that identifies a candidate or public officer as such is political advertising and must contain the information required by Election Code section 255.001.