

# TEXAS ETHICS COMMISSION

IN THE MATTER OF

CHRIS IGWILO,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-32009189 AND SC-32011251

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (Commission) met on March 11, 2021, to consider sworn complaints SC-32009189 and SC-32011251. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Sections 255.001, 255.006, and 259.001 of the Election Code, laws administered and enforced by the Commission. To resolve and settle these complaints without further proceedings, the Commission adopted this resolution.

### II. Allegations

The complaints alleged that the respondent: 1) failed to include on political advertising signs a political advertising disclosure statement, in violation of Section 255.001 of the Election Code; 2) represented in political advertising signs that a candidate held a public office that the candidate did not hold by stating “re-elect” and failing to include the word “for,” in violation of Section 255.006 of the Election Code; and 3) failed to include on political advertising signs the highway right-of-way notice, in violation of Section 259.001 of the Election Code.

### III. Findings of Fact and Conclusions of Law

Credible evidence available to the Commission supports the following findings of fact and conclusions of law:

1. The respondent was a successful incumbent candidate for Director of West Keegans Bayou Improvement District, in the November 3, 2020, election. The sworn complaints relate to political advertising signs that were displayed in connection with the November 2020 election.

#### Political Advertising Disclosure Statement

2. The complaints alleged that the respondent failed to include a political advertising disclosure statement on political advertising signs that contained express advocacy.

3. The information submitted with the first complaint included pictures which showed that the respondent's political advertising yard signs did not contain the political advertising disclosure statement. The later complaint showed pictures of the respondent's political advertising yard signs on November 3, 2020, some of which did not contain the political advertising disclosure statement. One sign did contain a political advertising disclosure statement added to the sign by sticker.
4. In response to the first complaint, the respondent admitted that the signs were in violation. He swore that he was addressing all mentioned violations and correcting the signs in full. The respondent also provided evidence showing that he added stickers with the political advertising disclosure statement and the highway right-of-way notice, and added the word "for" to the signs. In response to the second complaint, the respondent swore that to the best of his knowledge, he had taken down all posted campaign signs between September 15 and 17, 2020, and added the political advertising disclosure statement to them. In regards to two of the signs pictured in the second complaint, including the sign that had been corrected after the first complaint, the respondent swore that to the best of his knowledge the signs were never posted.
5. A person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not indicate in the advertising that it is political advertising and the full name of the person who paid for the political advertising, the political committee authorizing the political advertising, or the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. Tex. Elec. Code § 255.001(a).
6. Credible evidence indicates the respondent failed to include a political advertising disclosure statement on his political advertising yard signs. Therefore, there is credible evidence of a violation of Section 255.001 of the Election Code.

### **Misleading Use of Office Title**

7. The complaint alleges that the respondent represented in a campaign communication that a candidate held a public office that the candidate did not hold at the time the representation was made by failing to include the word "for" and using the term "re-elect."
8. The information submitted with the first complaint included pictures which showed that the respondent's political advertising yard signs stated "Re-elect 2 Directors [] Mike Emerson [] Chris Igwilo." Although the respondent was up for re-election, Mike Emerson was previously elected to the position but did not hold the office of Director at the time the signs were posted.

9. In response to the first complaint, the respondent admitted that the signs were in violation. He swore that he was addressing all mentioned violations and correcting the signs in full. The respondent added stickers with the political advertising disclosure statement and the highway right-of-way notice, and added the word “for” to the signs. The respondent did not remove or clarify the use of the word “re-elect” for a non-incumbent candidate. The later complaint showed pictures of the respondent’s political advertising yard signs on November 3, 2020, none of which contained the word “for.”
10. 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 and prudent person that a candidate holds a public office that the candidate does not hold at the time the agreement is made. Tex. Elec. Code § 255.006(a).
11. 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. *Id.* § 255.006(b).
12. For the purposes of this section, a person represents that a candidate holds a public office that the candidate does not hold if: the candidate does not hold the office that the candidate seeks and 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. *Id.* § 255.006(c).
13. Credible evidence indicates that the respondent represented in campaign communications that a candidate held a public office that the candidate did not hold by failing to include the word “for” and using the term “re-elect.” Therefore, there is credible evidence of a violation of Section 255.006 of the Election Code.

### **Highway Right-of-Way Notice**

14. The complaint alleged that the respondent failed to include a highway right-of-way notice on the political advertising yard signs.
15. The information submitted with the first complaint included pictures, which showed that the respondent’s political advertising yard signs did not contain the highway right-of-way notice. The later complaint showed pictures of the respondent’s political advertising yard signs on November 3, 2020, some of which did not contain the highway right-of-way notice. One sign did contain an added highway right-of-way notice added to the sign by sticker.
16. In response to the first complaint, the respondent admitted that the signs were in violation. He swore that he was addressing all mentioned violations and correcting the signs in full. The respondent added stickers with the political advertising disclosure statement and the

highway right-of-way notice, and added the word “for” to the signs. In response to the second complaint, the respondent swore that he had taken down all posted campaign signs between September 15 and 17, 2020, and added the highway right-of-way notice to them. In regards to two of the signs pictured in the second complaint, including the sign that had been corrected after the first complaint, the respondent swore that to the best of his knowledge the signs were never posted.

17. The following notice must be written on each political advertising sign: “NOTICE, IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE), TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY.” Tex. Elec. Code § 259.001(a).
18. A person commits an offense if the person: knowingly enters into a contract to print or make a political advertising sign that does not contain the notice required by Subsection (a); or instructs another person to place a political advertising sign that does not contain the notice required by Subsection (a). *Id.* § 259.001(b).
19. Credible evidence indicates that the respondent failed to include the highway right-of-way notice on political advertising signs. Therefore, there is credible evidence of a violation of Section 259.001 of the Election Code.

#### **IV. Representations and Agreement by Respondent**

By signing this order and agreed resolution and returning it to the Commission:

1. The respondent neither admits nor denies the findings of fact and conclusions of law described under Section III, and consents to the entry of this order and agreed resolution solely for the purpose of resolving these sworn complaints.
2. The respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter.
3. The respondent acknowledges that: 1) political advertising containing express advocacy must indicate that it is political advertising and include the full name of the person who paid for the political advertising, the political committee authorizing the political advertising, or the full name of the candidate, if the political advertising is authorized by the candidate; 2) a person may not represent in a campaign communication that a candidate holds a public office that the candidate does not hold, and each candidate who does not currently hold the office sought shall include the word “for” before the name of the office and in a type size that is at least one-half the type size used for the name of the office; and 3) each political advertising sign designed to be seen from a road must include the highway right-of-way notice. The respondent agrees to comply with these requirements of the law.

**VI. Confidentiality**

This order and agreed resolution describes violations that the Commission has determined are neither technical nor *de minimis*. Accordingly, this order and agreed resolution is not confidential under section 571.140 of the Government Code and may be disclosed by members and staff of the Commission.

**VII. Sanction**

The respondent used similar signs in 2016 that did not include a political advertising disclosure statement. The respondent was aware of the disclosure requirements under Section 255.001 of the Election Code when the signs at issue in this complaint were created and distributed. After considering those facts, the statement of financial hardship provided by the respondent, as well as the nature, circumstances, and consequences of the violations described under Section III, and after considering the sanction necessary to deter future violations, the Commission imposes a \$100 civil penalty, that, if not paid within 30 days, increases to \$2,500 and will be referred to the Office of the Attorney General of Texas for collection.

**VIII. Order**

The Commission hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-32009189 and SC-32011251.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Chris Igwilo, Respondent

EXECUTED by the Commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
Anne Temple Peters, Executive Director