



TEXAS ETHICS COMMISSION



****Overruled, Modified, Clarified, or Superseded****

ETHICS ADVISORY OPINION NO. 13

June 4, 1992

Use of political contributions to purchase a vehicle to be used for campaign or officeholder purposes. (AOR-8)

The Texas Ethics Commission has been asked to consider whether a candidate or officeholder may use political contributions to purchase a vehicle to be used for campaign or officeholder purposes. Title 15 of the Election Code governs the use of political contributions. "Political contribution," for purposes of title 15, means a campaign contribution or an officeholder contribution. Elec. Code § 251.001(5). A campaign contribution to a candidate is a contribution "that is offered or given with the intent that it be used in connection with a campaign for elective office." *Id.* § 251.001(3). An officeholder contribution is a contribution that is given with the intent that it be used to defray certain expenses "incurred by the officeholder in performing a duty or engaging in an activity in connection with the office." *Id.* § 251.001(4)(A). Nothing in title 15 would prohibit the use of campaign contributions or officeholder contributions to purchase a vehicle to be used for campaign or officeholder purposes. *Cf.* Elec. Code § 253.038 (prohibiting use of political contributions to purchase real property).

The requestor also asks whether it is permissible to use political contributions to purchase a vehicle if the vehicle is occasionally used for personal matters. The requestor indicates that the candidate or officeholder would use personal funds to pay the portion of the purchase price attributable to personal use. Section 253.035 of the Election Code provides as follows:

- (a) A person who accepts a political contribution as a candidate or officeholder may not convert the contribution to personal use.
- (b) A specific-purpose committee that accepts a political contribution may not convert the contribution to the personal use of a candidate, officeholder, or former candidate or officeholder.
- (c) The prohibitions prescribed by Subsections (a) and (b) include the personal use of an asset purchased with the contribution and the personal use of any interest and other income earned on the contribution.

"Personal use" means a use that "primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate for or holder of a public office." *Id.* § 253.035(d).

The prohibition on conversion to personal use applies to an asset purchased with political contributions. Nothing in title 15 suggests that a candidate or officeholder can hold a single asset that is in part personal property and in part property purchased with political contributions and therefore only in part subject to the restrictions in title 15 of the Election Code. *Cf. id.* § 253.035(h) (regarding use of personal funds for political purposes). To permit such "tenancy in common" for purposes of title 15 would create complications in reporting and would, we think, invite abuse. Consequently, we conclude that an asset purchased in whole or in part with political contributions is subject in its entirety to the restrictions set out in title 15 of the Election Code. A candidate or officeholder may not, under title 15 of the Election Code, remove a portion of the asset from those restrictions by paying for a

portion of the asset with personal funds.¹ Therefore, we overrule [State Ethics Advisory Commission Opinion No. 3](#) (1984), which concluded that such bifurcation was permissible.

SUMMARY

A candidate or officeholder may use political contributions to purchase an automobile to be used for campaign or officeholder purposes. An asset purchased in whole or in part with political contributions is subject in its entirety to the restrictions set out in title 15 of the Election Code. A candidate or officeholder may not, under title 15 of the Election Code, remove a portion of the asset from those restrictions by paying for a portion of the asset with personal funds. State Ethics Advisory Commission Opinion No. 3 (1984), which concluded that such bifurcation was permissible, is hereby overruled.

¹ If a candidate or officeholder commingles political contributions and personal funds to purchase an asset, the candidate or officeholder may reimburse his personal funds from political contributions if he complies with the reporting requirements of section 253.035(h) and the limitations set out in section 253.042.