



TEXAS ETHICS COMMISSION



****Overruled, Modified, Clarified, or Superseded****

ETHICS ADVISORY OPINION NO. 32

July 24, 1992

Whether the acceptance of funds from a corporation by a general-purpose committee requires the inclusion of the name of the corporation in the committee's name pursuant to the Election Code. (AOR-23)

The Texas Ethics Commission has been asked to consider whether the acceptance of funds by a general-purpose committee from a corporation in accordance with section 253.100 of the Election Code requires the inclusion of the name of the corporation in the committee's name pursuant to section 252.003(d) of the Election Code.

Corporations are prohibited from making political contributions and political expenditures except for those specifically authorized by title 15. *See* Elec. Code § 253.094. Section 253.100(a) of the Election Code states:

A corporation, acting alone or with one or more other corporations, may make one or more political expenditures to finance the establishment or administration of a general-purpose committee.

Section 252.003(d) states in pertinent part:

The name of a general-purpose committee must include the name of each corporation, labor organization, or other association or legal entity other than an individual that directly establishes, administers, or controls the committee.

See also id. § 252.003(a) (campaign treasurer appointment must include same information).

We think that the phrase "directly establishes, administers, or controls [a] committee" in section 252.003(d) includes the making of expenditures to finance the establishment or administration of a committee. Indeed, as a practical matter, that is the only way a corporation can administer or control a political committee.¹ It is the commission's opinion, therefore, that any corporation that makes a political expenditure to finance the establishment or administration of a general-purpose committee directly establishes or administers the committee. Therefore the name of the general-purpose committee must include the name of each corporation that makes a political expenditure to finance the establishment or administration of the committee.

SUMMARY

The name of the general-purpose committee must include the name of each corporation that makes a political expenditure to finance the establishment or administration of the committee.

¹ The legislature may have used broader language in section 252.003(d) than in section 253.100(a) in order to make clear that the name of the committee must include the name of any entity that plays a direct role in the affairs of a committee even if the entity purports to do so without making political expenditures.