



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 49

September 9, 1992

Whether a registered lobbyist must report volunteer services on behalf of a legislator's campaign. (AOR-64)

The Texas Ethics Commission has been asked about the lobby reporting requirements applicable in the following circumstances:

A registrant [under the lobby law] performs campaign volunteer services for a member of the legislature. The registrant assists with correspondence, works at the phone bank, and performs other campaign related volunteer functions.

The requestor asks whether the provision of volunteer campaign services by a person registered as a lobbyist is to be reported as a gift under chapter 305 of the Government Code, which regulates lobby activity, or whether the services are to be reported under title 15 of the Election Code, which regulates campaign finance.¹

If an expenditure is required to be reported under the lobby statute, it is not a "contribution" for purposes of title 15 and is therefore not regulated as a political contribution. Elec. Code § 251.001(2)(B). Chapter 305 requires a registrant to report certain types of expenditures made to communicate directly with a member of the legislature to influence legislation. *See Ethics Advisory Opinion No. 3* (1992) (registration requirements under chapter 305). Even assuming that the person in question does volunteer campaign work for a member of the legislature in order to communicate with the member to influence legislative action, we do not think that the provision of volunteer campaign services is an expenditure that is required to be reported under the lobby statute.

In addition to certain mass media expenditures, the types of expenditures that must be reported under the lobby statute are:

- (1) transportation and lodging;
- (2) food and beverages;
- (3) entertainment;
- (4) gifts, other than awards and mementos;
- (5) awards and mementos; and
- (6) expenditures made for the attendance of members of the legislative or executive branch at political fund-raisers or charity events.

Gov't Code § 305.006(b), (c). The only category that might include the provision of personal services in connection with a campaign is the category of "gifts." *See generally Ethics Advisory Opinion No. 29* (1992) (waiver of fee for symposium to be reported as "gift" under lobby statute). Although "gifts" is a broad category, we do not think it includes the provision of personal services in connection with a campaign since the provision of such services is so clearly a matter within coverage of title 15. *See* Elec. Code § 254.033 (regarding volunteer campaign services). *See generally Ethics Advisory Opinion No. 46* (1992) (discussing relationship between

chapter 305 and title 15). Therefore the provision of personal services in connection with a campaign is not an expenditure required to be reported under the lobby statute. Rather, it is a "campaign contribution" for purposes of title 15. *See* Elec. Code § 251.001(2) (defining "contribution").

Under title 15, most political contributions must be reported. *See generally* Elec. Code ch. 254 (political reporting). There is an exception, however, for volunteer services:

A political contribution consisting of an individual's personal service is not required to be reported under this chapter if the individual receives no compensation for the service.

Id. § 254.033. Thus the uncompensated provision of personal services in connection with a campaign is regulated by title 15 of the Election Code but is not required to be reported under title 15.

The requestor also asks about the provision of volunteer campaign services by a registrant's spouse. Again, provision of such services would be subject to regulation under title 15, not under the lobby statute. *See generally* Gov't Code § 305.0061 (reporting of lobby expenditures made by a person on the registrant's behalf and with the registrant's consent or ratification).

SUMMARY

The uncompensated provision of personal services in connection with a campaign is not an expenditure required to be reported under chapter 305 of the Government Code. Rather, it is a political contribution subject to title 15 of the Election Code.

¹ We understand "volunteer campaign services" to mean that the volunteer is receiving no compensation of any kind. Also, we assume the volunteer is making no expenditures on the candidate's behalf. *See generally* [Ethics Advisory Opinion No. 46](#) (1992).