



# TEXAS ETHICS COMMISSION



**\*\*Overruled, Modified, Clarified, or Superseded\*\***

## ETHICS ADVISORY OPINION NO. 50

*September 9, 1992*

*Application of Ethics Advisory Opinion No. 13 (1992) to the lease of a car. (AOR-69)*

The Texas Ethics Commission has been asked to consider the application of [Ethics Advisory Opinion No. 13](#) (1992) to the lease of a car. Ethics Advisory Opinion No. 13 was issued on June 4, 1992. The requestor states that before that date he leased a car with the intent "to pro-rate the cost of the lease and the operating costs between campaign and personal on a periodic basis." The requester asks whether this transaction is "grandfathered" under [State Ethics Advisory Commission Opinion No. 3](#) (1984) so that he may continue to use political contributions to make lease payments and reimburse his political funds from personal funds.

[Ethics Advisory Opinion No. 13](#) provides 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. That opinion overruled [State Ethics Advisory Commission Opinion No. 3](#), which indicated that such prorated payments would be permissible.

[Ethics Advisory Opinion No. 13](#) applies to items leased with political contributions as well as items purchased with political contributions. A candidate or officeholder may not remove a portion of a leased item from restrictions in title 15 of the Election Code by paying for a portion of the leased cost with personal funds. Because State Ethics Advisory Commission Opinion No. 3 was valid until Ethics Advisory Opinion No. 13 was issued on June 4, 1992, reliance on [State Ethics Advisory Commission Opinion No. 3](#) before that date was appropriate. Therefore a person who entered into a car lease before June 4, 1992, with the intent "to pro-rate the cost of the lease and the operating costs between campaign and personal on a periodic basis" may, until the lease agreement expires, continue to use the car for both campaign and personal use and properly apportion lease payments and operating costs between political contributions and personal funds.

### SUMMARY

Ethics Advisory Opinion No. 13 (1992) applies to items leased with political contributions as well as items purchased with political contributions. Before June 4, 1992, the date Ethics Advisory Opinion No. 13 was issued, reliance on State Ethics Advisory Commission Opinion No. 3 (1984) was appropriate.