



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 65

October 23, 1992

Whether a general-purpose committee may make a contribution to an out-of-state employee group for the purpose of providing the minimum funds required by the other state for the employee group to register as a political action committee in that state. (AOR-56)

The Texas Ethics Commission has been asked to consider whether a general-purpose committee may make a contribution to an out-of-state employee group for the purpose of providing the minimum funds for the employee group to register as a political action committee in the other state.

The Texas Election Code does not prohibit a general-purpose committee from making a contribution to an out-of-state employee group for the purpose of providing the minimum funds required by the other state for the employee group to register as a political action committee in such other state. The only relevant restriction the Election Code places on the use of political contributions by a general-purpose committee is to prohibit a general-purpose committee from making a political contribution to another general-purpose committee if the other committee is not listed in the campaign treasurer appointment of the contributor committee. Elec. Code § 253.037(b). *Cf. id.* § 253.035 (individuals and specific-purpose committees may not convert contributions to personal use).

In that context, the requestor asks whether an out-of-state employee group is within the definition of a "general-purpose committee" for purposes of the restriction described above. For purposes of the Election Code, "political committee" means "a group of persons that has as a principal purpose accepting political contributions or making political expenditures." *Id.* § 251.001(12). A "general-purpose committee" is a political committee that has among its principal purposes:

(A) supporting or opposing:

- (i) two or more candidates who are unidentified or are seeking offices that are unknown; or
- (ii) one or more measures that are unidentified; or

(B) assisting two or more officeholders who are unidentified.

Id. § 251.001(14). *Cf. id.* § 251.001(13) (defining "specific-purpose committee"). If the out-of-state employee group fits within that definition, then the Texas general-purpose committee is required to include the name and address of the out-of-state employee group in its appointment of campaign treasurer as a "general-purpose committee to whom the committee intends to make political contributions" before the Texas committee can make a contribution to the out-of-state group. *See id.* §§ 252.003(a)(2), 253.037(b); *see also id.* § 254.152 (time for reporting).¹

SUMMARY

If an out-of-state employee group is a "general-purpose committee" under the Texas Election Code, then a Texas general-purpose committee is required to include the name and address of the out-of-state employee group in its appointment of campaign treasurer as a "general-purpose committee to whom the committee intends to make political contributions" before the Texas committee may make a contribution to the out-of-state committee.

¹ This requirement is applicable even if the out-of-state employee group is an "out-of-state political committee" for purposes of title 15. *See id.* § 251.001(15) (defining "out-of-state political committee"), 251.005 (defining "political contribution"); *see also id.* § 253.032 (regarding contributions *from* out-of-state political committees). An out-of-state political committee is not subject to chapter 252 or chapter 254 of the Election Code. Elec. Code § 251.005. The requirement at issue here--namely, that a general-purpose committee must list in its treasurer appointment any general-purpose committee to which it will make a contribution--is imposed on the Texas committee wishing to make the contribution, not on the out-of-state group.