



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 74

October 23, 1992

Reporting requirements applicable to payments made by individual members of a political committee. (AOR-102)

The Texas Ethics Commission has been asked to consider a situation in which a political committee will select a slate of candidates in state and local races. Individual members of the committee will send out letters asking people to vote for these candidates. Each member will be responsible for the cost of the letters he or she sends out. The requestor asks whether the expenses of the letter-writing campaign should be paid by the individual committee member responsible for the expenses or by the political committee, which would in that case be reimbursed by the individual member.

A payment for the expenses of a letter-writing campaign directed at members of the public asking them to vote for particular individuals is a political expenditure. Elec. Code § 251.001(7), (10). Either method of payment described is permissible under the Election Code. Even if individual committee members make the payments, however, the payments are attributable to the committee since the committee members are acting in concert. *See id.* §§ 251.001(12), 253.061, 253.062.

If an individual member of the committee pays expenses directly, the committee must report the contribution as an "in-kind" contribution. Tex. Ethics Comm'n, General-Purpose Committee Sworn Report of Contributions and Expenditures, Part G-02 (Feb. 1992); Tex. Ethics Comm'n, Specific-Purpose Committee Sworn Report of Contributions and Expenditures, Part S-02 (Feb. 1992); *see also* Elec. Code §§ 251.001(6), 254.031. If the committee pays the expenses and receives reimbursement from individual members, the committee must report the expense payments as political expenditures and the reimbursements as political contributions. Elec. Code §§ 251.001(2),(6), 254.031.

SUMMARY

Political expenditures made by individual members of a political committee acting in concert are attributable to the committee.