



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 76

October 23, 1992

Whether it is permissible for a legislator to use political contributions to pay utility bills incurred in a house in Austin owned by the legislator. (AOR-104)

A member of the legislature has asked the Texas Ethics Commission whether it is permissible to use political contributions to pay utility bills incurred in a house in Austin owned by the legislator. The legislator owns the house, which he paid for out of personal funds.

Under title 15 of the Election Code a candidate or officeholder is prohibited from converting political contributions to personal use. Elec. Code § 253.035(a). The term "personal use" does not include "payment of rent, utility, and other reasonable housing or household expenses incurred in maintaining a residence in Travis County by members of the legislature who do not ordinarily reside in Travis County." *Id.* § 253.035(d)(1). Therefore, under section 253.035, which has been in effect since 1983, a legislator who does not ordinarily reside in Travis County may use political contributions to pay utility bills for a house in Austin. *See* H.B. 2154, Acts 1983, 68th Leg., ch. 444, § 5, at 2588.

In 1991, the legislature added a provision to title 15 that prohibits the use of political contributions to purchase real property or to pay the interest on or principal of a note for the purchase of real property. *Id.* § 253.038; S.B. 1, Acts 1991, 72d Leg., ch. 304, § 5.07, at 1325. That prohibition applies only to the purchase of real property.¹ It does not prohibit the use of political contributions to pay utility bills in the circumstances described in section 253.035, regardless of whether the legislator owns or rents the residence. Consequently, it is

permissible for a member of the legislature who does not ordinarily reside in Travis County to use political contributions to pay utility bills for a house in Austin that the member owns.

SUMMARY

It is permissible for a member of the legislature who does not ordinarily reside in Travis County to use political contributions to pay utility bills for a house in Austin that the member owns.

¹ The prohibition does not apply to real property purchased before January 1, 1992. *Id.*