



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 111

*December 10, 1992*

*Use of political contributions to pay transportation and lodging expenses of an officeholder's spouse. (AOR-126)*

The Texas Ethics Commission has been asked to consider whether an officeholder may use political contributions to pay transportation and lodging expenses for the officeholder's spouse. "Political contribution," for purposes of title 15 of the Election Code, means "a campaign contribution or an officeholder contribution." Elec. Code § 251.001(5). A campaign contribution to a candidate is a contribution "that is offered or given with the intent that it be used in connection with a campaign for elective office." *Id.* § 251.001(3). An officeholder contribution is a contribution that is given with the intent that it be used to defray certain expenses "incurred by the officeholder in performing a duty or engaging in an activity in connection with the office." *Id.* § 251.001(4) (A).

A candidate or officeholder may not convert political contributions to "personal use." *Id.* § 253.035(a), (c). "Personal use" means a use that "primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate for or holder of a public office." *Id.* § 253.035(d). The question before us is whether conversion to personal use would occur if an officeholder used political contributions to pay the travel expenses of his spouse. Whether it is appropriate for a candidate or officeholder to spend political funds for a spouse's travel depends on the purpose of the spouse's travel. It is appropriate for a candidate to spend political contributions to pay the travel expenses of his or her spouse if the spouse is campaigning for the candidate, since the spouse's travel is connected with the campaign. Similarly, it is appropriate for an officeholder to spend political contributions to pay for the spouse's travel if the travel is in connection with the performance of duties of the officeholder's office. An officeholder may not, on the other hand, spend political contributions to pay for a spouse's travel that is not connected with the official duties of the officeholder. Such an expenditure would primarily further family purposes and therefore constitute a conversion of political contributions to personal use.

### SUMMARY

A candidate may use political contributions to pay the travel expenses of his or her spouse if the spouse is campaigning for a candidate. An officeholder may use political contributions to pay for his or her spouse's travel if the spouse's travel is in connection with the performance of duties or responsibilities of the officeholder.