TEXAS ETHICS COMMISSION

ETHICS ADVISORY OPINION NO. 129

April 1, 1993

Whether an officeholder may use political contributions to pay the expenses of operating and maintaining an airplane for officeholder purposes. (AOR-137)

The Texas Ethics Commission has been asked whether an officeholder may use political contributions to pay the expenses of operating and maintaining his personal airplane for officeholder purposes. The officeholder in question uses the plane principally for activities in connection with his office and only occasionally for personal travel.

The Ethics Commission has stated that a car purchased with a combination of political contributions and personal funds is subject in its entirety to the restrictions in title 15 of the Election Code. Ethics Advisory Opinion No. 13 (1992); *see also* Ethics Advisory Opinions Nos. 68, 50 (1992). One of those restrictions is a prohibition on personal use of an asset purchased with political contributions. Elec. Code § 253.035. The restriction on personal use of an asset purchased with political funds is not at issue here, however, because the airplane in question is the personal property of the officeholder. It is permissible for an officeholder to use political contributions to pay the expenses of maintaining and operating a personal asset for campaign or officeholder purposes. *See* Ethics Advisory Opinion No. 116.

The request letter specifically asks about the following types of expenses: required annual inspections; auto pilot repair; gas tank repair; propeller repair; alternator rebuilt, aircraft insurance; and airport parking. An officeholder may use political contributions to pay any such expenses attributable to campaign or officeholder use.[1] If necessary, expenses should be prorated between political use (officeholder or campaign use) and personal use.

We caution that an expenditure of political funds that materially enhances the value of an airplane and is not attributable to campaign or officeholder use would be a prohibited personal conversion of political contributions. *See* Elec. Code § 253.035.

SUMMARY

An officeholder may use political contributions to pay the expenses of operating and maintaining his personal airplane for officeholder purposes. Expenses may be prorated between officeholder use and personal use.

---

[1] If the officeholder uses the plane for official business and is entitled to reimbursement from state funds, he should seek reimbursement from the state at the rate set in the Appropriations Act. See Acts 1991, 72d Leg., 1st C.S., ch. 19, art. V, § 14(2)(a), at 1014; Elec Code § 251.001(9)(B) (defining "officeholder expenditure" to exclude an expenditure reimbursable with public money).