



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 145

June 24, 1993

Reconsideration of Ethics Advisory Opinion No. 32 (1992). (AOR-139 and AOR-146)

The Texas Ethics Commission has received two requests for advisory opinions about section 252.003(d) of the Election Code. These questions require reconsideration of [Ethics Advisory Opinion No. 32](#) (1992). That opinion construed section 252.003(d), which provides as follows:

The name of a general-purpose committee must include the name of each corporation, labor organization, or other association or legal entity other than an individual that *directly establishes, administers, or controls the committee*. The name of an entity that is required to be included in the name of the committee may be a commonly recognized acronym by which the entity is known. (Emphasis added.)

The issue in [Ethics Advisory Opinion No. 32](#) was whether a general-purpose committee is required to include in its name the name of a corporation that contributed funds to the general-purpose committee. The opinion noted that although corporate political contributions are generally prohibited, a corporation may contribute funds to a general-purpose committee to finance the establishment or administration of the committee. *See generally* [Ethics Advisory Opinion No. 132](#) (1992) (regarding corporate political contributions). The opinion concluded that contributing funds for those purposes would be directly establishing or administering the committee and that therefore the corporation's name would have to be included in the name of general-purpose committee. After reconsidering the application of section 252.003(d) in a broader context, we overrule our decision in [Ethics Advisory Opinion No. 32](#).

Subsection (d) of section 252.003 was added to title 15 of the Election Code by legislation adopted in 1991. Acts 1991, 72d Leg., ch. 304, § 5.02, at 1323-24. The same bill amended subsection (a)(1) of section 252.003 to read as follows:

(a) In addition to the information required to Section 252.002, a campaign treasurer appointment by a general-purpose committee must include:

(1) *The full name, and any acronym of the name that will be used in the name of the committee as provided by Subsection (d), of each corporation, labor organization, or other association or legal entity that directly establishes, administers, or controls the committee, if applicable, or the name of each person who determines to whom the committee makes contributions or the name of each person who determines for what purposes the committee makes expenditures. (New language in italics.)*

Subsection (d) and subsection (a)(1) both use the following phrase: "the name of each corporation, labor organization, or other association or legal entity that directly establishes, administers, or controls the committee." In subsection (a)(1), that phrase is used as the counterpart to this phrase: "the name of each person who determines to whom the committee makes contributions or the name of each person who determines for what purposes the committee makes expenditures." The use of the two phrases together in subsection (a)(1) indicates that the legislature's reference--in both subsection (a)(1) and subsection (d)--to entities that directly establish, administer, or control a general-purpose committee was a reference to entities that play a role in the

decisionmaking process of a general-purpose committee, not simply to entities that contribute money to a general-purpose committee. We conclude, therefore, that a general-purpose committee must include in its name the name of a legal entity that plays a role in the decisionmaking process of a general-purpose committee. *See generally* 2 U.S.C. §§ 431(7), 433(b)(2) (under federal law political committee must list name of "connected organization" in its registration; "connected organization" is an organization that directly or indirectly establishes or administers or financially supports a political committee). A general-purpose committee is not required to include the name of a legal entity in its name simply because the legal entity contributes money for the establishment or administration of the committee.

SUMMARY

[Ethics Advisory Opinion No. 32](#) (1992) is overruled. A general-purpose committee is not required to include the name of a legal entity in its name simply because the legal entity contributes money for the establishment or administration of the committee. A general-purpose committee must include in its name the name of a legal entity that plays a role in the decision-making process of a general-purpose committee.