



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 157

June 24, 1993

Whether a state representative may use political contributions to pay for Spanish lessons. (AOR 181).

The Texas Ethics Commission has been asked to consider whether a state representative may use political contributions to pay for Spanish lessons, or whether such an expenditure would constitute a personal use of political funds. Title 15 of the Texas Election Code prohibits the conversion of political contributions to the personal use of a candidate or officeholder. Elec. Code § 253.035(a). "Personal use" is defined for purposes of this provision as "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). Accordingly, the question presented here is whether an expenditure on Spanish lessons would primarily further the representative's individual or family purposes unconnected with the representative's official activities.

We are informed that more than sixty per cent of the population in the district served by the representative is Hispanic, and that the Hispanic community is moreover largely composed of elderly, predominantly Spanish-speaking individuals. The representative seeks particularly to develop the ability to personally communicate with these individuals about legislation of pressing interest to them, such as health care law. In 1984, the Secretary of State issued a letter in response to an identical question. Letter from John W. Fainter, Jr., Secretary of State, to Gibson D. Lewis, Speaker, House of Representatives (March 16, 1984) (copy on file at the Texas Ethics Commission). The letter stated the following:

Inherent in the nature of the office of state legislator is the duty to provide adequate representation of his constituents. To best represent the interests of his constituency, a legislator must be able to effectively communicate with those constituents. Given the existence of a sizable and growing Mexican American population in this state, there seems to be no question that a legislator's ability to speak Spanish would assist him in the performance of the duties and activities of his office. Therefore, it is my opinion that your use of political funds for . . . a course of instruction in Spanish does not constitute a prohibited personal use of such funds

We agree that the use of political contributions to pay for Spanish lessons in the situation before us would not be an impermissible personal use of political funds.

The conclusion reached here should not be read as a general approval of the use of political contributions for expenditures on educational improvement. However, where the educational expenditures are so directly connected with the effective performance of officeholder or candidate activities, as in the present case, such expenditures do not violate the personal use prohibition.

SUMMARY

A state representative whose district has a large Hispanic population may use political contributions to pay for Spanish lessons in order to communicate with his or her constituency. Such expenditures would not constitute a prohibited personal use of political contributions under section 253.035 of the Election Code.