



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 169

September 2, 1993

Disposition of political contributions after the death of the person to whom the contributions were made. (AOR-190)

The Texas Ethics Commission has received a request for an opinion that raises questions about the disposition of political contributions after the death of the person to whom the contributions were made. The specific question raised is whether the widow of a deceased officeholder may contribute unused political contributions to a candidate running for the deceased officeholder's seat.

Under title 15 of the Election Code, a person who accepts a political contribution as a candidate or officeholder may not convert the contribution to personal use. Elec. Code § 253.035. We need not consider here whether that prohibition survives the death of a candidate or officeholder because the prohibition on personal use would not prevent a contribution to another candidate in any case. Elec. Code § 254.204(a)(2); [Ethics Advisory Opinion No. 47](#) (1992). We conclude, therefore, that surplus funds of the deceased officeholder may be contributed to a candidate as long as disposition of the funds is permissible under any applicable probate laws.¹

SUMMARY

Surplus funds of a deceased officeholder may be contributed to a candidate as long as disposition of the funds is permissible under any applicable probate laws.

¹ An underlying issue in this opinion request is who controls the disposition of the funds after the death of the officeholder. In this case, because the widow is the sole beneficiary and the executor of the officeholder's estate, we assume for purposes of this opinion that she has authority to dispose of estate funds.