



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 189

*March 25, 1994*

*Whether the exception to the definition of political expenditure in section 251.008 of the Election Code is applicable to certain expenditures made by a political club. (AOR-212)*

The Texas Ethics Commission has been asked about the application of section 251.008 of the Election Code. Section 251.008 excepts certain expenditures by groups affiliated with political parties from the definition of "political expenditure."

Under title 15 of the Election Code, a group is a political committee if it accepts political contributions or makes political expenditures.<sup>1</sup> Elec. Code § 251.001(12). A political committee may not accept more than \$500 in political contributions or make more than \$500 in political expenditures without first filing a campaign treasurer appointment with the proper filing authority.<sup>2</sup> *Id.* § 253.031(b).

As a general rule, any expenditure to support or oppose a candidate is a political expenditure. *Id.* § 251.001(6), (7). There is an exception, though, for certain activities of an "organization or club affiliated with a political party." *Id.* § 251.008. The exception applies to expenditures in connection with meetings of such an organization or club at which a candidate for or officeholder of an office regularly filled at the general election for state and county offices appears before the members. Expenses incurred in connection with the conduct of such a meeting are not considered to be political expenditures by the group or political contributions to the candidate if: (1) no political contributions are made to or solicited for the candidate or officeholder at the meeting, and (2) the meeting is not held during the 20 days preceding either a primary election, a general election for state and county officers, or a special election involving the candidate who is appearing before the group.<sup>3</sup> *Id.*

The request letter describes a situation in which a political club<sup>4</sup> would invite candidates to speak to the group. The group would provide a meal,<sup>5</sup> a meeting room, insurance for the meeting, decorations, food, and advertising. We think that expenses "in connection with" a speaker's appearance include such expenditures. The request letter also states that the group might pay travel expenses for some speakers. Travel expenses to reach the place of meeting are "in connection with" a speaker's appearance. If, however, the speaker makes use of the travel provided by the political club to engage in other campaign activity, a reasonably apportioned amount of the travel expenses would be a campaign contribution to the candidate.

### SUMMARY

For purposes of section 251.008 of the Election Code, expenses "in connection with" a speaker's appearance before a club include expenditures for meals, a meeting room, insurance for the meeting, decorations, food, advertising, and travel expenses. If the speaker makes use of the travel provided by the club to engage in other campaign activity, a reasonably apportioned amount of the travel expenses would be a campaign contribution to the candidate.

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<sup>1</sup> There are two types of political committees: general-purpose committees and specific-purpose committees. Elec. Code § 251.001(12), (13), (14). Generally, political committees affiliated with political parties are general-purpose committees because they are not created to

support or oppose specific individuals or ballot measures.

<sup>2</sup> A different rule applies to the county executive committee of a political party. Elec. Code § 253.031(d). The group described in the request letter is not a county executive committee of a political party.

<sup>3</sup> It is important to remember that the exception set out in section 251.008 is of interest only if the club's expenditures meet the general definition of "political expenditure" in the first place. A political expenditure is an expenditure in connection with a campaign or with duties or activities of an officeholder. Elec. Code § 251.001(6), (7), (9), (10). See generally [Ethics Advisory Opinion No. 168 n.3 \(1993\)](#) (regarding whether a political committee's expenditures in connection with a "candidate forum" are political expenditures).

<sup>4</sup> For purposes of section 251.008, an organization or club is affiliated with a political party if it (1) supports the nominees of the party but does not support any candidate of the party over any other candidate of the party, and (2) is recognized by the party as an auxiliary of the party. Elec. Code 251.008(b). We assume that the group in question here meets that definition.

<sup>5</sup> There is no cost to attend the meeting, but a person must buy a ticket for the meal. The tickets for the meals are intended to cover expenses. If the meal tickets were priced to exceed expenses and to generate money for the general political activities of the club, the ticket price would be a political contribution.