



# TEXAS ETHICS COMMISSION



**\*\*Overruled, Modified, Clarified, or Superseded\*\***

## ETHICS ADVISORY OPINION NO. 195

*March 25, 1994*

*Whether a local elected official may reimburse his personal funds from political contributions.  
(AOR-219)*

A local elected official has made certain expenditures from personal funds. He has asked the Texas Ethics Commission to consider whether he may reimburse his personal funds from political contributions. The specific expenditures are for membership in the Freedom of Information Foundation, a holiday lunch and decor for the office, a donation to a private school fundraiser, and expenses in connection with charity luncheons.

The elected official describes the expenditures as officeholder expenditures. An officeholder expenditure is an expenditure made to defray expenses that are incurred by an officeholder in performing a duty or engaging in an activity in connection with the office and are not reimbursable with public money. Elec. Code § 251.001(9). The types of expenditures in question may be officeholder expenditures. An officeholder may use political contributions to reimburse his personal funds for such officeholder expenditures if the elected official reported the expenditures in accordance with section 253.035(h) of the Election Code. Section 253.035(h) provides as follows:

(h) Except as provided by Section 253.042, a candidate or officeholder who makes political expenditures from his personal funds may reimburse his personal funds from political contributions in the amount of those expenditures only if:

(1) the expenditures from personal funds were fully reported as political expenditures, including the payees, dates, purposes, and amounts of the expenditures, in the report required to be filed under this title that covers the period in which the expenditures from personal funds were made; and

(2) the report on which the expenditures from personal funds are disclosed clearly designates those expenditures as having been made from the person's personal funds and that the expenditures are subject to reimbursement.

An officeholder may not cure a failure to comply with section 253.035 by filing a corrected report after the applicable filing deadline. Tex. Ethics Comm'n, 18 Tex. Reg. 7024, *adopted* 18 Tex. Reg. 9717 (1993) (to be codified at title 1, section 20.63, of the Texas Administrative Code). Filers should use Schedule G to report political expenditures (campaign expenditures or officeholder expenditures) from personal funds.

### SUMMARY

An elected official may use political contributions to reimburse his personal funds for officeholder expenditures if the elected official reported the expenditures in accordance with section 253.035(h) of the Election Code.