



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 199

March 25, 1994

Whether a retiring judge may use political contributions to pay for a portrait of himself to be hung in the county courthouse. (AOR-224)

The Texas Ethics Commission has been asked whether a retiring judge may use political contributions to pay for a portrait of himself to be hung in the county courthouse. Title 15 of the Election Code prohibits the personal use of political contributions. Elec. Code § 253.035. "Personal use" means 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.* subsec. (d). Personal use does not include

payments made to defray ordinary and necessary expenses incurred in connection with activities as a candidate or in connection with the performance of duties or activities as a public officeholder.

Id. § 253.035(d)(1).

An expenditure to purchase a portrait of a retiring judge for the county courthouse where the judge presided is connected to the duties and activities associated with the office and is therefore a permissible use of political contributions. *See also* Elec. Code §§ 254.203 - 254.205 (regarding retention and disposition of surplus political contributions).

SUMMARY

A retiring judge may use political contributions to pay for a portrait of himself to be hung in the county courthouse.