



# TEXAS ETHICS COMMISSION



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## ETHICS ADVISORY OPINION NO. 204

*May 13, 1994*

*Disposition of state reimbursement for use of a car purchased with political contributions. (AOR-220)*

The Texas Ethics Commission has been asked about a situation in which an officeholder uses a car purchased with political contributions for state business. The question is whether the officeholder may use the state travel allowance he receives to reimburse his political funds for the use of the car.

The comptroller of public accounts has adopted rules for the reimbursement of state officers and employees for mileage incurred when using a personally owned or leased motor vehicle for state business. *See generally* Comptroller of Public Accounts, State of Texas Travel Allowance Guide, ch. 4 (eff. Sept. 1993). A state agency may reimburse travel expenses only if the purpose of the travel clearly involves official state business and is consistent with the legal responsibilities of the agency. *Id.* § 1.12. The Ethics Commission does not have authority to decide whether an officeholder is entitled to mileage reimbursement from the state in particular circumstances. For purposes of this opinion, the Ethics Commission assumes that the request letter is referring to situations in which the use of a motor vehicle is reimbursable under applicable law.

The use of an automobile purchased with political contributions to perform duties connected with holding a public office is a permissible use of political funds. *See* Elec. Code § 253.035(d). If an officeholder does not seek reimbursement from the state, no payment to the candidate's political fund is required for mileage incurred during such use. *Compare* [Ethics Advisory Opinion No. 116](#) (1993). If, however, an officeholder seeks and obtains mileage reimbursement from the state in the situation described above, at least part of the mileage reimbursement is money received because of the use of an asset purchased with political contributions. Earnings on political contributions may not be converted to the personal use of an officeholder. Elec. Code § 253.035(c). Accordingly, if an officeholder seeks and obtains state reimbursement for a use of a car purchased with political contributions, the money paid to the officeholder as reimbursement *must* be paid by the officeholder into the officeholder's political fund.<sup>1</sup>

### SUMMARY

If an officeholder seeks and obtains state reimbursement for a use of a car purchased with political contributions, the money paid to the officeholder as reimbursement for use of the car *must* be paid by the officeholder into the officeholder's political fund.

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<sup>1</sup> The reimbursement rate presumably is intended to cover gasoline as well as wear on the vehicle. If the officeholder uses personal funds to pay for gasoline it would be appropriate to prorate the amount of reimbursement paid into the officeholder's political fund.