



# TEXAS ETHICS COMMISSION



---

## ETHICS ADVISORY OPINION NO. 207

*May 13, 1994*

*What a candidate, officeholder, or political committee may do with a contribution from an anonymous source. (AOR-230)*

The Texas Ethics Commission has received a request that raises the issue of whether a candidate, officeholder, or political committee may transfer a contribution from an anonymous source to charity.

In order to comply with various Election Code restrictions and reporting requirements, filers must know the name of each contributor and the amount of each contribution. For example, candidates, officeholders, and campaign treasurers of political committees must keep records of all information necessary to file reports required by Texas campaign finance law. Elec. Code § 254.001. On these reports, the filer must report the name of each person who contributed more than \$50 in the aggregate during the reporting period and the amount of each contribution that person made. Id. § 254.031. Because the detailed reporting threshold represents an aggregate amount, the filer must know the names of contributors of even the smallest amounts in order to report the information if a person's small contributions add up to a total of more than \$50 by the end of the reporting period. For the same reason, a filer must know the name of each individual contributing cash and the amount of each cash contribution in order to comply with the prohibition against accepting more than \$100 in cash during a reporting period from an individual. Id. § 253.033. Moreover, a filer must know the source of each contribution in order to comply with the prohibition against acceptance of political contributions from corporations (including entities considered as corporations under Election Code section 253.093) and labor organizations. Id. § 253.094.

Despite the need to know the source of a political contribution, filers do sometimes receive anonymous contributions. This puts filers in a difficult position since it is impossible to return a contribution to an unknown donor. The Election Code provides no solution to this problem. In view of that fact, the Ethics Commission believes there is no violation of title 15 of the Election Code if a candidate, officeholder, or political committee transfers an anonymous contribution to a recognized tax-exempt charitable organization. A candidate, officeholder, or political committee is not required to report the anonymous contribution under title 15 of the Election Code.<sup>1</sup>

### SUMMARY

There is no violation of title 15 of the Election Code if a candidate, officeholder, or political committee transfers an anonymous contribution to a recognized tax-exempt charitable organization.

---

<sup>1</sup> If a candidate, officeholder, or political committee wishes to report an anonymous contribution, Schedule K (for unrequired reporting) of Form C/OH is the appropriate schedule to use.