



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 208

May 13, 1994

*Reporting requirements applicable to a political committee that files reports of contributions and expenditures with the Federal Election Commission as well as with the Texas Ethics Commission.
(AOR-231)*

The Texas Ethics Commission has been asked to consider the reporting requirements applicable to a political committee that files reports of contributions and expenditures with the Federal Election Commission as well as with the Texas Ethics Commission. The specific question is whether the committee must report to the Texas Ethics Commission all of its political expenditures or only political expenditures in connection with Texas campaigns or measures.

As a general rule, out-of-state political committees are not required to file reports of contributions and expenditures with the Texas Ethics Commission. Elec. Code § 251.005(a); *see id.* § 251.001(15) (defining out-of-state political committee); Tex. Ethics Comm'n, 18 Tex. Reg. 9716 (1993) (to be codified as new title 1, section 20.13, of the Texas Administrative Code) (determining whether a political committee is an out-of-state political committee). *See generally* Elec. Code § 253.032 (restrictions on contributions from out-of-state political committees to Texas candidates, officeholders, and committees). If, however, an out-of-state committee files a campaign treasurer appointment with the Texas Ethics Commission, it is required to file reports of contributions and expenditures with the Ethics Commission. *Id.* § 251.005(b). The question here has to do with a political committee that has filed a campaign treasurer appointment with the Texas Ethics Commission and is therefore required to file reports of contributions and expenditures with the Ethics Commission. The specific issue is whether the committee must report all of its expenditures to the Ethics Commission or only expenditures made in connection the Texas campaigns, officeholders, or measures.

Texas law requires the reporting of "political expenditures" by general-purpose political committees. *See generally* Elec. Code ch. 254, subchs. B, F. The term "political expenditure" is defined as "a campaign expenditure or an officeholder expenditure." *Id.* § 251.001(10). The definitions of the terms "campaign expenditure" and "officeholder expenditure" do not use any specific qualifying language to limit their applicability to officeholders of the state of Texas or campaigns for elective offices of the state of Texas. *See id.* § 251.001(7), (9). It is clear, however, from the Texas campaign finance laws taken as a whole, that the offices and campaigns referred to are Texas offices and Texas campaigns. *See* Letter from Jack M. Rains, Texas Secretary of State, to Aubrey B. Calvin, Office of Calvin, Dylewski, Gibbs, Maddox, Russell & Verner (Dec. 2, 1988). For example, reporting deadlines are based on *Texas* election dates, and certain restrictions on the timing of contributions are based on sessions of the *Texas* Legislature. *See generally* Elec. Code ch. 254; *id.* § 253.034. Therefore we conclude that the legislature did not intend to require that general-purpose political committees report political expenditures made in connection with out-of-state campaigns, officeholders, or measures.¹

We note that section 254.031(a)(4) of the Election Code requires the reporting of each "payment made . . . from a political contribution if the payment is not a political expenditure." We do not think this provision requires the reporting of political expenditures made by general-purpose political committees on out-of-state campaigns and officeholders. We do not conclude that such payments are not political expenditures, just that they are not political expenditures required to be reported under Texas campaign finance law.

SUMMARY

General-purpose political committees are not required to report political expenditures made in connection with out-of-state campaigns, officeholders, or measures on reports filed under chapter 254 of the Texas Election Code.

¹ This opinion is solely concerned with reporting requirements in regard to *expenditures* and does not address *contributions*.