



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 219

*July 8, 1994*

*Whether an individual may use political contributions to pay the expenses of responding to a sworn complaint filed with the Texas Ethics Commission. (AOR-246)*

The Texas Ethics Commission has been asked to consider whether an individual may use political contributions to pay the expenses of responding to a sworn complaint filed with the Ethics Commission.

The Election Code provides that a person who accepts a political contribution as a candidate or officeholder may not convert the contribution to personal use. Elec. Code § 253.035(a). "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.* § 253.035(d). The term "personal use" does not include the use of contributions for "defending a criminal action or prosecuting or defending a civil action brought by or against the person in his status as a candidate or officeholder." *Id.* § 253.035(i)(1).

The request letter describes a situation in which a candidate filed a sworn complaint with the Ethics Commission alleging that his opponent had violated provisions of the Election Code. The Ethics Commission dismissed the complaint. The question is whether the individual who was the subject of the complaint may use political contributions to pay the lawyer who represented him in the sworn complaint matter. We think that using political contributions to pay a lawyer in this situation amounts to the use of political contributions to defend a civil action brought against the individual in his status as a candidate. Therefore, it is permissible to use political contributions to pay the lawyer. *See generally* [Ethics Advisory Opinion No. 105](#) (1992) (candidate may use political contributions to pay legal expenses in defending collection suit regarding campaign loan).

### SUMMARY

An individual may use political contributions to pay the expenses in connection with a sworn complaint filed with the Ethics Commission alleging violations of title 15 of the Election Code.