



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 222

*September 9, 1994*

*Whether political contributions may be used to pay costs incurred in responding to a grievance filed with the State Bar alleging violations in connection with campaign material. (AOR-248)*

The Texas Ethics Commission has been asked whether an individual may use political contributions to pay attorney fees incurred in responding to a grievance filed with the State Bar Association. The grievance alleges that the use of certain printed material during a campaign violated the Texas Code of Judicial Conduct and the Texas Disciplinary Rules of Professional Conduct.

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" is "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). Personal use specifically *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).

In the present case, the grievance filed before the State Bar is a civil action brought against the respondent for alleged violations of provisions governing conduct as a candidate. Accordingly, political contributions may be used to defray the costs of responding to the grievance. See [Ethics Advisory Opinions Nos. 206](#) (1994) (individual may use political funds to pay late filing penalty assessed under title 15 of Election Code), [105](#) (1992) (individual may use political funds to pay legal expenses if legal action arises directly from activities as a candidate and costs were incurred because of status as candidate).

### SUMMARY

A person may use political contributions to defend a grievance filed before the State Bar if the grievance is in regard to the person's conduct as a candidate.