



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 234

December 9, 1994

Whether section 253.034 of the Election Code, which places a moratorium on certain political contributions before and during the regular legislative session, applies to a member of the State Board of Education. (AOR-262)

The Texas Ethics Commission has been asked to consider whether section 253.034 of the Election Code applies to a member of the State Board of Education. Section 253.034(a) of the Election Code, which places a moratorium on certain political contributions before and during a regular legislative session, provides in pertinent part:

During the period beginning on the 30th day before the date a regular legislative session convenes and continuing through the day of final adjournment, a person may not knowingly make a political contribution to:

- (1) a statewide officeholder;
- (2) a member of the legislature; or
- (3) a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or member of the legislature.

The question is whether members of the State Board of Education are statewide officeholders for purposes of section 253.034. The Election Code defines "statewide office" as "an office of the federal or state government that is voted on statewide." Elec. Code § 1.005(19). The Education Code states that the State Board of Education members are elected from multi-county districts throughout the state, not statewide. Educ. Code § 11.2101. Therefore, a member of the State Board of Education is not a statewide officeholder for purposes of section 253.034 and is not subject to the moratorium on contributions before and during the regular legislative session.¹

SUMMARY

A member of the State Board of Education is not required to comply with section 253.034 of the Election Code, which places a moratorium on certain political contributions before and during the regular legislative session.

¹ Members of the State Board of Education are considered to be "state officers" for purposes of chapter 572 of the Government Code and are required to file annual personal financial disclosure statements with the Ethics Commission. See Gov't Code §§ 572.002(4), (12), 572.021.