



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 239

*December 9, 1994*

*Whether a legislator-elect may accept a donation of office space for use as a district office if the use will continue during the period covered by the moratorium on political contributions set out in section 253.034 of the Election Code. (AOR-268)*

The Texas Ethics Commission has been asked to consider whether a legislator-elect may accept a donation of office space for use as a district office if the use will continue during the period covered by the moratorium on political contributions set out in section 253.034 of the Election Code.<sup>1</sup>

Under section 253.034 of the Election Code a legislator-elect may not accept a political contribution "that is received" during the period that in 1994 begins on December 11 and ends on the day of final adjournment of the regular 1994 legislative session. The requestor is concerned about the fact that even if a donation of office space is originally accepted and "received" before the beginning of the moratorium, the space could be considered to be "received" as a contribution each month.

From an accountant's perspective, it may make sense to view a contribution of the long-term use of office space as a periodic contribution. In our opinion, however, section 253.034 does not view an in-kind contribution of office space in that way. As long as a person subject to section 253.034 accepts and receives a political contribution in the form of office space before the beginning of the moratorium on political contributions set out in section 253.034, the person may continue to use the office space during the period covered by the moratorium.

### SUMMARY

As long as a person subject to section 253.034 of the Election Code accepts and receives a political contribution in the form of office space before the beginning of the moratorium on political contributions set out in section 253.034, the person may continue to use the office space during the period covered by the moratorium.

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<sup>1</sup> We assume, for purposes of this opinion, that the donation of office space is a "political contribution." We note, however, that something contributed for use in connection with the duties or activities of an office that is otherwise reimbursable with public money is not a "political contribution." Elec. Code §§ 251.001(4), (5) (defining "officeholder contribution" and "political contribution"); see id. § 251.002 ("officeholder" in campaign finance law includes an officeholder-elect).