



# TEXAS ETHICS COMMISSION



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## ETHICS ADVISORY OPINION NO. 244

*January 13, 1995*

*Whether the Governor-elect may donate political contributions to the state treasury.  
(AOR-277)*

The Governor-elect has asked whether he may donate political contributions to the state treasury. The Governor-elect does not intend to earmark the funds for any particular purpose. It is, however, the Governor-elect's wish to offset the overall impact on the state budget of the salaries he will pay to certain state employees. State law gives the Governor authority to set salaries at the levels proposed, and the current appropriation to the Governor's office is sufficient to cover the salaries. In other words, the level of the salaries is not dependent on the Governor's donating any amount of money to the state treasury.

Title 15 of the Election Code places one restriction on the use of political contributions: It is not permissible to convert political contributions to personal use. Elec. Code § 253.035. A "personal use" is one 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). We do not think that an unrestricted donation of political contributions to the state is a conversion of those political contributions to "personal use." The Governor-elect will have no control over the disposition of the funds. Therefore, the Governor-elect may make an unrestricted contribution of political contributions to the state treasury.

### SUMMARY

An unrestricted donation of political contributions to the state treasury is not a conversion of those political contributions to personal use for purposes of section 253.035 of the Election Code.