



TEXAS ETHICS COMMISSION



****Overruled, Modified, Clarified, or Superseded****

ETHICS ADVISORY OPINION NO. 272

July 14, 1995

Whether a county political party may use corporate contributions to pay for brochures and voter registration drives. (AOR-304)

The Texas Ethics Commission has been asked whether the county executive committee of a political party may use corporate donations to finance the printing and distribution of certain brochures and to finance voter registration drives. The requestor included with the request letter a sample brochure. The brochure describes the party's philosophy and functions and includes solicitations for membership, contributions, and participation in the party's primary.

Generally, corporations may not make political expenditures. Elec. Code § 253.094. One of the exceptions to this general rule permits a corporation to make a donation to a political party to be used by the party only to:

- (1) defray normal overhead and administrative or operating costs incurred by the party; or
- (2) administer a primary election or convention held by the party.

Id. §§ 253.104, 257.002(a). We understand the phrase "normal overhead and administrative or operating costs" to describe items such as expenditures for office space, utilities, and other usual costs of operating an organization. See [Ethics Advisory Opinion No. 176](#) (1993) (political party may use corporate donations to purchase a building for a permanent party headquarters). We do not consider costs associated with the printing and distribution of brochures soliciting donations to and membership in the party to be "normal overhead and administrative or operating costs." Cf. [Ethics Advisory Opinion No. 177](#) (1993) (general-purpose committee expenditures on brochures describing the committee and soliciting contributions to it are political expenditures). Nor do we consider expenditures for voter registration drives to be overhead or administrative costs.¹ Therefore, a political party may not use corporate contributions for either of the purposes described in this request.

SUMMARY

A county executive committee of a political party may not use corporate contributions to pay the costs associated with the printing and distribution of brochures soliciting donations to and membership in the party or the costs associated with voter registration drives.

¹ We note that a corporation is permitted to finance "nonpartisan voter registration and get-out-the vote campaigns aimed at its stockholders or members, as applicable, or at the families of its stockholders or members." Elec. Code § 253.099. The Ethics Commission has stated that expenditures for a truly nonpartisan voter registration effort are not political expenditures, and so a corporation is not limited to financing nonpartisan registration drives directed solely toward its stockholders or members. [Ethics Advisory Opinion No. 37](#) (1992). The question raised in this request is not what a corporation itself may do, but how a political party may spend corporate donations.