



TEXAS ETHICS COMMISSION



****Overruled, Modified, Clarified, or Superseded****

ETHICS ADVISORY OPINION NO. 281

October 13, 1995

Whether a specific-purpose political committee may transfer its remaining funds to the judge it supports without violating the 1995 Judicial Campaign Fairness Act. (AOR-315)

A specific-purpose political committee supporting a judge has informed the Texas Ethics Commission that it would like to dissolve. The committee treasurer has asked whether the committee may transfer its remaining funds to the judge for his campaign or whether such a transfer would be a prohibited contribution under the 1995 Judicial Campaign Fairness Act.¹

For most purposes, a specific-purpose political committee supporting a candidate or officeholder has an identity separate from the identity of the candidate or officeholder the committee supports. [Ethics Advisory Opinion No. 271](#) (1995). For example, the committee must report a transfer of funds to the candidate or officeholder as an expenditure; and the candidate or officeholder must report the transfer as a contribution. *Id.* The Judicial Campaign Fairness Act, however, generally disregards the separate identity of a judicial candidate and a specific-purpose political committee supporting the judicial candidate and attributes committee activity to the candidate.

The Judicial Campaign Fairness Act places a cap on contributions to a judicial candidate from both groups and individuals. Elec. Code § 253.155 (as added by S.B. 94, Acts 1995, 74th Leg., ch. 763, Tex. Sess. Law Serv. at 3958). For purposes of those contribution limits, a contribution to a specific-purpose political committee supporting a judicial candidate is considered to be a contribution to the judicial candidate. *Id.* § 253.156. Because there is no distinction between a judicial candidate and a specific-purpose political committee supporting the judicial candidate for purposes of the contribution limits, we conclude that a transfer between a judicial candidate and a specific-purpose committee supporting the candidate is not subject to the contribution limits in the Judicial Campaign Fairness Act.² Nonetheless, the committee must report a transfer of funds to the candidate as an expenditure; and the candidate must report the transfer as a contribution.

SUMMARY

A transfer between a judicial candidate and a specific-purpose political committee supporting the candidate is not subject to the contribution limits in the Judicial Campaign Fairness Act.

¹ The funds in question were raised before June 16, 1995, the effective date of the Judicial Campaign Fairness Act, and have all been reported.

² Neither a judicial candidate nor a specific-purpose political committee supporting a judicial candidate may expend funds in connection with a judicial election that were accepted while the judicial candidate was a candidate for a nonjudicial office or while the judicial candidate held an office other than a judicial office (unless the officeholder had become a judicial candidate). We assume that the committee described in this request has always supported the judicial candidate in his capacity as a judge or a judicial candidate and not as a candidate for or holder of a nonjudicial office.