



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 297

January 12, 1996

*Questions about the use of political contributions to pay for travel by the Governor and members of the Governor's immediate family. (AOR-326)*

The Texas Ethics Commission has been asked to consider questions about the use of political contributions to pay for travel by the Governor and members of the Governor's immediate family. The request letter asks, for example, whether it is permissible to use political contributions to purchase or lease a private plane for family visits or trips to family weddings or funerals.

Texas law prohibits a candidate, officeholder, or specific-purpose political committee supporting a candidate or officeholder from converting political contributions to personal use. Elec. Code § 253.035(a), (b). "Personal use" is "a use 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). The use of political contributions to pay for travel for family visits or to attend family weddings or funerals would be a conversion to personal use. *See generally* [Ethics Advisory Opinion No. 111](#) (1992) (officeholder may use political contributions to pay for spouse's travel if the spouse is campaigning or if the spouse's travel is connected with the official duties of the officeholder). The request letter suggests, nonetheless, that the Governor's situation in regard to travel is unique because a security detail provided by the Department of Public Safety travels with the Governor at all times. Although the presence of state security personnel adds an "officeholder" feature to all of the Governor's personal travel, it does not alter the primary purpose of any particular trip. If the primary purpose of a trip is personal, the Election Code does not permit the use of political contributions to pay for the Governor's travel or for the travel of members of the Governor's immediate family.

The request letter also raises a question about the amount of reimbursement the Governor or his family members may be required to pay for personal use of an aircraft purchased or leased with political contributions. An airplane purchased or leased with political contributions is not converted to personal use in violation of the Election Code as long as reimbursement is made to political funds based on the reasonable value of any personal use. [Ethics Advisory Opinion No. 116](#) (1993); *see also* [Ethics Advisory Opinion No. 269](#) (1995). The request letter asks whether the price of a commercial airline ticket would be a reasonable rate of reimbursement for personal use by the Governor or a member of the Governor's family of an airplane purchased or leased with political contributions. The request letter explains that travel on commercial aircraft is extremely difficult for the Governor and the Governor's family because of the state security measures connected with their travel. In other words, were it not for state security measures, the Governor and the Governor's family would easily be able to use commercial airlines for family travel.

Although in many circumstances the cost of a commercial airline ticket would not be reasonable reimbursement for an individual's use of a private airplane purchased or leased with political contributions, we think that it is an adequate basis for reimbursement if the Governor or a member of his family uses a private airplane for personal travel because of the undue difficulties of commercial air travel that are attributable to state security measures.<sup>1</sup> In that case, the costs of using private aircraft that exceed the price of commercial airfare are attributable to activities in connection with the office of the Governor and are therefore properly payable from political contributions.

## SUMMARY

The Election Code does not permit the use of political contributions to pay for the Governor's travel or for the travel of members of the Governor's immediate family if the primary purpose of the trip is personal. If the Governor or a member of his family uses a private airplane for personal travel because of the undue difficulties of commercial air travel that are attributable to state security measures, the costs of using a private plane that exceed the price of commercial airfare are attributable to activities in connection with the office of the Governor and therefore properly payable from political contributions.

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<sup>1</sup> If the Governor or a member of the Governor's family uses an airplane purchased or leased with political contributions for personal travel to a destination not served by commercial air service, the reimbursement paid to political funds should also include reimbursement for car travel or other means of transportation from a commercial airport to that destination. See [Ethics Advisory Opinion No. 116 \(1993\)](#) (regarding mileage reimbursement for car travel).