



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 300

January 12, 1996

*Whether a judicial candidate may accept a contribution from the political funds of the candidate's father in excess of the individual contribution limits imposed by Election Code section 253.155. (AOR-334)*

The Texas Ethics Commission has been asked about the application of Election Code section 253.155 to a father's contribution of political funds to his child's judicial campaign. Under this provision, a judicial candidate may not "knowingly accept political contributions from a person that in the aggregate exceed the limits prescribed" in section 253.155(b). Elec. Code § 253.155(a). The prohibition, however, does not apply to an individual related to the candidate or officeholder within the second degree by consanguinity. *Id.* § 253.159. A father is related to a child in the first degree of consanguinity. Gov't Code § 573.023(a). Therefore, section 253.155 does not prohibit a father from making a contribution to a child's judicial campaign in excess of the limits prescribed by section 253.155(b). The question raised by this opinion request is whether the fact that the father's contribution would be made from his political funds rather than his personal funds alters this result.

Before reaching this issue, we must note that it is unclear from the request whether the funds proposed to be contributed would come from the candidate's father or from a specific-purpose committee supporting the father. If the funds belong to a specific-purpose committee rather than to the father, the exception in section 253.159 clearly would not be applicable. A specific-purpose committee has a distinct identity from the candidate it supports. A contribution from a specific-purpose committee for supporting a judicial candidate's father would not be a contribution from an individual related to the candidate within the second degree of consanguinity.

Assuming that the contributed funds are funds originally contributed to the father, we believe that the exception provided in section 253.159 would apply. Section 253.159 does not on its face distinguish between personal funds and political funds donated by an individual related to the candidate within the second degree. Although candidates and officeholders are restricted in the ways they may spend political contributions, the contributions are their property. *See* Elec. Code § 253.035 (restrictions on personal use of political contributions).<sup>1</sup> For example, political funds pass into the estate of a deceased candidate or officeholder and the legal representative or the estate of a deceased candidate or officeholder must file title 15 reports. Tex. Ethics Comm'n, 1 T.A.C. § 20.67; *see also* [Ethics Advisory Opinion No. 258](#) (1995) (moving funds between a candidate's personal account and an account used for political purposes does not effect a "transfer" reportable under title 15). We conclude that a judicial candidate is not restricted in the amount the candidate may accept from the candidate's father, even if the father's contribution consists of his own political funds.

### SUMMARY

A judicial candidate is not restricted in the amount the candidate may accept from the candidate's father, even if the father's contribution consists of his own political funds.

<sup>1</sup> Election Code section 254.204(a)(2) specifically permits a person to contribute excess political funds to a candidate or political committee.