



# TEXAS ETHICS COMMISSION



**\*\*Overruled, Modified, Clarified, or Superseded\*\***

## ETHICS ADVISORY OPINION NO. 301

*February 9, 1996*

*Whether a corporation may make contributions to a candidate for county chair of a political party. (AOR-335)*

The Texas Ethics Commission has been asked to consider whether a corporation may make contributions to a candidate for county chair of a political party.

The Texas campaign finance law, title 15 of the Election Code, prohibits corporations from making "campaign contributions." Elec. Code § 253.094. A campaign contribution is a contribution to a candidate (or a political committee) made in connection with a campaign for elective office. *Id.* § 251.001(3). A "candidate" is a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to *public office*. *Id.* subsec. (1) (emphasis added). Officers of political parties are not public officers. *Carter v. Tomlinson*, 227 S.W.2d 795 (Tex. 1950); *see also Martinez v. Democratic Comm. for Responsible Gov't*, 521 S.W.2d 284 (Tex. Civ. App.—Eastland 1975, writ ref'd n.r.e.) (campaign finance law that preceded title 15 does not apply to elections for political party officers). Therefore, under title 15 a corporation may make contributions to a candidate for county chair of a political party.

### SUMMARY

Title 15 of the Election Code does not prohibit a corporation from making contributions to a candidate for county chair of a political party.