



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 307

March 22, 1996

Whether a district judge who accepted political contributions in connection with a 1996 judicial election but eventually decided not to run may use those contributions to make officeholder expenditures or to make campaign expenditures in connection with a future judicial election. (AOR-341)

A district judge has asked about the permissible uses of funds he raised in connection with a campaign for a higher judicial office that he eventually decided not to pursue. He asks whether he may use the funds he raised to make officeholder expenditures or to make campaign expenditures in connection with a future judicial election.

The Judicial Campaign Fairness Act, adopted by the legislature in 1995, imposes restrictions on the acceptance and expenditure of political funds by certain judicial candidates and officeholders. Elec. Code ch. 253, subch. F. In order to accept political contributions, a judicial candidate or officeholder covered by the act must have first filed with the proper filing authority an appointment of campaign treasurer and a declaration of intent indicating whether the candidate intends to comply with the voluntary expenditure limits of the act. Elec. Code §§ 253.031(a), 253.164(a), (c). Also, the candidate may accept contributions only during a limited time period. *Id.* § 253.153. The judge raised the funds in question in compliance with those provisions. The question before us is how he may lawfully spend the funds.

A person may not convert political contributions to personal use. Elec. Code § 253.035(a). A "personal use" is one that furthers individual or family purposes not connected with candidate or officeholder duties or activities. *Id.* § 253.035(d). Moreover, funds raised in connection with a campaign for judicial office may not be used in a subsequent campaign for a nonjudicial office. *Id.* § 253.161. Nothing in title 15 of the Election Code, however, restricts a person from using funds lawfully accepted in connection with a judicial campaign from spending those funds for legitimate officeholder expenses or for the expenses of a subsequent judicial race. Expenditures made in connection with the subsequent campaign would be subject to the voluntary limits on expenditures set out in Election Code section 253.168. Contributions designated as being in connection with the 1996 election would count against the contribution limits for that election, and not against the limits for the subsequent election. *See* Elec. Code §§ 253.152(2) (definition of "in connection with an election"), 253.155 (contribution limits).

SUMMARY

A district judge who accepted contributions in connection with a 1996 judicial election and eventually decided not to run may use those contributions to make officeholder expenditures or to make campaign expenditures in connection with a future judicial election.