



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 310

March 22, 1996

Whether an officeholder may use political contributions to pay legal expenses incurred in connection with federal and state investigations of the officeholder for public corruption. (AOR-344)

The Texas Ethics Commission has been asked whether an officeholder may use political contributions to pay legal expenses incurred in connection with federal and state investigations of the officeholder for public corruption. The Election Code provides that a person who accepts a political contribution as a candidate or officeholder may not convert the contribution to personal use. Elec. Code § 253.035(a). "Personal use" means "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 term "personal use" does not include the use of contributions for "defending a criminal action or prosecuting or defending a civil action brought by or against the person in his status as a candidate or officeholder." *Id.* § 253.035(i)(1).

The request letter describes a situation in which an officeholder was one of the targets of a federal investigation of public corruption. The officeholder incurred considerable legal expenses cooperating with the federal investigation and defending himself from indictment. At the same time, the officeholder was investigated by a state commission to determine whether he should be removed from office. The officeholder was never indicted on the federal charges, and the state action was dismissed. The requestor asks whether the officeholder may use political contributions to pay a portion of the legal expenses stemming from his defense. In our opinion, such use is permissible.¹ See generally [Ethics Advisory Opinions Nos. 219](#) (1994) (candidate may use political contributions to pay lawyer for assistance in responding to a sworn complaint filed with the Ethics Commission), [105](#) (1992) (candidate may use political contributions to pay legal expenses in defending collection suit regarding campaign loan).

SUMMARY

An officeholder may use political contributions to pay legal expenses incurred in connection with federal and state investigations of the officeholder for public corruption.

¹ The statute states that "personal use" does not include expenses incurred in connection with actions "brought" by or against a person in his status as a candidate or officeholder. It follows that "personal use" does not include expenses incurred in efforts to prevent an action from being brought against a person in his status as a candidate or officeholder.