



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 313

March 22, 1996

Whether an officeholder may use political contributions to pay for property damages caused in the discharge of the officeholder's official duties. (AOR-348)

The Texas Ethics Commission has been asked whether an officeholder may use political contributions to pay for property damages caused in the discharge of the officeholder's official duties. 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). While performing his official duties, the officeholder was involved in an incident in which a man was accidentally shot and a truck was damaged. Because a grand jury determined the shooting was justified, the governmental body will not pay for damages to the truck. The officeholder wishes to use political contributions to compensate the owner of the truck. Because the payment is connected with the officeholder's performance of official activities, the use of political contributions to make the payment is permissible.¹

SUMMARY

An officeholder may use political contributions to pay for damages to property caused in the discharge of the officeholder's official duties.

¹ We note that there is no suggestion that there is a personal or family connection between the officeholder and the truck's owner.