



# TEXAS ETHICS COMMISSION



**\*\*Overruled, Modified, Clarified, or Superseded\*\***

## ETHICS ADVISORY OPINION NO. 320

*April 19, 1996*

*Whether a precinct chair of a political party may solicit contributions to be used on campaign-related activities in and for the precinct, and related questions. (AOR-357)*

The Texas Ethics Commission has been asked the following questions:

1. May a precinct chairperson solicit campaign contributions for the exclusive purpose of spending the funds on campaign-related activities in the precinct or for the precinct?
2. What are the accounting and reporting requirements for a precinct chairperson when soliciting funds for the exclusive purpose of spending funds on campaign-related activities in the precinct or for the precinct?

The requestor wishes to collect and spend funds in connection with the campaigns of the candidates representing his political party. The requestor proposes to solicit contributions, and so would necessarily be working in concert with contributors to accept political contributions and make political expenditures. The requestor and the contributors would thus constitute a political committee as defined by the statute, i.e. "[a] group of persons with a principal purpose of accepting political contributions or making political expenditures." Elec. Code § 251.001(12). A group of persons with a principal purpose of accepting political contributions or making political expenditures is a political committee. *Id.* Because the committee's purpose would be to support candidates of its party in general, whether currently identified or not, the group would be a general-purpose committee. *Id.* § 251.001(14) (purpose of general-purpose committee includes support of two or more unidentified candidates). A general-purpose committee must file an appointment of campaign treasurer with the Texas Ethics Commission before it may collect more than \$500 in political contributions. *Id.* § 253.031(c).<sup>1</sup> Furthermore, the committee must have received contributions from at least 10 donors and must have had its appointment of campaign treasurer on file for at least 60 days before it may exceed \$500 in political expenditures. *Id.* § 253.037.

The requestor asks about the accounting and reporting requirements that would attach to his proposed election activities. The accounting and reporting requirements imposed by the campaign finance law apply to the *person appointed treasurer* of the political committee. In general, the treasurer is required to keep accurate records of all political contributions and expenditures and to file campaign finance reports on a regular basis. These requirements are set out in chapter 254 of the Election Code. The Texas Ethics Commission also publishes a Campaign Finance Guide for Political Committees that explains the laws, rules, and advisory opinions applicable to political committees.

### SUMMARY

A precinct chair of a political party wishing to solicit political contributions to be used on campaign activities for his party's candidates must file an appointment of campaign treasurer of a general-purpose committee before exceeding \$500 in political contributions or political expenditures. The treasurer of the committee would be required to follow the recordkeeping and reporting requirements of chapter 254 of the Election Code.

<sup>1</sup> Note that the exception to section 253.031 for a county executive committee of a political party would not apply to a committee formed by a precinct chairperson. See Elec. Code § 253.031(d).