



TEXAS ETHICS COMMISSION



****Overruled, Modified, Clarified, or Superseded****

ETHICS ADVISORY OPINION NO. 335

July 12, 1996

Determination of the ending date for the period during which a judicial candidate may accept political contributions if the candidate was in a primary runoff and is unopposed in the November general election. (AOR-375)

The Texas Ethics Commission has been asked to determine the ending date for the period during which a judicial candidate may accept political contributions if the candidate was in a primary runoff and is unopposed in the November general election. In 1995 the Texas Legislature adopted the Judicial Campaign Fairness Act, which limits the period during which certain judicial candidates and officeholders may accept political contributions.¹ Elec. Code § 253.153. The fundraising period for judicial candidates in the 1996 election began on June 6, 1995. *See id.* § 253.153(1). The statute provides that the fund raising period ends

on the 120th day after the date of:

(A) the general election for state and county officers, if the candidate or officeholder has an opponent in the general election; or

(B) except as provided by [the section applicable to candidates opposed by a person who files a declaration of write-in candidacy], the primary election, if the candidate or officeholder does not have an opponent in the general election.

Id. § 253.153(a)(2). The question here is whether a candidate on the ballot in a primary runoff who is unopposed in the November general election may accept contributions until the 120th day after the primary runoff.

Although the statute only mentions the general election and the primary election, the apparent purpose of the statute is to allow a judicial candidate to accept political contributions² for at least 120 days after the date of the last election in which the candidate is opposed to raise political contributions. In light of the purpose, we interpret section 253.153(a)(2)(B) to allow a candidate in a primary runoff and unopposed in the general election to accept political contributions during a period ending 120 days after the date of the primary runoff.

SUMMARY

A candidate in a primary runoff and unopposed in the general election may accept political contributions during a period ending 120 days after the date of the primary runoff.

¹ The act applies to holders of or candidates for the following offices: chief justice or justice of the Supreme Court; presiding judge or judge of the court of criminal appeals; chief justice or justice of a court of appeals; district judge; judge of a statutory county court; and judge of a statutory probate court. Elec. Code § 253.151.

² Every candidate in an election may raise funds during the period ending 120 days after the primary even if the candidate is unopposed in both the primary and the general elections.