



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 338

August 16, 1996

Application of section 305.026 of the Government Code and title 15 of the Election Code to a nonprofit corporation which includes various political subdivisions as dues-paying members. (AOR-376)

The Texas Ethics Commission has been asked about the application of section 305.026 of the Government Code to a nonprofit corporation whose membership includes a number of political subdivisions in central Texas. Subsection (a) of section 305.026 places restrictions on the use of political subdivision funds to compensate a person who communicates with legislative officers and employees to influence legislation. That subsection provides as follows:

Public funds available to a political subdivision may not be used to compensate or reimburse the expenses over \$50 of any person for the purpose of communicating directly with a member of the legislative branch to influence legislation, unless the person being compensated or reimbursed resides in the district of the member with whom the person communicates or files a written statement with the [Ethics Commission] that includes the person's name, the amount of compensation or reimbursement, and the name of the affected political subdivision.

Subsection (c) of section 305.026 provides that the restrictions do not apply "to a person who is registered [as a lobbyist with the Ethics Commission]." The question raised here is whether that exception covers the use of political subdivision funds to pay dues to an organization that pays compensation or reimbursement to a registered lobbyist.¹ We interpret subsection (c) to mean that subsection (a) does not prohibit the use of public funds to pay, either directly or indirectly, compensation or reimbursement to a person registered as a lobbyist. Thus, in regard to the specific question raised here, the restrictions in subsection (a) do not apply to a political subdivision's payment of dues to an organization that uses the dues to pay a registered lobbyist.

The request letter also asks whether the nonprofit corporation may use dues paid by political subdivisions to establish and administer a general-purpose political committee. The campaign finance law, title 15 of the Election Code, contains only one provision that governs the use of public funds: section 255.003, which prohibits a political subdivision from using public funds for political advertising. Whether a political subdivision may use funds to pay dues to an organization that establishes and administers a general-purpose political committee is a question governed by constitutional and statutory provisions outside the jurisdiction of the Ethics Commission.² See Gov't Code § 571.091 (authority of Ethics Commission to issue advisory opinions).

SUMMARY

Section 305.026(a) of the Government Code places restrictions on the use of political subdivision funds to compensate a person who communicates with legislative officers or employees for the purpose of influencing legislation. Those restrictions do not apply to a political subdivision's payment of dues to an organization that uses the dues to pay a registered lobbyist.

¹ Section 305.026(d) provides that section 305.026(a) "does not prohibit a political subdivision from making an expenditure of public funds to a statewide association with a minimum membership of at least 25 percent of eligible political subdivisions that contract with or employ a registrant for the purpose of communicating directly with a member of the legislative branch to influence legislation." Gov't Code § 305.026(d). The organization in question here, however, is not a statewide organization. Therefore, that exception is not applicable. See [Ethics Advisory Opinion No. 42 \(1992\)](#).

² The Attorney General has jurisdiction to consider such questions if raised by a person authorized to request an attorney general opinion. Gov't Code § 402.042.