



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 346

October 11, 1996

Whether a statewide officeholder may accept an invitation to attend a fundraiser for a nonprofit organization during the moratorium on political contributions. (AOR-384)

The Texas Ethics Commission has been asked to consider whether a statewide officeholder may accept an invitation to attend a fundraiser for a nonprofit organization during the period in which statewide officeholders are prohibited from accepting political contributions. *See* Elec. Code § 253.034 (moratorium on political contributions before and during regular legislative session).

There are two types of political contributions: campaign contributions and officeholder contributions. *Id.* § 251.001(3), (4), (5). In some circumstances the provision of an opportunity to attend an event may be a political contribution. Whether the provision of an opportunity to attend an event is a political contribution depends on the intent with which the opportunity is provided. *Id.*; *see also id.* § 251.001(2) (defining "contribution" to exclude an expenditure required to be reported under the lobby law). A campaign contribution is a contribution to a candidate given with the intent that it be used in connection with a campaign for elective office. An officeholder contribution is a contribution to an officeholder given with the intent that it defray expenses incurred in connection with duties or activities of the office. The request letter states that neither intent is present in the situation at hand, but rather that the legislator's presence is desirable at the fundraiser as a "draw" for others to attend the fundraiser. *See generally* [Ethics Advisory Opinion No. 71](#) (1992). If that is the case, the organization would not be making a political contribution by providing the officeholder an opportunity to appear at the organization's fundraiser.

SUMMARY

Whether the provision of an opportunity to appear at an event constitutes a political contribution depends on the intent with which the opportunity is provided.