



# TEXAS ETHICS COMMISSION



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## ETHICS ADVISORY OPINION NO. 350

*November 22, 1996*

*Whether section 253.162(b) of the Election Code applies to loans made before the effective date of section 253.162(b). (AOR-388)*

Section 253.162(b) of the Election Code prohibits certain judicial candidates and officeholders from using political contributions to repay loans to a person related to the candidate or officeholder within the second degree of consanguinity. The Texas Ethics Commission has been asked whether section 253.162(b), which was enacted in 1995 as part of the Judicial Campaign Fairness Act, applies to loans made before the effective date of the Act.

Section 10 of the bill enacting the Judicial Campaign Fairness Act provides that the provisions of the act that are codified in chapter 253 of the Election Code apply "only to a political contribution accepted or political expenditure made on or after the effective date" of those provisions. Acts 1995, 74th Leg., ch. 763, § 10(d), at 3968. Other than loans from certain financial institutions, loans to a candidate or officeholder for candidate or officeholder purposes are political contributions. Elec. Code § 251.001(2) - (5). Therefore, the prohibition in section 253.162(b) does not apply to the repayment of a loan made before June 16, 1995, the effective date of the provisions in the Judicial Campaign Fairness Act that are codified in chapter 253 of the Election Code. *See* Acts 1995, 74th Leg., ch. 763, § 10(a)(1), (d), at 3968.

### SUMMARY

Section 253.162(b) of the Election Code does not apply to the repayment of a loan made before June 16, 1995.