



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 356

January 10, 1997

Whether a state representative may use political contributions to pay for transportation and hotel expenses to attend the swearing-in ceremony of a United States Congressman from Texas. (AOR-394)

The Texas Ethics Commission has been asked whether a state representative may use political contributions to pay for transportation and hotel expenses to attend the swearing-in ceremony of a United States Congressman from Texas. Political contributions may not be used for personal purposes. Elec. Code § 253.035. A "personal use" is a use that "primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate for or holder of a public office." *Id.* § 253.035(d). It is possible that a member of the Texas Legislature might attend a swearing-in ceremony for a United States Congressman in connection with the Texas legislator's activities as a member of the Texas Legislature, although the request letter does not specify what the connection would be in this instance. The expenditures in question would also be permissible if made to further the state representative's possible candidacy in future state or local elections in Texas by, for example, assisting the state representative in making or maintaining political contacts.¹ Whether the expenditures in question are permissible depends on the intent with which they are made.

SUMMARY

Whether a member of the Texas Legislature may use political contributions to pay expenses in connection with a swearing-in ceremony for a member of the United States Congress depends on the intent with which the expenditures are made.

¹ In order to make an expenditure to further a possible candidacy for election to a state or local office in Texas, a person must have a campaign treasurer appointment on file with the appropriate filing authority. Elec. Code §§ 251.001(7), 253.031(a).