



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 366

April 11, 1997

Whether a Senator's legislative aide may post information on a World Wide Web page on the Internet if the Web page is supported by political contributions and by gifts from lobbyists. (AOR-403)

The Texas Ethics Commission has been asked whether a Senator's legislative aide may post bill summaries and press releases on a World Wide Web page on the Internet if the Web page is supported by political contributions or by in-kind gifts from lobbyists. The bill summaries and press releases are prepared by legislative employees in the normal course of state business.

The work time of state employees is a resource belonging to the state and is to be used for state purposes, not for campaign purposes or other personal purposes. Tex. Const. art. III, § 51 (requiring state funds be used for a public purpose); *see* Acts 1995, 74 Leg., ch. 1063, art. IX, § 5, at 6063 (political aid and legislative influence prohibited); Penal Code § 39.02 (regarding misuse of government property); Attorney General Opinion MW-36 (1979); [Ethics Advisory Opinion Nos. 190](#) (1994), [172](#) (1993). The fact that political contributions and lobby gifts support a particular activity, such as the creation or maintenance of a Web page, may be relevant in analyzing whether a legislative aide's participation in the activity serves a state purpose.¹ There is nothing in the laws governing political contributions and lobby expenditures, however, that limits the use of state resources simply because political contributions and lobby gifts are also used to support the activity in question. *See generally* Elec. Code ch. 253 (use of political contributions); Gov't Code ch. 305 (lobby law).

SUMMARY

The laws governing political contributions and lobby expenditures do not limit the use of state resources for a state purpose simply because political contributions and lobby gifts are also used to support that state purpose.

¹ The Ethics Commission does not have authority to issue opinions interpreting the Texas Constitution. The Attorney General is the appropriate state agency for resolving the constitutional question of whether a particular use of resources serves a state purpose. The legislature itself is the appropriate body for determining, subject to constitutional limitations, whether a particular use of legislative resources is permissible. *See generally* [Ethics Advisory Opinion No. 209](#) (1994).