



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 378

November 14, 1997

Whether a legislator may use political contributions to pay expenses incurred by the legislator's spouse in attending the opening ceremony of the legislative session, Legislative Ladies functions, or legislative conferences. (AOR-415)

The Texas Ethics Commission has been asked whether a legislator may use political contributions to pay expenses incurred by the legislator's spouse in attending the opening ceremony of the legislative session, Legislative Ladies functions, or legislative conferences.¹ The expenses consist of travel expenses and conference registration fees.

Political contributions made to a candidate or to a specific-purpose political committee supporting or assisting a candidate or officeholder may not be converted to the candidate's or officeholder's "personal use." Elec. Code § 253.035(a). A personal use is one that primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate or holder of a public office. *Id.* § 253.035(d). In [Ethics Advisory Opinion No. 111](#) (1992), the Commission stated:

It is appropriate for a candidate to spend political contributions to pay the travel expenses of his or her spouse if the spouse is campaigning for the candidate, since the spouse's travel is connected with the campaign. Similarly, it is appropriate for an officeholder to spend political contributions to pay for the spouse's travel if the travel is in connection with the performance of duties of the officeholder's office. An officeholder may not, on the other hand, spend political contributions to pay for a spouse's travel that is not connected with the official duties of the officeholder.

A newly-elected or re-elected legislator's use of political contributions to pay travel expenses for his or her spouse to attend the opening ceremony of the legislature would be permitted as an expense in connection with candidate activities, in much the same way as expenditures on an election victory party would be permitted. *See* [Ethics Advisory Opinion No. 314](#) (1996).

The permissibility of using political contributions to pay for the attendance of a legislator's spouse at Legislative Ladies functions or legislative conferences depends on whether the attendance of the spouse at those events is connected to the legislator's performance of legislative duties or activities.

According to the requestor, Legislative Ladies functions are social events held in Austin during the legislative session to allow legislators' spouses to get to know each other. The events consist of luncheons and occasional sightseeing trips. A legislator's use of political contributions to pay expenses in connection with such social events is an impermissible personal use.

Substantive issues of concern to legislators are the main focus of legislative conferences, but a conference may also offer "spouse programs," which consist primarily of social activities such as entertainment and sightseeing. A legislator may not use political contributions to pay for the attendance of his or her spouse to participate in such social activities. A legislator may use political contributions to pay for his or her spouse to attend a legislative conference if the spouse attends the event to participate in the substantive programs offered at the seminar in order to assist the legislator in the performance of legislative duties or activities.

SUMMARY

A newly-elected or re-elected legislator may use political contributions to pay travel expenses for his or her spouse to attend the opening ceremony of the legislature.

A legislator may not use political contributions to pay expenses associated with the attendance of the legislator's spouse at Legislative Ladies functions.

A member of the legislature may not use political contributions to pay for his or her spouse to attend a legislative conference if the spouse is attending merely to participate in social activities provided for spouses. A member of the legislature may use political contributions to pay for his or her spouse to attend a legislative conference if the spouse attends the conference to participate in the substantive programs offered at the conference in order to assist the legislator in the performance of legislative duties or activities.

¹ A legislative conference, such as the National Conference of State Legislatures, is an event organized to provide substantive information to legislators across the nation on matters of legislative concern.