



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 394

February 13, 1998

Questions concerning the application of Election Code section 253.031 to a club that endorses candidates in Texas elections. (AOR-432)

The Texas Ethics Commission has been asked a number of questions about the application of Title 15 of the Election Code to a club that endorses candidates in Texas elections. The request letter describes the club as an unincorporated association that invites candidates to meetings and later decides which candidates to endorse. The club, without obtaining the prior consent or approval of the candidates, distributes fliers about voting locations and about the club's endorsements. The club sometimes contributes to state or local candidates or political parties. The requestor's first question is whether the club must appoint a campaign treasurer.

As described in the request letter, the club is a general-purpose political committee. Elec. Code § 251.001(12) (defining "political committee" as "a group of persons that has as a principal purpose accepting political contributions or making political expenditures"), (13) (defining "specific-purpose political committee"), (14) (defining "general-purpose political committee"). A political committee must file a campaign treasurer appointment before it accepts more than \$500 in political contributions or makes or authorizes more than \$500 in political expenditures. *Id.* § 253.031(b); *see also id.* § 253.031(c); [Ethics Advisory Opinion No. 161](#) (1993). All political contributions to and political expenditures by a political committee count toward these thresholds, regardless of when made. Neither a new calendar year, nor a new election or new election cycle affords a committee the opportunity to begin with a clean slate in calculating the \$500 thresholds. *Cf.* Elec. Code § 253.031(d)(2) (*\$5000 thresholds* for a political committee of the county executive committee of a political party are *annual* thresholds).

The remaining question is whether membership dues paid to the club are "political contributions" that count toward the \$500 contribution threshold for purposes of Election Code section 253.031(b). A dues payment to support a general-purpose political committee is a political contribution and counts toward the \$500 contribution threshold unless it is specifically earmarked for purposes not regulated by title 15 of the Election Code. [Ethics Advisory Opinion Nos. 132, 131](#) (1993). Contributions earmarked to cover the general administrative costs of a political committee are political contributions. [Ethics Advisory Opinion Nos. 344](#) (1996); [132](#) (1993).

SUMMARY

A political committee must file a campaign treasurer appointment before it accepts more than \$500 in political contributions or makes or authorizes more than \$500 in political expenditures. All political contributions to and political expenditures by a political committee count toward these thresholds, regardless of when made. Membership dues paid to support a general-purpose committee are political contributions to the committee.