



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 403

August 14, 1998

Whether a general-purpose political committee is required to file pre-election reports under Election Code section 254.154 if, during the period covered by those reports, the committee makes a contribution to support a candidate who is unopposed in the election. (AOR-443)

The Texas Ethics Commission has been asked whether a general-purpose political committee is required to file pre-election reports under Election Code section 254.154 if, during the period covered by those reports, the committee makes a contribution to a specific-purpose political committee that supports only candidates who are unopposed on the ballot in the election.

The deadlines by which the campaign treasurer of a general-purpose political committee must file reports are set out in Election Code chapter 254. The campaign treasurer of a general-purpose political committee filing under the regular schedule must file semiannual reports each January and July.¹ Elec. Code § 254.153. In addition, the campaign treasurer must file two pre-election reports "for each election in which [the committee] is involved." *Id.* § 254.154(a). The question raised here is whether a general-purpose political committee is "involved" in a primary election if, during the period covered by primary pre-election reports, it makes a contribution to a specific-purpose committee for a candidate who is unopposed in the primary. The statute provides no definition for the phrase "involved in an election." Consequently, it is useful to look to the statutory provisions regarding pre-election reports by candidates and specific-purpose political committees to determine what the legislature may have meant by that phrase.

In regard to candidates and specific-purpose political committees, the statute makes clear that the legislature intended for pre-election reports to disclose information relevant to ballot *contests*. A candidate is required to file pre-election reports if the candidate has an opponent whose name is to appear on the ballot in the election. *Id.* § 254.064. Similarly, the campaign treasurer of a specific-purpose political committee is required to file pre-election reports if the committee supports or opposes a candidate who has an opponent whose name is to appear on the ballot in the election (or if the committee supports or opposes a measure in the election).² *Id.* § 254.124. There is no apparent reason why the legislature would have intended for general-purpose committees to file pre-election reports about activity related to unopposed candidates when neither the candidates themselves nor specific-purpose political committees are required to report such information until after the election. Consequently, we interpret the requirement that a general-purpose political committee file pre-election reports if the committee is "involved in" the election to mean that a general-purpose political committee must file pre-election reports if it accepts contributions or makes expenditures to support or oppose a candidate who has an opponent whose name is to appear on the ballot in the election (or if it supports or opposes a measure in the election). A general-purpose political committee is not required to file pre-election reports if its only reportable activity during the period covered by pre-election reports is to make a contribution in support of a candidate who does not have an opponent whose name is to appear on the ballot in the election.

SUMMARY

A general-purpose political committee is not required to file pre-election reports if its only reportable activity during the period covered by the pre-election reports is to make a contribution in support of a candidate who

does not have an opponent whose name is to appear on the ballot in the election.

¹ Instead of filing semiannual reports and pre-election reports under Election Code sections 254.153 and 254.154, a general-purpose committee may file monthly reports in accordance with Election Code sections 254.155 through 254.158.

² Because the name of a write-in candidate does not appear on the ballot, a candidate is not required to file pre-election reports if his or her only opposition is one or more write-in candidates, nor is a specific-purpose political committee required to file pre-election reports if the committee supports a candidate whose only opposition is one or more write-in candidates.