



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 405

*August 14, 1998*

*Whether "a public officeholder, who desires to improve his reputation among voters that he believes in family values, may use campaign funds to pay for him and his family to attend public events." (AOR-446)*

The Texas Ethics Commission has been asked about the restriction on personal use of political contributions. The specific question is whether "a public officeholder, who desires to improve his reputation among voters that he believes in family values, may use campaign funds to pay for him and his family to attend public events."

The campaign finance law prohibits a candidate or officeholder from converting political contributions to personal use. Elec. Code § 253.035(a). "Personal use" is defined as "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). The requestor takes the position that using political contributions to pay for his family to go to amusement parks, restaurants, athletics events, and museums is not an impermissible personal use of political contributions. In his request letter, he states:

To the overwhelming majority of my constituents, it is critically important that I be perceived to be 'a family man' with a close-knit family who, with his family, goes to many public events. Appearing in public with my family would enhance my visual and name recognition and help solidify my standing among voters as a public officeholder who 'practices what he preaches' regarding family values.

In previous opinions, we have stated that a candidate or officeholder may not use political contributions to pay for family members to attend social events. [Ethics Advisory Opinion Nos. 378](#) (1997) (legislator may not pay for spouse to attend social event to get to know spouses of other legislators); [297](#) (1996) (officeholder may not use political contributions to pay for family visits or to attend family weddings or funerals). Even if a candidate reaps a campaign benefit by engaging in typical family activities, those activities cannot be characterized as duties or activities "as a candidate." Presumably a spouse or parent would be engaging in recreational activities with family members regardless of whether he or she was running for office. *See generally* [Ethics Advisory Opinion Nos. 241](#) (1995) (legislator may not use political contributions for meal expenses he would have been required to pay regardless of whether he was in Austin); [104](#) (1992) (legislator may not use political contributions to pay for clothing that can be adapted for general use). We conclude, therefore, that a candidate or officeholder may not use political contributions to pay for family recreation or entertainment.<sup>1</sup>

### SUMMARY

A candidate or officeholder may not use political contributions to pay for family recreation or entertainment.

<sup>1</sup> A candidate may use political contributions to pay a family member's expenses in connection with an event at which the family member is actually engaged in campaign work. *See* [Ethics Advisory Opinion No. 111](#) (1992).