



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 413

March 12, 1999

Whether a retired judge may use unexpended political contributions to make a contribution of more than \$100 in a calendar year to a judicial candidate. (AOR-456)

The Texas Ethics Commission has been asked whether a retired judge may use unexpended political contributions to make a contribution of more than \$100 a year to a judicial candidate. This question has arisen because of the following restriction:

A judicial candidate or officeholder or a specific-purpose committee for supporting or opposing a judicial candidate or assisting a judicial officeholder may not use a political contribution to make political contributions that in the aggregate exceed \$100 in a calendar year to a candidate or officeholder.

Elec. Code § 253.1611(a). The specific question raised here is whether that restriction applies to a "retired judge." Whether the restriction applies to a retired judge depends on whether the retired judge has terminated his or her campaign treasurer appointment.

For purposes of section 253.1611, an individual is a candidate as long as the individual has a campaign treasurer appointment on file.¹ [Ethics Advisory Opinion No. 399](#) (1998). Consequently, a retired judge who still has a campaign treasurer appointment on file is subject to the restriction in section 253.1611 and may not contribute more than \$100 a year to any other candidate or to any officeholder. On the other hand, a retired judge who has terminated his or her campaign treasurer appointment is no longer a candidate and is not subject to the restriction in section 253.1611.² *Id.*

SUMMARY

A retired judge who still has a campaign treasurer appointment on file is subject to the restriction in Election Code section 253.1611 and may not contribute more than \$100 a year to any other candidate or to any officeholder. A retired judge who has terminated his or her campaign treasurer appointment is no longer a candidate and is not subject to the restriction in section 253.1611.

¹ The request letter notes that a retired judge must dispose of unexpended political contributions within six years. *See* Elec. Code §§ 254.203, .204. The six-year period does not begin to run, however, until the retired judge terminates his or her campaign treasurer appointment. *Id.* § 254.203(a).

² An individual who is neither a candidate nor an officeholder may use unexpended political contributions to make political contributions. If the individual does so, however, he or she must report each political contribution as if he or she were a campaign treasurer of a specific-purpose political committee. *Id.* § 254.204(b). Also, contributions to judicial candidates must comply with the restrictions in the Judicial Campaign Fairness Act. *Id.* ch. 253, subch. F.