



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 414

*May 14, 1999*

*Whether a district judge who ran for a non-judicial office in November 1998 may currently accept campaign contributions to pay expenses in connection with an unsuccessful campaign for a non-judicial office. (AOR-457)*

The Ethics Commission has been asked about the application of the judicial campaign finance laws to a sitting district judge who ran unsuccessfully for a non-judicial office in 1998. The specific question raised has to do with the limited period for fundraising by judicial candidates and officeholders.

The Election Code prescribes specific time periods during which judicial candidates and officeholders may accept political contributions. Elec. Code § 253.153. For example, March 3 was the last day for judicial candidates who were opposed in the November 1998 general election to accept contributions. *Id.* § 253.153(a)(2) (A). Candidates seeking election to a judicial office in 2000 may begin accepting contributions on June 7, 1999. *Id.* § 253.153(a)(1)(A). The question raised here is whether the limited time periods set out in section 253.153 apply to contributions given to a sitting district judge for the purpose of paying expenses incurred in connection with the judge's unsuccessful 1998 race for a non-judicial office.

The provision that sets out the limited time period for judicial fundraising is part of the Judicial Campaign Fairness Act, which is set out in Subchapter F of chapter 253 of the Election Code. Subchapter F applies only to a political contribution or political expenditure in connection with specified judicial offices. *Id.* § 253.151. Therefore, the time periods for fundraising in section 253.153 do not apply to contributions made to cover expenses in connection with a non-judicial race, even if the contributions are made to a judge holding one of the offices listed in section 253.151. *See generally* Elec. Code § 253.161 (prohibiting use of contributions from non-judicial candidacy in connection with judicial campaign or office).

### SUMMARY

The restrictions in Election Code section 253.153 do not apply to contributions made to a candidate to cover expenses in connection with an unsuccessful 1998 race for a non-judicial office, even if the candidate currently holds one of the judicial offices listed in Election Code section 253.151.