



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 417

August 13, 1999

Whether a former elected county officeholder may use surplus political contributions to make a donation to a county appraisal district. (AOR-460)

A former elected county officeholder has asked the Texas Ethics Commission whether he may use surplus political contributions to make a donation to a county appraisal district. The requestor is an appointed member of the board of the county appraisal district. Part of the donation would be used to reimburse the requestor for travel in connection with appraisal district business. The requestor is otherwise reluctant to request reimbursement because the appraisal district is "short on funds."

Title 15 of the Election Code prohibits the conversion of political contributions to the personal use of a candidate or officeholder. Elec. Code § 253.035. "Personal use" is defined for purposes of this provision 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 holds a public office to which he was appointed. *See generally* Attorney General Opinion DM-47 (1991) (member of board of county appraisal district holds an "office"). The donation in question here would be an expenditure in connection with that office. As a general rule, the provisions of title 15 of the Election Code apply to "officeholders," which is defined in title 15 to include only persons who hold an *elective* public office (and the secretary of state). Elec. Code § 251.002(a). The personal use provision, however, allows the use of political funds to pay for costs connected to the activities and duties of a "holder of public office." We have interpreted that phrase to apply to holders of public offices generally, not just to elected public officers. [Ethics Advisory Opinion No. 279](#) (1995). Consequently, the requestor may use surplus political contributions to pay travel expenses incurred in connection with his activities as a member of the board of a political subdivision.¹

SUMMARY

A former elected county officeholder may use surplus political contributions to pay expenses incurred in connection with duties or activities as a member of the board of a political subdivision.

¹ It is permissible for the requestor to pay the travel expenses directly from surplus political contributions or, as the requestor suggests in his letter, to make a contribution to the political subdivision that would be used, at least in part, to reimburse the requestor for the travel expenses.