



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 420

October 8, 1999

*Relating to the time period during which a judicial candidate may accept political contributions in a case in which the candidate seeks an office in a judicial district that does not yet exist. (AOR-463)*

The Texas Ethics Commission has been asked about the fundraising period for a candidate seeking election to a district judgeship in a district that will come into existence on September 1, 2000. Act of May 30, 1999, 76th Leg., R.S., ch. 1337, 1999 Tex. Sess. Law Serv. 4547.

The Judicial Campaign Fairness Act limits the period during which candidates for certain judicial offices<sup>1</sup> may accept political contributions. Elec. Code § 253.153. To apply that provision to candidates for offices that do not yet exist, it is necessary to understand two general election law rules. The first rule is that an election for the first full term of an office for which no previous election has been held is governed by the same provisions as an election for the remainder of an unexpired term. *Id.* § 202.003(a). The second rule is that a vacancy occurs in a newly created office on the effective date of the Act of the legislature creating the office. *Id.* § 201.027. Those rules allow us to apply the provisions regarding judicial fundraising periods to the matter before us.

The Judicial Campaign Fairness Act provides that a candidate for district judge may accept political contributions only during the period beginning on:

*the later of the 210th day before the date an application for a place on the ballot or for nomination by convention for the office is required to be filed or the date a vacancy in the office occurs, if the election is for an unexpired term.*

*Id.* § 253.153(a)(1)(B) (emphasis added). Because an election for the first full term of an office is governed by the provisions applicable to an election for the remainder of an unexpired term, the fundraising period for candidates for the judgeship in question here begins 210 days before a vacancy in the office occurs. Because a vacancy in a new office occurs on the effective date of the legislation creating the new office, a vacancy in the office in question will occur on September 1, 2000. Therefore candidates seeking election to that office may begin to accept political contributions 210 days earlier, on February 4, 2000.

### SUMMARY

Candidates seeking election to a district judgeship that will come into existence on September 1, 2000, may begin accepting political contributions on February 4, 2000.

<sup>1</sup> The Judicial Campaign Fairness Act “applies only to a political contribution or political expenditure in connection with the office of: (1) chief justice or justice, supreme court; (2) presiding judge or judge, court of criminal appeals; (3) chief justice or justice, court of appeals; (4) district judge; (5) judge, statutory county court; or (6) judge, statutory probate court.” Elec. Code § 253.151.