



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 430

August 11, 2000

Relating to the permissibility of using political contributions to pay a portion of the purchase price of a car as well as a portion of other expenses incurred in operating and maintaining the car. (AOR-474)

An elected officeholder has asked about the permissibility of using political contributions to pay a portion of the purchase price of a car as well as a portion of other expenses incurred in operating and maintaining the car. The officeholder proposes to base the amount paid from political contributions on a comparison of total mileage to the mileage attributable to campaign and officeholder purposes.

We have previously stated that a candidate or officeholder may purchase an asset in part with political contributions and in part with personal funds. [Ethics Advisory Opinion No. 248](#) (1995).¹ If an individual uses a combination of political contributions and personal funds to purchase, operate, and maintain an asset, however, the individual must make sure that political contributions are not converted to personal use.² Elec. Code § 253.035. In other words, political contributions may not be used to pay any costs attributable to personal use.

The requestor proposes to avoid a conversion of political contributions to personal use by basing the amount paid from political contributions on a comparison of total mileage to the mileage attributable to political (campaign and officeholder) use. This is an appropriate basis for apportioning costs. As a practical matter, though, it may be a difficult standard to apply, because the ratio of political use to total use is likely to vary over time. Thus, an accurate determination of the portion of expenses attributable to political use could not be made until the individual had divested himself of the car. In the meantime, any apportionment of expenses would require an estimate of the ratio of political use to total use. In our opinion, it would be permissible for a candidate or officeholder to base payments from political contributions on a good-faith estimate of the ratio of political use to personal use. Once an accurate ratio was available, however, the candidate or officeholder would be obligated to use personal funds to make up for any excess payments made out of political contributions.

For many candidates and officeholders it may be simpler either to purchase a car wholly from political contributions and to use personal funds to pay for any personal use or to purchase a car wholly from personal funds and to use political contributions to make reimbursement for any political use. In either case, reimbursement at the rate set in accordance with section 9-5.04 of the Appropriations Act or any other reasonable rate is appropriate. Gen. Appropriations Act, 76th Leg., R.S., ch. 1589, art. IX, § 9-5.04, 1999 Tex. Sess. Law Serv. 5446, 6270; see [Ethics Advisory Opinion No. 116](#) (1993).

SUMMARY

A candidate or officeholder may use political contributions to make expenditures to purchase, operate, and maintain an asset with a combination of political contributions and personal funds, but political contributions may not be used to pay any costs attributable to personal use of the asset.

¹ That opinion overruled a 1992 opinion, [Ethics Advisory Opinion No. 13](#), and two subsequent opinions that relied on Ethics Advisory Opinion No. 13, [Ethics Advisory Opinion Nos. 50](#) and [68](#) (1992).

² “Personal use” is “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.” Elec. Code § 253.035(d).