



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 431

October 13, 2000

Whether a legislator may use state resources to gather legislative information for use at a campaign fundraiser. (AOR-476)

The Texas Ethics Commission has been asked to consider whether a legislator may use legislative staff members to gather legislative information for the legislator's use at a campaign fundraiser.

A member of the legislature may not misuse a thing of value belonging to the state with the intent to obtain a benefit or with the intent to harm or defraud another. Penal Code § 39.02. The work time of state employees is a thing of value belonging to the state. [Ethics Advisory Opinion Nos. 172, 164](#) (1993). Thus, the issue raised here is whether using legislative staff members to gather legislative information for use at a campaign fundraiser is a misuse of state resources.

The Texas Constitution requires that public funds be used for public purposes. Tex. Const. art. III, § 51 (prohibiting use of state funds for private purposes), art. VIII, § 3 (taxes may be collected for public purposes only). A candidate's efforts to influence the outcome of an election involve the candidate's private interests, not the interests of the government. [Ethics Advisory Opinion No. 172](#) (1993); *see also* Attorney General Opinion Nos. DM-431 (1997), JM-685 (1987) (both holding that governmental entity may not pay costs in connection with election contest involving government officeholder). Because work performed to further an individual's campaign does not serve a public purpose, it is a misuse of state resources for a legislator to use legislative staff members to gather information for use at a campaign fundraiser.

We note that any candidate may use publicly available government information for campaign purposes, and an inherent advantage of incumbency is knowledge of what kind of government information is available to the public. The lawful advantages of incumbency do not, however, extend to the use of the work time of government employees or other government resources to gather or otherwise prepare information for campaign purposes.

SUMMARY

It is a misuse of state resources for a legislator to use legislative staff members to gather information for use at a campaign fundraiser.