



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 453

March 12, 2004

Whether a former member of the Texas Legislature may use unexpended political contributions to make expenditures in connection with the position of United States Ambassador. (AOR-508)

A former state senator has asked for an advisory opinion about the use of unexpended political contributions to supplement the representational allowance that he will be allotted as United States Ambassador to a foreign country. The former senator explains that ambassadors use their representational allowances for entertainment purposes at their posts.

A person who accepts a political contribution as a state or local candidate or officeholder in Texas may not convert the contribution to personal use. Texas Elec. Code § 253.035. “Personal use” does not include a use “connected with the performance of duties or activities as a candidate for or holder of a public office.” *Id.* § 253.035(d).

In a 2002 advisory opinion, we considered the question of whether a federal judge could use political contributions accepted as a Texas judicial candidate or officeholder to make expenditures in connection with his federal judicial office. In response to that question we concluded, “[A]n expenditure in connection with a federal office is no more a personal use than is an expenditure in connection with a state or local office in Texas.” [Ethics Advisory Opinion No. 445](#) (2002). That conclusion applies in this instance as well. Therefore, the former state senator may use political contributions accepted as a Texas candidate or officeholder for entertainment purposes in connection with the position of United States Ambassador to a foreign country.

SUMMARY

A former state senator may use political contributions accepted as a Texas candidate or officeholder for entertainment purposes in connection with the position of United States Ambassador to a foreign country.