



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 460

January 14, 2005

Meaning of the phrase "reimbursable with public funds" in section 251.001(9) of the Election Code. (AOR-520)

The Texas Ethics Commission has been asked about the meaning of the phrase "reimbursable with public funds," which is used in the statutory definition of "officeholder expenditure." The requestor is a school board member who chose not to accept the school district's offer of a free pass to all district events. He uses personal funds to purchase tickets for events that he attends. He asks whether the use of personal funds to purchase tickets is an "officeholder expenditure" for purposes of title 15 of the Election Code.

The Election Code defines an "officeholder expenditure" as follows:

"Officeholder expenditure" means an expenditure made by any person to defray expenses that:

- (A) are incurred by an officeholder in performing a duty or engaging in an activity in connection with the office; and
- (B) are not reimbursable with public money.

Elec. Code § 251.001(9).

Presumably the requestor, at least sometimes, attends school events as a duty or activity of his office. In those cases, expenditures for tickets would be "officeholder expenditures" if the expenditures were not "reimbursable with public funds." The specific issue here is whether the requestor's expenditures for tickets would be "reimbursable with public funds" because of the fact that he had the opportunity to use a free pass provided by the district to attend the events.

The ordinary meaning of "reimburse" is "to pay back or compensate another party for money spent or losses." American Heritage Dictionary of the English Language, Fourth Edition, 2000. In the situation described here, the requestor could have avoided the expenditures in the first place, but after he made the expenditures, he had no right to repayment from government funds. Nothing in Election Code section 251.001(9) suggests that the term "reimbursable" in that context should be read to have some other meaning than the ordinary meaning.¹ See Gov't Code § 311.011(a) (Words and phrases shall be read in context and construed according to the rules of grammar and common usage). Therefore, we conclude that expenditures for tickets are not "reimbursable with public funds" in a situation in which the payor chooses to make the expenditures rather than to use a free pass issued by a government body.²

SUMMARY

Expenditures for tickets are not "reimbursable with public funds" in a situation in which the payor chooses to make the expenditures rather than to use a free pass issued by a government body.

¹ It is possible that the legislature included the phrase “not reimbursable with public funds” in the definition of “officeholder expenditure” to make clear that filers were not required to report expenditures that would or could ultimately be government expenditures.

² Even if an officeholder’s expenditure from personal funds is an “officeholder expenditure,” however, the officer is required to report the expenditure only if the officeholder intends to seek reimbursement from political contributions. Elec. Code § 254.092.