



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 462

May 6, 2005

Whether a former elected officeholder may use unexpended political contributions to make expenditures in connection with his current non-elected position at a state agency. (AOR-523)

A former elected statewide officeholder has asked the Texas Ethics Commission whether he may use unexpended political contributions to make expenditures in connection with his current non-elected position at a state agency.

Title 15 of the Election Code prohibits the conversion of political contributions to the personal use of a candidate or officeholder. Elec.Code § 253.035. “Personal use” is defined for purposes of this provision as “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.” *Id.* § 253.035(d).

The requestor currently holds a non-elected position at a state agency. The personal use provision allows the use of political funds to pay for costs connected to the activities and duties of a “holder of a public office.” We have interpreted that phrase to apply to holders of public offices generally, not just elected public offices. [Ethics Advisory Opinion No. 279](#) (1995). Consequently, the requestor may use unexpended political contributions to make expenditures in connection with his current non-elected position at a state agency.

SUMMARY

A former elected statewide officeholder may use unexpended political contributions to make expenditures in connection with his current non-elected position at a state agency.