



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 502

December 14, 2011

Whether an officeholder may use political contributions to reimburse an individual for expenses incurred due to clerical errors made by his office. (AOR-565)

A county constable has asked the Texas Ethics Commission whether he may use political contributions to reimburse an individual for expenses incurred due to clerical errors made by his office. The county constable provides that the individual was arrested because she had an outstanding warrant with his office. After the officeholder's office confirmed the outstanding warrant, it was determined that the outstanding fine had been paid but that due to an error, the payment had not been properly recorded. The requestor provides that the individual arrested due to the errors is requesting reimbursement for expenses incurred in connection with the arrest, which include the amount she paid a bail bondsman, mileage reimbursement, lost wages, and the amount she paid to retrieve her vehicle from impound. The total amount of the requested reimbursement is approximately \$400.

The Election Code provides that a person who accepts a political contribution as a candidate or officeholder may not convert the political contribution to a personal use. Elec. Code § 253.035(a). "Personal use" means "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). Due to errors made by the officeholder's office, an individual was arrested and incurred expenses in connection with the arrest. Because the county will not reimburse the individual for the expenses, the officeholder wishes to use political contributions to make the reimbursement.

In Ethics Advisory Opinion No. 313, we determined that an officeholder may use political contributions to pay for damages caused in the discharge of the officeholder's official duties because the payment was connected with the officeholder's performance of official activities. Ethics Advisory Opinion No. 313 (1996). Although the expenses at issue were not incurred due to the officeholder's own actions, they were incurred due to errors made in the discharge of the duties of his office. In our opinion, the use of political funds to make the reimbursement at issue is not a use that primarily furthers individual or family purposes not connected with the performance of duties or activities as an officeholder. Therefore, the use of political contributions to make the reimbursement is permissible.¹

SUMMARY

An officeholder may use political contributions to reimburse an individual for expenses incurred due to errors made by an officeholder's office.

¹ The requestor states that there is not a personal or family connection between him and the individual seeking reimbursement.