



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 546

January 31, 2018

*Whether a judge may use political contributions to pay the costs associated with membership in an organization that helps its members develop leadership skills.
(AOR-624)*

SUMMARY

A judge may use political contributions to pay the costs associated with membership in an organization that helps its members develop leadership skills if the judge's primary purpose in paying the costs is to facilitate the duties or activities of the judicial office.

ANALYSIS

The Texas Ethics Commission ("Commission") has been asked whether a judge may use political contributions to pay for the costs associated with membership in a nonprofit organization and attendance at the organization's program that helps its members develop leadership skills.

The requestor has provided information describing the organization and program in question. The organization is a nonprofit corporation with the stated purpose of "provid[ing] educational services relating to the advancement of women." The particular program in which the requestor wishes to enroll consists of four sessions (80 hours total) held in various locations in Texas to provide "educational and development opportunities to Texas women who seek to advance as leaders and expand their knowledge of the diverse dynamics, issues, challenges, and opportunities that impact their work, personal lives, and communities." The costs associated with the program include programming materials, meals, activities, travel, and accommodations.

Title 15 of the Texas Election Code prohibits a candidate or officeholder from converting political contributions to personal use. Elec. Code § 253.035(a). "Personal use" is defined 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). Thus, it is permissible for a judge to use political contributions to pay for membership in an organization if the benefits of membership are primarily connected with duties or activities of the judge's office.

Political contributions may not be used to pay for entertainment or social events that are not connected with duties or activities as a candidate or officeholder.¹

The requestor is a justice of the peace. As such, the requestor has judicial, administrative, and financial duties, as well as jurisdiction over criminal and civil matters.² The requestor states that the “[l]eadership training for judges will allow us to find principles that work in the private sector and apply them to government and the judge’s office.” The requestor also states that the primary purpose in joining the organization is “to acquire skills to improve the justice system, both on and off the bench.”

We previously held that a legislator may use political contributions to pay the costs of membership in an organization that helps its members acquire leadership skills if the legislator’s primary purpose in joining such an organization is to facilitate legislative work. Ethics Advisory Opinion No. 423 (1999). Similarly, leadership training may legitimately serve the functions of a judicial office, including that of a justice of the peace. Therefore, the use of political contributions to pay the costs associated with membership in the organization would not be a conversion to personal use if the judge’s primary purpose in paying the costs is to facilitate the duties or activities of the judicial office.³

¹ Ethics Advisory Opinion No. 405 (1998).

² See Gov’t Code, ch. 27; Code Crim. P., art. 4.11.

³ See Ethics Advisory Opinion Nos. 423 (1999) (legislator may use political contributions to pay the costs of membership in an organization that helps members acquire leadership skills if the legislator’s primary purpose in joining the organization is to facilitate legislative work); 247 (1995), 157 (1993) (officeholders may use political contributions to pay for educational courses if the courses are primarily intended to help officeholders with official duties or activities).