



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 618

March 11, 2025

ISSUE

Whether a member of the Texas House of Representatives may accept office space contributed by a Limited Liability Company (LLC).

Whether a member of the Texas House of Representatives may continue to use contributed office space for a district office through the moratorium on political contributions prescribed by Section 253.034 of the Election Code. (AOR-709)

SUMMARY

A member of the Texas House of Representatives may accept the use of office space contributed by the LLC, provided the LLC is not engaged in a business specified by Section 253.093 and not owned in whole or in part by a corporation.

As long as the member accepts and receives a political contribution in the form of office space before the beginning of the legislative moratorium, the person may continue to use the office space during the period covered by the moratorium.

FACTS

The requestor is a member of the Texas House of Representatives who asks whether he may accept the donation of office space from an LLC. The requestor states that the office space would be used for official state business only and would not be used for campaign purposes.

ANALYSIS

Under the facts presented the donation of office space is an acceptable officeholder contribution.

As a general matter, a candidate or officeholder may accept a political contribution from an LLC, provided the LLC is not engaged in a business specified by Section 253.093 of Election Code and not owned in whole or in part by a corporation. Tex. Ethics Comm'n Op. No. 383 (1997).

The definition of "political contribution" includes an "officeholder contribution." Tex. Elec. Code § 251.001(5). An officeholder contribution is "a contribution to an officeholder or political committee that is offered or given with the intent that it be used to defray expenses that: A) are

incurred by the officeholder in performing a duty or engaging in an activity in connection with the office; and (B) are not reimbursable with public money.” *Id.* § 251.001(4).

The facts indicate that the contribution of office space would be used solely as a district office. Therefore the office space is not connected with a campaign, but is offered with the intent that it be used to defray costs associated with officeholder duties or activities. The donation of office space is therefore an officeholder contribution if it is “not reimbursable with public money.” *Id.* § 251.001(4).

“An expense incurred by an officeholder is reimbursable with public money if the respective governmental body has the authority to reimburse the officeholder for the expense and, at the time the expense is incurred, allows the reimbursement of the particular category of expense, such as continuing legal education.” Tex. Ethics Comm’n Op. No. 495 (2010).

The contribution of office space is an officeholder contribution because the costs incurred for a district office are not reimbursable to members of the house. Personnel Manual, Policies & Procedures of the Texas House of Representatives (Revised March 2023) (House Policy).

Each member is permitted to enter a lease for district office space which is paid directly by the House. But “[u]nder no circumstances may the Accounting Department reimburse the member for a district office rental payment made by the member.” House Policy at 51. Further, “[d]onated office space from a source other than a public entity is presumed to be an office holder contribution under Title 15, Election Code.” *Id.*

Since the donation of office space for a district office is an officeholder contribution, the member may accept the donated space from an LLC, provided the LLC is not engaged in a business specified by Section 253.093 of Election Code and not owned in whole or in part by a corporation

As long as the member accepts and receives a political contribution in the form of office space before the beginning of the legislative moratorium, the person may continue to use the office space during the period covered by the moratorium.

The requestor next asks whether the general prohibition on the acceptance of a political contribution during and following a regular legislative session would affect his ability to use the contributed office space as a district office.

During the period beginning on the 30th day before the date a regular legislative session convenes and continuing through the 20th day after the date of final adjournment, a member of the legislature may not knowingly accept a political contribution and shall refuse a political contribution that is received during that time. Tex. Elec. Code § 253.034(b).

The question then is whether the use of office space during the legislative moratorium constitutes an acceptance of an in-kind political contribution during the legislative moratorium.

We addressed this precise question in Ethics Opinion No. 239 (1994) and held that as long as a person subject to section 253.034 of the Election Code accepts and receives a political

contribution in the form of office space before the beginning of the legislative moratorium, the person may continue to use the office space during the period covered by the moratorium. Tex. Ethics Comm'n Op. No. 239 (1994). Members have relied on this unbroken precedent for the last thirty years. We see no reason to deviate from this long-held position now.