



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 629

September 17, 2025

ISSUE

Whether a member of the legislature may use campaign funds to reimburse lodging and meal expenses incurred in connection with officeholder duties during the interim if the member also receives a state per diem for that day of legislative work. (AOR-732)

SUMMARY

As the per diem is a salary, a member of the legislature may use campaign funds to reimburse lodging and meal expenses, provided that the expenses were incurred in conjunction with state business.

FACTS

The requestor is a member of the legislature. The requestor receives a state per diem for conducting certain state work during the interim between legislative sessions.

The requestor asks if campaign funds may be used to reimburse lodging and meal expenses in the interim even if requestor received a per diem for the day of legislative work during which the lodging and meal expenses were incurred.

ANALYSIS

Legislators are entitled to a per diem for each day of the regular and any special session. Tex. Const. Art. III, § 24.

Under House policy, during the interim “members of the House shall be entitled to claim the per diem rate for Austin in lieu of actual and necessary expenses incurred for meals and lodging.” House Travel Policy, at 21.

The Texas Supreme Court has held that the legislative per diem is a type of compensation to a legislator in consideration for all services rendered throughout his or her term. *Spears v. Sheppard*, 150 S.W.2d 769, 770 (Tex. 1941). Accordingly, a legislator is entitled to a per diem for each day of session, regardless of how many days the legislator attended. *Id.* A legislator is not required to provide evidence of actual expenditures to receive this per diem as compensation. *See id.*

The requestor asks whether political contributions can be used for lodging and meal expenses that are also “covered” by the legislative per diem in the interim. Since the legislative per diem is general compensation—not a reimbursement for specific expenses—it belongs to the legislator and can be put to whatever use the legislator pleases. Expenses related to meals or lodging for state

business do not need to exceed the amount of the per diem before political contributions can be used to cover the expenses.¹

¹ We assume for the purposes of this opinion that the meals and lodging are ordinary and necessary expenses in connection with activities as a candidate or in connection with the performance of duties or activities as a public officeholder and therefore not a personal use. Tex. Elec. Code § 253.035(d)(1).