



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 649

September 23, 2026

ISSUE

Whether contributions given to fund an individual voter's legal expenses are political contributions requiring reporting by either the individual or the specific purpose committee that the individual remains an active campaign treasurer for.

Whether the requestor has any Title 15 campaign-finance obligations for the contributions received and spent for their individual election contest litigation. (AOR-754)

SUMMARY

Contributions to fund an election contest are political contributions. If the requestor accepts contributions to fund his election contest, he and the contributors likely formed a political committee requiring reporting, assuming that either the contribution or expenditure total exceeded \$1,110.

FACTS

The requestor is a campaign treasurer for a specific-purpose committee (the SPAC or the Committee) that opposed a school bond measure. The school bond measure passed. After the election, the requestor filed an election contest in their capacity as an individual voter to challenge the measure in court. To litigate the election contest, the requestor seeks to accept contributions from individuals to use for legal expenses. First, the requestor asks to assume that the funds would be given directly to the requestor on the understanding that such funds are to assist in the requestor's litigation expenses. The contributions would not be deposited in the Committee's bank account, and the Committee would not control the funds. Additionally, the committee is not a party to the lawsuit. Next, the requestor asks to assume that the contributors understand that contributions given to the requestor are for litigation expenses and that the contributions are not contributions to the Committee. The contributions would be used to pay legal filing and service fees, court and transcript costs, attorney fees, or other legal expenses in the election contest. Finally, the election contest concerns a measure that the committee opposed, and the purpose of the lawsuit is to challenge the validity or implementation of the bond measure.

ANALYSIS

The requestor asks to consider whether contributions given directly to the requestor as an individual are political contributions. A “contribution” is a direct or indirect transfer of money and includes an agreement between two parties. Tex. Elec. Code § 251.001(2). A “campaign contribution” is offered or given with the intent that it be used in connection with a campaign or on a measure. *Id.* § 251.001(3). Campaign contributions are political contributions. *Id.* § 251.001(5). Finally, the Texas Ethics Legal fees for an election contest are expenses incurred in connection with the contested election. *See* Ethics Comm’n Op. No. 589 (2023). A “political committee” means two or more persons acting in concert with a principal purpose of accepting political contributions or making political expenditures. Tex. Elec. Code § 251.001(12). The TEC has defined a principal purpose of accepting political contributions or making political expenditures as an important or main function of the group. For calculation purposes, if more than 49% of expenditures made by the group are political expenditures, then the group would be a PAC. *See* 1 Tex. Admin. Code § 20.1(15). The requestor stated that he would raise funds for the singular purpose of mounting an election contest. Given the facts provided by the requestor, the contributors and the requestor would be a group of two or more persons acting in concert with the principal purpose of accepting political contributions to fund the election contest, and making political expenditures to pay “filing fees, service fees, court costs, transcript costs, attorney fees, or other legal expenses in the election contest.”

The requestor’s original PAC would not be required to report any of these contributions or expenditures. However, if the new PAC, formed from the requestor and the contributors to the election contest, either accepts more than \$1,100 in political contributions, or makes more than \$1,100 in political expenditures, they would be required to file a campaign treasurer appointment and would be subject to the reporting requirements of a specific-purpose committee.