

TEXAS ETHICS COMMISSION

The Texas Ethics Commission is authorized by the Government Code, §571.091, to issue advisory opinions in regard to the following statutes: the Government Code, Chapter 302; the Government Code, Chapter 305; the Government Code, Chapter 572; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39. Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Ethics Advisory Opinions

EAO-628: May an incorporated out-of-state political committee that accepts corporate contributions contribute to Texas state and local candidates, including to a specific-purpose committee, provided it does so from a separate account that only accepts contributions from individuals and that would otherwise come from permissible sources under Texas law?

Second, assuming the contributions described under the facts above are permissible, does it matter if the out-of-state political committee is controlled by a non-candidate officeholder?

Third, if control by a candidate leads to the conclusion that the out-of-state committee is prohibited from making the contributions described above, would it be permissible for the out-of-state committee to: (i) contribute to a Direct Campaign Expenditure Only Committee or (ii) make direct expenditures itself? (AOR-727).

SUMMARY

The political committee may not make political contributions to Texas candidates because it accepts corporate contributions and is controlled by a Texas candidate and officeholder.

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Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on September 17, 2025.

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EAO-629: 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.

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EAO-630: Whether certain Public Service Announcements (PSAs) produced by a nonprofit corporation and featuring Texas state elected officials would trigger any campaign finance reporting requirements or require a political advertising disclosure statement. (AOR-733).

SUMMARY

The PSAs described by the requestor do not appear to be "in connection with an election" and therefore expenses for them would not constitute a campaign expenditure by the nonprofit or a contribution to the officeholders featured in the PSAs.

The PSAs likely would not require a political advertising disclosure statement because, as described by the requestor, the communications would not contain express advocacy. However, whether a communication is political advertising can only be answered when the communication is viewed as a whole and the communications at issue in this request do not yet exist.

Based on the facts presented, and assuming the PSAs would not meet the definition of political advertising, appearing in the PSAs does not provide a pecuniary gain or advantage to the officeholders. Therefore, being allowed to appear in a PSA does not appear to implicate the Chapter 36 gift restrictions.

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