QUICK REFERENCE

Key Ethics Advisory Opinions for Texas Lobbyists

These are the Chapter 305 advisory opinions that lobbyists rely on the most.

Note: As with other sources, always confirm that these opinions have not been superseded, modified, or overruled by a later opinion, a subsequent rule, or a legislative act before relying on that opinion.

Background: These key lobbying opinions are the early 1992–1994 rulings that built out how Chapter 305 works in practice:

(1) registration triggers (when to register);

(2) what counts as a lobby communication;

(3) the “presence” requirement;

(4) gift values/valuations; and

(5) contingent fees.

Newer opinions (2024–2025) and the 2025 legislation are noted at the end of this reference sheet.

1. Registration Triggers: — who, when, and how the threshold is measured

- **EAO No. 39 (1992) —** Register within five days of the first direct communication that crosses a registration threshold. The clock runs from that triggering communication, not from the end of a month or reporting period, so you cannot wait for an accounting cycle to catch up. Build the five-day deadline into your intake process when you take on a new client or issue. *(Gov’t Code § 305.005)*

- **EAO No. 103 (1992) —** Compensation and reimbursement are added together when testing whether you have crossed the registration threshold. Someone who is under the line on fees alone can still be pushed over once reimbursed expenses are counted, so track both streams from the start of each quarter. *(Gov’t Code § 305.003)*

- **EAO No. 3 (1992) —** A person who makes no expenditures other than his own travel and lodging need not register on the expenditure basis. This is a useful safe harbor for occasional, self-funded contact — but it disappears from the moment you spend on the official (a meal, a ticket) or cross the compensation threshold.

- **EAO No. 115 (1993), with No. 162 (1993) —** If a firm or association registers, an individual lobbyist within it must still register in his own name when he independently meets a threshold; the entity's registration does not cover him. No. 162 applies the same logic to a person labeled a lobbyist’s “assistant.” Do not assume a colleague is covered by the firm’s filing.

2. What counts as lobbying, and which expenditures are allowed?

- **EAO No. 4 (1992) —** Communications made to generate or maintain "goodwill" for the purpose of influencing future legislation or administrative action are themselves lobby communications. This sweeps in relationship-building contact that has no specific bill attached yet, which is broader than many expect — if the goodwill is aimed at future influence, it counts. *(Gov't Code § 305.006)*

- **EAO No. 93 (1992) —** Transportation, lodging, and meals may be provided where the officeholder renders services that are "more than merely perfunctory" — for example, genuinely speaking at or participating in a conference rather than just attending. This is the key opinion defining the **conference and fact-finding travel exception**, so document the substantive role the official actually played. *(Gov't Code § 305.025)*

- **EAO No. 46 (1992) —** If an expenditure must be reported under the lobby law, it is, by definition, not a political contribution, so the same dollars are not reported twice under two different regimes. This resolves the double-characterization problem that otherwise arises when an expense could plausibly look like either.

3. Gifts — valuation and the agency-versus-individual line

- **EAO No. 67 (1992) —** Value a gift or a specially created item at the greater of its fair market value or its actual cost and remember that gifts above the annual limit are prohibited outright, not merely reportable. Using cost alone can understate the figure when an item's market value is higher. *(Gov't Code § 305.024)*

- **EAO No. 130 (1993), with No. 31 (1992) —** A gift to a state agency becomes state property and **cannot be diverted** to an individual officer's or employee's personal use. This marks the line between a permissible gift to the institution and an impermissible personal benefit, so direct genuinely institutional gifts to the agency, not to a person.

4. Recent developments — lobbying opinions issued since 2024

- **EAO No. 610 (Sept. 24, 2024) —** Report a Master Limited Partnership as a non-corporate entity on the lobby registration form, because it is structured as a partnership. Whether its ownership units are publicly traded, matters only when the entity is a corporation. *(Gov't Code § 305.005(h))*

- **EAO No. 616 (Dec. 3, 2024) —** A tribal nation qualifies as a "person" under Chapter 305, so someone compensated above the threshold to lobby on a tribe's behalf must **register and disclose the tribe as a client, like any other cl**ient.

- **EAO No. 620 (Mar. 11, 2025) "Airplane Rule" -** Providing corporate aircraft to legislators for a trip tied to projects with open funding requests is a lobby expenditure, which triggers registration and reporting for the person who provides it — **unless** that person makes no direct communications to legislators on legislative matters. *(Gov't Code § 305.006)*

- **EAO No. 622 (Mar. 11, 2025) —** A part-time legislative staffer may not simultaneously work for a registered lobbyist; the dual role implicates independence of judgment, confidentiality, and Penal Code bribery concerns. This one directly limits whom a lobbyist may employ.
- **EAO No. 624 (June 12, 2025) —** A political party's communications to legislators about its rules, platform, and priorities are not "legislative advertising" requiring a disclosure statement; hearing testimony and personal letters or emails to individual members lack the published or broadcast mass-media element the requirement targets. *(Gov't Code § 305.027)*

Important Note:* *EAO No. 630 (Sept. 17, 2025) raised Chapter 305 gift restrictions in a public-service-announcement context but declined to decide the point, noting the requestor was not a registered lobbyist — not binding lobbying guidance, but the issue is still "live".

5. **Contingent fees (§ 305.022):** Read together, EAO No. 98 (1992) and EAO No. 185 (1994) draw a fine line: No. 98 treats a fee contingent on a state agency's action as prohibited, while No. 185 found a fee contingent on influencing a state agency's purchasing or procurement decision permissible. A later opinion (No. 463) may bear on procurement-related influence. Pull the full text of Nos. 98, 185, and 463 **before** relying on the purchasing-decision carve-out for your client.

MISC. 2025 legislation — 89th Legislature

HB 119 (signed June 20, 2025; effective Sept. 1, 2025) — New Government Code § 305.030 requires a person who lobbies on behalf of a **federally designated foreign adversary** to register and bars them from accepting compensation for that work, with a civil penalty up to $10,000 per violation enforceable by the Attorney General.

SB 19 — did not pass. Would have barred political subdivisions from using public funds to hire lobbyists (the "taxpayer-funded lobbying ban"). It passed the Senate but died in the House, and special-session versions (e.g., SB 12) also failed. Included because the proposal recurs and is likely to return.

ADDITIONAL FLAG: Omitted here is EAO No. 16 (1992), which used an old "5% of compensated time" test; that standard was replaced by the 40-hours-per-quarter rule (1 Tex. Admin. Code § 34.43(b)) and now reads as outdated.

Sources

- Texas Ethics Commission, Cumulative Digest of Ethics Advisory Opinions, Part I (1992–1994) —
- TEC Advisory Opinions Nos. 610, 616, 620, 622, 624 & 630 (Part VII)
- TEC, Lobbying in Texas: A Guide to the Texas Law
- Tex. Gov't Code ch. 305
- 89th Leg. (2025): HB 119 (enacted) & SB 19 (did not pass) *Prepared July 2026 as an orientation reference; not legal advice for any specific matter. Older opinion numbers and years were cross-checked against the TEC digest and lobby guide; the 2024–2025 opinions were verified individually against TEC opinion pages (sweep confirmed complete through No. 637, Dec. 10, 2025). Summaries are paraphrased — read the full opinion text before relying on any of them.*