

TEXAS ETHICS COMMISSION
P.O. Box 12070, Austin, Texas 78711-2070
(512) 463-5800

Randall H. Erben, Chair
Chris Flood, Vice Chair
Chad M. Craycraft
Mary K. “Katie” Kennedy

Patrick W. Mizell
Richard S. Schmidt
Joseph O. Slovacek
Steven D. Wolens

MEETING AGENDA

Date and Time: 10:30 a.m., Wednesday, September 27, 2023
Location: Room E1.014, Capitol Extension, Austin, Texas

**INFORMATION ON HOW TO VIEW AND/OR PARTICIPATE IN THE ONLINE
BROADCAST OF THIS MEETING WILL BE POSTED ON OUR WEBSITE ON THE
DAY OF THE MEETING HERE:**

https://www.ethics.state.tx.us/meetings/meetings_2020-2024.php#2022

1. Call to order; roll call.
2. **Executive session pursuant to Section 551.071, Government Code, Consultation with Attorneys; Section 551.074, Government Code, Personnel Matters, Closed Meeting.**
 - A. Discussion of pending litigation to seek legal advice relating to the following:
 - i. Cause No. D-1-GN-17-001878: *Texas Ethics Commission v. Michael Quinn Sullivan*, in the 250th Judicial District Court in Travis County, Texas; Cause No. 03-17-00392-CV: *Michael Quinn Sullivan v. Texas Ethics Commission*, in the Third Court of Appeals at Austin, Texas; Cause No. 03-21-00033, *Michael Quinn Sullivan v. Texas Ethics Commission*, in the Third Court of Appeals at Austin, Texas; and Cause No. 18-0580: *Michael Quinn Sullivan v. Texas Ethics Commission*, in the Supreme Court of Texas.
 - ii. Cause No. D-1-GN-15-004455: *Texas Ethics Commission v. Empower Texans, Inc. and Michael Quinn Sullivan*, in the 345th Judicial District Court of Travis County, Texas; and related cases, Cause No. 03-16-00872-CV: *Empower Texans, Inc., and Michael Quinn Sullivan v. Texas Ethics Commission*, in the Third Court of Appeals, Austin, Texas, and Cause No. 22-1064, *Empower Texans, Inc. and Michael Quinn Sullivan v. Texas Ethics Commission*, in the Texas Supreme Court.
 - iii. Cause No. D-1-GN-21-003269: *Michael Quinn Sullivan v. Texas Ethics Commission*, in the 459th Judicial District Court in Travis County, Texas;

For more information, contact J.R. Johnson, Executive Director, at (512) 463-5800.

and related case, Cause No. 03-22-00133-CV: *Michael Quinn Sullivan v. Texas Ethics Commission*, in the Third Court of Appeals, Austin, Texas.

- iv. Case No. 4:23-cv-00808-P, *Institute for Free Speech, a nonprofit corporation and public interest law firm, vs. J.R. Johnson in his official and individual capacities as Executive Director of the Texas Ethics Commission; Mary Kennedy, Chris Flood, and Richard Schmidt in their official capacities as commissioners of the Texas Ethics Commission; and Randall Erben, Chad Craycraft, Patrick Mizell, Joseph Slovacek, and Steven Wolens, in their individual and official capacities as commissioners of the Texas Ethics Commission* in the U.S District Court for the Northern District of Texas, Fort Worth Division.
- v. Cause No. 22-CV-1130, *Matt Wiggins v. Texas Ethics Commission*, in the 122nd Judicial District of Galveston County, Texas.
- vi. Cause No. 2023-DCL-01478, *Valleywide Pharmacy and DMI, Inc., vs. Texas Ethics Commission, by and through its Executive Director, J.R. Johnson, in his official capacity*, in the 445 Judicial District of Cameron County, Texas.
- vii. Cause No. PD-0310-23, *Ex Parte John Morgan Stafford*, in the Texas Court of Criminal Appeals.

B. Discussion of contemplated litigation and to seek legal advice regarding the collection of imposed penalties.

C. Discussion and possible action related to personnel matters regarding employee evaluations and compensation.

D. Reconvene in open session.

3. Adjourn.

CERTIFICATION: I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements. Certifying Official & Agency Liaison: J.R. Johnson, Executive Director.

NOTICE: Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, the Texas Ethics Commission will provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, and large print or Braille documents. In determining the type of auxiliary aid or service, the Commission will give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify Margie Castellanos at (512) 463-5800 or RELAY Texas at (800) 735-2989 two days before this meeting so that

appropriate arrangements can be made. Please also contact Ms. Castellanos if you need assistance in having English translated into Spanish.

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1. Call to order; roll call.
2. Discussion regarding dates for next quarterly Commission meeting.
3. Approve minutes for the following meetings:
 - o Executive Session – June 27, 2023; and
 - o Public Agenda – June 28, 2023.

RULEMAKING

Rule Adoption

4. Discussion and possible action on the adoption or proposal and publication in the Texas Register of amendments to 1 Tex. Admin. Code § 18.31, regarding the adjustments of reporting thresholds, and Ethics Commission Rules that are affected by the adoption of the amendments to 1 Tex. Admin. Code § 18.31, including §§ 20.62, 20.65, 20.217, 20.219, 20.220, 20.221, 20.275, 20.279, 20.301, 20.303, 20.313, 20.329, 20.331, 20.333, 20.401, 20.405, 20.431, 20.433, 20.434, 20.435, 20.553, 20.555, 22.1, 22.6, 22.7, 34.41, and 34.43.

Rule Publication

5. Discussion and possible action on the proposal and publication in the Texas Register of amendments to 1 Tex. Admin. Code §§ 18.10, .11.

For more information, contact J.R. Johnson, Executive Director, at (512) 463-5800.

ADVISORY OPINIONS

6. Draft Advisory Opinion No. AOR-686: Whether receiving a fee contingent on the sale of services to an independent school district is prohibited by Section 305.022 of the Government Code.

This opinion construes Section 305.022 of the Government Code.

7. Draft Advisory Opinion No. AOR-687: Whether a retired district court judge may use political contributions to pay for his and his wife's headstones or monuments at the State Cemetery of Texas.

This opinion construes Section 253.035 of the Election Code.

8. Draft Advisory Opinion No. AOR-688: Whether Section 253.007 of the Election Code prohibits a former legislator from engaging in activity requiring lobby registration under by under various scenarios.

This opinion construes Section 253.007 of the Election Code.

9. Draft Advisory Opinion No. AOR-689: Whether a written communication, created by a political subdivision and related to a measure, constitutes political advertising for purposes of the Election Code's prohibition against using public funds for political advertising. Tex. Elec. Code § 255.003(a).

This opinion construes Section 255.003 of the Election Code.

10. Draft Advisory Opinion No. AOR-690: Whether a written communication, created by a political subdivision and related to the political subdivision's special election for a sales tax ballot measure, constitutes political advertising for purposes of the Election Code's prohibition against using public funds for political advertising. Tex. Elec. Code § 255.003(a).

This opinion construes Section 255.003 of the Election Code.

11. Draft Advisory Opinion No. AOR 691: Whether the Section 572.069 revolving door prohibition prevents a state university employee, who operates a business outside of his university employment, from bidding on behalf of his business on a procurement issued by the university.

This opinion construes Sections 572.069, 572.051 of the Government Code and Chapter 39 of the Penal Code.

ADMINISTRATIVE WAIVER OF FINES AND TREASURER TERMINATIONS

12. Discussion and possible action on appeals of determinations made under 1 Tex. Admin. Code §§ 18.11, 18.25 and 18.26 relating to administrative waiver or reduction of a fine, for the following filers:

Staff Recommendation: 8-Day Correction Waiver

- A. Theldon R. Branch III (00026632)
- B. Dewey R. Collier II (00085780)
- C. Linda D. Goolsbee (00086264)
- D. James O. Guillory II (00085736)
- E. William C. Hoffman, Campaign Treasurer, Galveston County Republican Party County Executive Committee (00060078)
- F. Kristy Noble, Former Campaign Treasurer, Funky East Dallas Democrats Political Action Committee (00084102)
- G. Rebecca Ramirez Palomo (00067584)

Staff Recommendation: Waiver

- H. Thomas J. Adair (00083917)
- I. Tony Johns, Campaign Treasurer, Democratic Club of Smith County (00062852)
- J. Tara D. Snowden (00060389)
- K. Timothy M. Sulak (00036327)

Staff Recommendation: Reduction

- L. Justin Ryan Cunneen (00086494)
- M. Richard Gonzales (00084126)
- N. Jason Luong (00081881)
- O. Kit Marshall (00085998)
- P. Stephen C. Maxwell, Campaign Treasurer, Tarrant County Democratic Party PAC (00015705)
- Q. Melissa N. Ortega (00086332)
- R. Julia Hester (Reeves) (00084590)
- S. James Whitfield (00086349)

Staff Recommendation: No Further Reduction or Waiver

- T. LJ Francis (00085720)
- U. Sharma L. Moriarty, Campaign Treasurer, Lubbock Area Republican Women PAC (00029579)
- V. Nicholas J. Raymond (00087376)

13. Discussion and possible action regarding the termination of a campaign treasurer appointment for the following inactive political committees and individuals:

Individuals

1. Beasley, Lyle D., Jr. (00086270)
2. Bess, Danielle K. (00086211)
3. Bostick, Clyde B. (0086023)
4. Boulware-West, Bree (00085668)
5. Burnett, James S. (00086080)
6. Castro, Erasmo (00080529)
7. Claire, Deanne Price (00086450)
8. Cooper, Michael E. (00081681)
9. Dillard, Crystal (00085716)
10. Garcia, Rebecca (00086406)
11. Garza, George B. (00083374)
12. Graham, Mike (00086085)
13. Gray, Casey L. (00086183)
14. Hardison, Yomi S. (00085649)
15. Harvey, Alycia B. (00085965)
16. Hawkins, Marquis L. (00086242)
17. Hernandez, Gerson I. (00084399)
18. Ketterman, Julie Ann (00085992)
19. Latimer, Mackenzie A. (00086127)
20. Lindsey, Desarae (00085477)
21. Malone, Katy Jewett (00085096)
22. Marquez, Laura E. (00086299)
23. Martinez, Sandragrace (00086324)
24. Miller, Matthew S. (00084463)
25. Moon, Cary G. (00086296)
26. Mullins, Jonathan (00086478)
27. Nkanga, Uduakobong (00085816)
28. Owens, Roy L., II (00081028)
29. Prather, Chad E. (00085280)
30. Puente, Francisco J., Jr. (00031364)
31. Reed, Anthony J. (00086042)
32. Sanchez, Lorenzo (00083847)
33. Sibley, Jonathan (00056830)
34. Slocum, John Harvey (00086280)
35. Stalder, Barbara Jean (00069674)
36. Tarbay, Joshua J. (00086078)
37. Welch, Katherine H. (00084167)

Political Committees

1. Alamo Area Republican Women, Sharon Saunders, Treasurer (00086560)

For more information, contact J.R. Johnson, Executive Director, at (512) 463-5800.

2. Black Firefighters United PAC, Lamonty S. Lott, Treasurer (00080045)
3. Citizens for a Better Texas, Daniela Villarreal, Treasurer (00086530)
4. Citizens for Honest Leadership, Sabrina Renteria, Treasurer (00086565)
5. Citizens to Improve Harris County, Tasha D. Dennis, Treasurer (00086687)
6. Converse Area Residents Taking Action, Chip Coleman, Treasurer (00085431)
7. Dallas County Young Dems, Marquis Hawkins, Treasurer (00060031)
8. For Our Community, Tom Karol, Treasurer (00070874)
9. Garland Democratic Woman's Club, Peggy A. McCarty, Treasurer (00081458)
10. Houston Stonewall Young Democrats PAC, Stacy A. Gonzalez, Treasurer (00065721)
11. Mansfield Conservative Leadership, Mark J. Hayes, Treasurer (00085854)
12. Rice Young Democrats PAC, Jared R. Perkowski, Treasurer (00084143)
13. Santa Fe Students First, Gina Bouvier, Treasurer (00085913)
14. Save Our Schools, Nicolas B. Teachenor, Treasurer (00085907)
15. Star Patriots, Carol Adams, Treasurer (00085288)
16. TarrantVote4Change PAC, Lydia Meeks, Treasurer (00086800)
17. Texans for Life PAC, Ashley E. Maxwell, Treasurer (00084688)
18. Texas Women's Political Caucus Campaign Support Fund, Benjamin Coffin, Treasurer (00015809)
19. The Progressive Bloc, Nicole Webb, Treasurer (00086608)
20. Timbergrove Precinct 0902 Democrats, Tarah Taylor, Treasurer (00084689)
21. 2022 AISD Bond Support, Shaundra R. Brainard, Treasurer (00086697)

OTHER MATTERS

14. Adjourn.

CERTIFICATION: I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements. Certifying Official & Agency Liaison: J.R. Johnson, Executive Director.

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The draft meeting minutes will be available on our website the day before the meeting, at <https://www.ethics.state.tx.us/DraftMinutes>.

If you would like a copy of the draft minutes, please provide your email address below, and return this sheet to Ethics Commission staff at the meeting.

Email address:

1 **AGENDA 3, ITEMS 4 THROUGH 5, EXHIBIT A**

2 **Text of Proposed Amendments**

3 The proposed new language is indicated by underlined text.

4 The deleted language is indicated by ~~strikethrough~~ text.

5 **Chapter 18. GENERAL RULES CONCERNING REPORTS**

6 **§18.31. Adjustments to Reporting Thresholds.**

7 (a) Pursuant to section 571.064 of the Government Code, the reporting thresholds are adjusted
8 as follows:

Campaign Finance Reports: Section of Election Code	Threshold Description	Original Threshold Amount	Adjusted Amount
253.031(b)	PAC: Amount of contributions or expenditures permitted before TA is required	\$500	<u>\$1,050</u> [\$980]
253.031(d)(2)	CEC: Amount of contributions or expenditures permitted before TA is required	\$25,000	<u>\$38,990</u> [\$36,630]
253.032(a)	Contribution by Out-of-state PAC: Threshold above which certain paperwork is required	\$500	<u>\$1,080</u> [\$1,010]
253.032(a)(1)	Contribution to Out-of-state PAC: Threshold above which certain contribution information is required	\$100	<u>\$220</u> [\$200]
253.032(e)	Contribution by Out-of-state PAC: Threshold at or below which certain information is required	\$500	<u>\$1,080</u> [\$1,010]
254.031(a)(1)	Contributions: Threshold over which more information is required	\$50	<u>\$110</u> [\$100]
254.031(a)(2)	Loans: Threshold over which more information is required	\$50	<u>\$110</u> [\$100]
254.031(a)(3)	Expenditures: Threshold over which more information is required	\$100	<u>\$220</u> [\$200]
254.031(a)(5)	Contributions: Threshold at or below which more information is not required	\$50	<u>\$110</u> [\$100]
254.031(a)(5)	Expenditures: Threshold at or below which more information is not required	\$100	<u>\$220</u> [\$200]
254.031(a)(9)	Interest, credits, refunds: Threshold over which more information is required	\$100	<u>\$140</u> [\$130]
254.031(a)(10)	Sale of political assets: Threshold over which proceeds must be reported	\$100	<u>\$140</u> [\$130]
254.031(a)(11)	Investment Gain: Threshold over which more information is required	\$100	<u>\$140</u> [\$130]

AGENDA 3, ITEMS 4 THROUGH 5, EXHIBIT A

Campaign Finance Reports: Section of Election Code	Threshold Description	Original Threshold Amount	Adjusted Amount
254.031(a)(12)	Contribution Gain: Threshold over which more information is required	\$100	<u>\$140</u> [\$130]
254.0311(b)(1)	Caucus, contributions from non-caucus members: Threshold over which more information is required	\$50	<u>\$110</u> [\$100]
254.0311(b)(2)	Caucus, loans: Threshold over which more information is required	\$50	<u>\$110</u> [\$100]
254.0311(b)(3)	Caucus, expenditures: Threshold over which more information is required	\$50	<u>\$110</u> [\$100]
254.0311(b)(4)	Caucus, contributions and expenditures: Threshold at or below which more information is not required	\$50	<u>\$110</u> [\$100]
254.0312	Contributions, Best Efforts: Threshold under which filer is not required to request contributor information to be in compliance	\$500	<u>\$820</u> [\$770]
254.036	Electronic Filing Exemption: Threshold at or below which a filer may qualify	\$20,000	<u>\$32,810</u> [\$30,820]
254.038(a)	Daily Reports by certain candidates and PACs: Contribution threshold triggering report	\$1,000	<u>\$2,150</u> [\$2,020]
254.039	Daily Reports by GPACs: Contribution threshold triggering report	\$5,000	<u>\$7,350</u> [\$6,910]
254.039	Daily reports by GPACs: DCE expenditure thresholds (single candidate/group of candidates)	\$1,000/\$15,000	<u>\$2,150/\$32,280</u> [\$2,020/\$30,330]
254.0611(a)(2)	Judicial candidates, contributions: Threshold over which more information is required	\$50	<u>\$110</u> [\$100]
254.0611(a)(3)	Judicial candidates, asset purchase: Threshold over which more information is required	\$500	<u>\$1,080</u> [\$1,010]
254.0612	Statewide executive and legislative candidates, contributions: Threshold over which more information is required	\$500	<u>\$1,080</u> [\$1,010]
254.095	Local officeholders, contributions: Threshold under which reporting is not required	\$500	<u>\$1,080</u> [\$1,010]
254.151(6)	GPAC, contributions: Threshold over which more information is required	\$50	<u>\$110</u> [\$100]
254.1541(a)	GPAC, higher itemization threshold: Threshold under which it applies	\$20,000	<u>\$31,190</u> [\$29,300]
254.1541(b)	GPACs that meet higher itemization threshold: Threshold over which more contributor information is required	\$100	<u>\$220</u> [\$200]

AGENDA 3, ITEMS 4 THROUGH 5, EXHIBIT A

Campaign Finance Reports: Section of Election Code	Threshold Description	Original Threshold Amount	Adjusted Amount
254.156(1)	MPAC: Threshold over which contribution, lender and expenditure information is required	\$10	\$20
254.156(2)	MPACs that meet higher itemization threshold: Threshold over which more contributor information is required	\$20	\$40
254.181 254.182 254.183	Candidate or SPACs, modified reporting: Contribution or expenditure threshold at or below which filers may avoid pre-election reports	\$500	<u>\$1,080</u> [\$1,010]
254.261	DCE filers: Threshold over which a report must be filed	\$100	<u>\$160</u> [\$150]

1

Lobby Registrations and Reports: Section of Government Code	Threshold Description	Original Threshold Amount	Adjusted Amount
305.003(1)	Lobbyist, expenditures: Threshold over which registration is required	\$500, by 1 Tex. Admin. Code §34.41	<u>\$940</u> [\$880]
305.003(2)	Lobbyist, compensation: Threshold over which registration is required	\$1,000, by 1 Tex. Admin. Code §34.43	<u>\$1,870</u> [\$1,760]
305.004(7)	Lobbying for political party: Threshold at or below which registration is not required	\$5,000	<u>\$10,760</u> [\$10,110]
305.005(g)(2)	Lobbyist: Compensation threshold	\$10,000	<u>Less than \$21,520</u> [Less than \$20,220]
305.005(g)(3)	Lobbyist: Compensation threshold	\$25,000	<u>\$21,520 to less than \$53,810</u> [\$20,220 to less than \$50,540]
305.005(g)(4)	Lobbyist: Compensation threshold	\$50,000	<u>\$53,810 to less than \$107,610</u> [\$50,540 to less than \$101,090]
305.005(g)(5)	Lobbyist: Compensation threshold	\$100,000	<u>\$107,610 to less than \$215,230</u> [\$101,090 to less than \$202,180]
305.005(g)(6)	Lobbyist: Compensation threshold	\$150,000	<u>\$215,230 to less than \$322,840</u> [\$202,180 to less than \$303,270]

AGENDA 3, ITEMS 4 THROUGH 5, EXHIBIT A

Lobby Registrations and Reports: Section of Government Code	Threshold Description	Original Threshold Amount	Adjusted Amount
305.005(g)(7)	Lobbyist: Compensation threshold	\$200,000	\$322,840 to less than \$430,450 [\$303,270 to less than \$404,350]
305.005(g)(8)	Lobbyist: Compensation threshold	\$250,000	\$430,450 to less than \$538,070 [\$404,350 to less than \$505,440]
305.005(g)(9)	Lobbyist: Compensation threshold	\$300,000	\$538,070 to less than \$645,680 [\$505,440 to less than \$606,530]
305.005(g)(10)	Lobbyist: Compensation threshold	\$350,000	\$645,680 to less than \$753,290 [\$606,530 to less than \$707,620]
305.005(g)(11)	Lobbyist: Compensation threshold	\$400,000	\$753,290 to less than \$860,910 [\$707,620 to less than \$808,710]
305.005(g)(12)	Lobbyist: Compensation threshold	\$450,000	\$860,910 to less than \$968,520 [\$808,710 to less than \$909,800]
305.005(g)(13)	Lobbyist: Compensation threshold	\$500,000	\$968,520 to less than \$1,076,130 [\$909,800 to less than \$1,010,880]
305.005(g-1)	Lobbyist: Compensation threshold	\$500,000	\$1,076,130 or more [\$1,010,880 or more]
305.0061(c)(3)	Lobbyist, legislative/executive branch member: Threshold over which gifts, awards and mementos must be disclosed	\$50	\$110 [\$100]
305.0061(e-1)	Lobbyist, food and beverage: Threshold at or below which it is considered a gift and reported as such	\$50	\$110 [\$100]
305.0063	Lobbyist, annual filer: Expenditure threshold at or below which filer may file annually	\$1,000	\$2,150 [\$2,020]

AGENDA 3, ITEMS 4 THROUGH 5, EXHIBIT A

Personal Financial Statements: Section of Gov't Code	Threshold Description	Original Threshold Amount	Adjusted Amount
572.022(a)(1)	PFS threshold	less than \$5,000	less than <u>\$10,760</u> [\$10,110]
572.022(a)(2)	PFS threshold	\$5,000 to less than \$10,000	<u>\$10,760</u> [\$10,110] to less than <u>\$21,520</u> [\$20,220]
572.022(a)(3)	PFS threshold	\$10,000 to less than \$25,000	<u>\$21,520</u> [\$20,220] to less than <u>\$53,810</u> [\$50,540]
572.022(a)(4)	PFS threshold	\$25,000 or more	<u>\$53,810</u> [\$50,540] or more
572.005, 572.023(b)(1)	PFS, retainer: Threshold over which filer with a substantial interest in a business entity must report more information	\$25,000	<u>\$53,810</u> [\$50,540]
572.023(b)(4)	PFS, interest, dividends, royalties and rents: Threshold over which information must be reported	\$500	<u>\$1,080</u> [\$1,010]
572.023(b)(5)	PFS, loans: Threshold over which information must be reported	\$1,000	<u>\$2,150</u> [\$2,020]
572.023(b)(7)	PFS, gifts: Threshold over which information must be reported	\$250	<u>\$540</u> [\$510]
572.023(b)(8)	PFS, income from trust: Threshold over which information must be reported	\$500	<u>\$1,080</u> [\$1,010]
572.023(b)(15)	PFS, government contracts: Threshold of aggregate over which more information must be reported	Exceeds \$10,000	Exceeds <u>\$11,810</u> [\$11,100]
572.023(b)(15)(A)	PFS, government contracts: Itemization threshold	\$2,500 or more	<u>\$2,950</u> [\$2,770] or more
572.023(b)(16)(D)(i)	PFS, bond counsel fees paid to legislator: Threshold	less than \$5,000	less than <u>\$5,910</u> [\$5,550]
572.023(b)(16)(D)(ii)	PFS, bond counsel fees paid to legislator: Threshold	at least \$5,000 but less than \$10,000	at least <u>\$5,910</u> [\$5,550] but less than <u>\$11,810</u> [\$11,100]
572.023(b)(16)(D)(iii)	PFS, bond counsel fees paid to legislator: Threshold	at least \$10,000 but less than \$25,000	at least <u>\$11,810</u> [\$11,100] but less than <u>\$29,530</u> [\$27,740]
572.023(b)(16)(D)(iv)	PFS, bond counsel fees paid to legislator: Threshold	\$25,000 or more	<u>\$29,530</u> [\$27,740] or more
572.023(b)(16)(E)(i)	PFS, bond counsel fees paid to individual's firm: Threshold	less than \$5,000	less than <u>\$5,910</u> [\$5,550]

AGENDA 3, ITEMS 4 THROUGH 5, EXHIBIT A

Personal Financial Statements: Section of Gov't Code	Threshold Description	Original Threshold Amount	Adjusted Amount
572.023(b)(16)(E)(ii)	PFS, bond counsel fees paid to individual's firm: Threshold	at least \$5,000 but less than \$10,000	at least <u>\$5,910</u> [\$5,550] but less than <u>\$11,810</u> [\$11,100]
572.023(b)(16)(E)(iii)	PFS, bond counsel fees paid to individual's firm: Threshold	at least \$10,000 but less than \$25,000	at least <u>\$11,810</u> [\$11,100] but less than <u>\$29,530</u> [\$27,740]
572.023(b)(16)(E)(iv)	PFS, bond counsel fees paid to individual's firm: Threshold	\$25,000 or more	<u>\$29,530</u> [\$27,740] or more

1

Speaker Election and Certain Ceremonial Reports: Section of Government Code	Threshold Type	Original [Current] Threshold Amount	Adjusted Amount
302.014(4)	Speaker: Expenditures over which more information must be reported	\$10	\$20
303.005(a)(1) – (10)	Governor for a Day/Speaker's Day: Threshold over which more information must be reported	\$50	<u>\$110</u> [\$100]

2

Thresholds set by Title 1, Part 2, Tex. Admin. Code	Threshold Type	Original [Current] Threshold Amount	Adjusted Amount
20.62(a)	Staff Reimbursement	\$5,000	\$7,060 [\$6,910]
20.220	Comptroller: Additional disclosure	\$500	\$710 [\$650]

3

4 (b) The changes made by this rule apply only to conduct occurring on or after the effective date
5 of this rule.

6 (c) The effective date of this rule is January 1, 2024 [3].

7 (d) In this section:

8 (1) "CEC" means county executive committee;

9 (2) "DCE" means direct campaign expenditure-only filer;

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- 1 (3) "GPAC" means general-purpose political committee;
- 2 (4) "MPAC" means monthly-filing general-purpose political committee;
- 3 (5) "PAC" means political committee;
- 4 (6) "PFS" means personal financial statement;
- 5 (7) "SPAC" means specific-purpose political committee; and
- 6 (8) "TA" means treasurer appointment.

1 **Chapter 20. REPORTING POLITICAL CONTRIBUTIONS AND EXPENDITURES**

2 **Subchapter B. GENERAL REPORTING RULES**

3 **§20.62. Reporting Staff Reimbursement.**

4 (a) Political expenditures made out of personal funds by a staff member of an officeholder, a
5 candidate, or a political committee with the intent to seek reimbursement from the officeholder,
6 candidate, or political committee that in the aggregate do not exceed the amount specified by
7 Figure 5 in 1 TAC §18.31, [~~\$6,910~~] during the reporting period may be reported as follows IF
8 the reimbursement occurs during the same reporting period that the initial expenditure was made:

9 (1) the amount of political expenditures that in the aggregate exceed the amount specified
10 in Tex. Elec. Code §254.031(a)(3), as amended by Figure 1 in 1 TAC §18.31 [\$200] and
11 that are made during the reporting period, the full names and addresses of the persons to
12 whom the expenditures are made and the dates and purposes of the expenditures; and

13 (2) included with the total amount or a specific listing of the political expenditures of the
14 amount specified in Tex. Elec. Code §254.031(a)(5), as amended by Figure 1 in 1 TAC
15 §18.31 [\$200] or less made during the reporting period.

16 (b) Except as provided by subsection (a) of this section, a political expenditure made out of
17 personal funds by a staff member of an officeholder, a candidate, or a political committee with
18 the intent to seek reimbursement from the officeholder, candidate, or political committee must be
19 reported as follows:

20 (1) the aggregate amount of the expenditures made by the staff member as of the last day
21 of the reporting period is reported as a loan to the officeholder, candidate, or political
22 committee;

23 (2) the expenditure made by the staff member is reported as a political expenditure by the
24 officeholder, candidate, or political committee; and

25 (3) the reimbursement to the staff member to repay the loan is reported as a political
26 expenditure by the officeholder, candidate, or political committee.
27

28 **§20.65. Reporting No Activity.**

29 (a) As a general rule, a candidate or officeholder must file a report required by Subchapter C of
30 this chapter (relating to Reporting Requirements for a Candidate) or Subchapter D of this chapter
31 (relating to Reporting Requirements for an Officeholder Who Does Not Have a Campaign
32 Treasurer Appointment on File), even if there has been no reportable activity during the period
33 covered by the report.

34 (b) This general rule does not apply to:

35 (1) special pre-election reports;

1 (2) special session reports; or

2 (3) a local officeholder who does not have a campaign treasurer appointment on file and
3 who does not accept more than the aggregate amount of political contributions or make
4 more than the aggregate amount of political expenditures specified in Tex. Elec. Code
5 §254.095, as amended by Figure 1 in 1 TAC §18.31 [~~\$1,010 in political contributions or~~
6 ~~make more than \$1,010 in political expenditures~~] during the reporting period.

7 (c) If a required report will disclose that there has been no reportable activity during the reporting
8 period, the filer shall submit only those pages of the report necessary to identify the filer and to
9 swear to the lack of reportable activity.

10 **Subchapter C. REPORTING REQUIREMENTS FOR A CANDIDATE**

11 **§20.217. Modified Reporting.**

12 (a) An opposed candidate who does not intend to accept more than the aggregate amount of
13 political contributions or make more than the aggregate amount of political expenditures
14 (excluding filing fees) specified in Tex. Elec. Code §254.181(a), as amended by Figure 1 in 1
15 TAC §18.31 [~~\$1,010 in political contributions or make more than \$1,010 in political~~
16 ~~expenditures (excluding filing fees)~~] in connection with any election in an election cycle may
17 choose to file under the modified schedule.

18 (b) Under the modified schedule, an opposed candidate is not required to file pre-election reports
19 or a runoff report.

20 (c) To select modified filing, a candidate must file a declaration of intent not to exceed [~~accept~~]
21 more than the amount of political contributions or political expenditures (excluding filing fees)
22 specified in Tex. Elec. Code §254.182(a), as amended by Figure 1 in 1 TAC §18.31 [~~\$1,010 in~~
23 ~~political contributions or make more than \$1,010 in political expenditures (excluding filing fees)~~]
24 in connection with the election. The declaration must include a statement that the candidate
25 understands that if either one of those limits is exceeded, the candidate will be required to file
26 pre-election reports and, if necessary, a runoff report.

27 (d) A declaration under subsection (c) of this section is filed with the candidate's campaign
28 treasurer appointment.

29 (e) To file under the modified schedule, a candidate must file the declaration required under
30 subsection (c) of this section no later than the 30th day before the first election to which the
31 declaration applies. A declaration filed under subsection (c) of this section is valid for one
32 election cycle only.

33 (f) If an opposed candidate exceeds either of the [~~\$1,010~~] limits specified in Tex. Elec. Code
34 §254.182(a), as amended by Figure 1 in 1 TAC §18.31, the candidate must file reports under
35 §20.213 of this title (relating to Pre-election Reports) and §20.215 of this title (relating to Runoff
36 Report).

1 (g) If an opposed candidate exceeds either of the [~~\$1,010~~] limits specified in Tex. Elec. Code
2 §254.182(a), as amended by Figure 1 in 1 TAC §18.31 after the 30th day before the election, the
3 candidate must file a report not later than 48 hours after exceeding the limit. If this is the
4 candidate's first report filed, the report covers a period that begins on the day the candidate's
5 campaign treasurer appointment was filed. Otherwise, the period begins on the first day after the
6 period covered by the last report required by this subchapter (other than a special pre-election
7 report or a special session report) or Subchapter D of this chapter (relating to Reporting
8 Requirements for an Officeholder Who Does Not Have a Campaign Treasurer Appointment on
9 File). The period covered by the report continues through the day the candidate exceeded one of
10 the limits for modified reporting.

11 **§20.219. Content of Candidate's Sworn Report of Contributions and Expenditures.**

12 Semiannual reports, pre-election reports, and runoff reports must cover reportable activity during
13 the reporting period and must include the following information:

- 14 (1) the candidate's full name;
- 15 (2) the candidate's address;
- 16 (3) the office sought by the candidate, if known;
- 17 (4) the identity and date of the election for which the report is filed, if known;
- 18 (5) the campaign treasurer's name;
- 19 (6) the campaign treasurer's telephone number;
- 20 (7) the campaign treasurer's residence or business street address;
- 21 (8) for each political committee from which the candidate received notice under §20.319
22 of this title (relating to Notice to Candidate or Officeholder) or §20.421 of this title
23 (relating to Notice to Candidate or Officeholder):
- 24 (A) the committee's full name;
- 25 (B) the committee's address;
- 26 (C) identification of the political committee as a general-purpose or a specific-
27 purpose committee;
- 28 (D) the full name of the committee's campaign treasurer; and
- 29 (E) the address of the committee's campaign treasurer;
- 30 (9) on a separate page, the following information for each expenditure from political
31 contributions made to a business in which the candidate has a participating interest of
32 more than 10%, holds a position on the governing body of the business, or serves as an
33 officer of the business:

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1 (A) the full name of the business to which the expenditure was made;

2 (B) the address of the person to whom the expenditure was made;

3 (C) the date of the expenditure;

4 (D) the purpose of the expenditure; and

5 (E) the amount of the expenditure;

6 (10) for each person from whom the candidate accepted a political contribution (other
7 than a pledge, loan, or a guarantee of a loan) of more than the amount specified in Tex.
8 Elec. Code §254.031(a)(1), as amended by Figure 1 in 1 TAC §18.31 [\$100] in value or
9 political contributions (other than pledges, loans, or guarantees of loans) that total more
10 than the amount specified in Tex. Elec. Code §254.031(a)(1), as amended by Figure 1 in
11 1 TAC §18.31 [\$100] in value:

12 (A) the full name of the person making the contribution;

13 (B) the address of the person making the contribution;

14 (C) the total amount of contributions;

15 (D) the date each contribution was accepted; and

16 (E) a description of any in-kind contribution;

17 (11) for each person from whom the candidate accepted a pledge or pledges to provide
18 more than the amount specified in Tex. Elec. Code §254.031(a)(1), as amended by Figure
19 1 in 1 TAC §18.31 [\$100] in money, or goods or services [~~worth more than \$100~~]:

20 (A) the full name of the person making the pledge;

21 (B) the address of the person making the pledge;

22 (C) the amount of each pledge;

23 (D) the date each pledge was accepted;

24 (E) a description of any goods or services pledged; and

25 (F) the total of all pledges accepted during the period for the amount specified in
26 Tex. Elec. Code §254.031(a)(1), as amended by Figure 1 in 1 TAC §18.31 [\$100]
27 and less from a person, except those reported under subparagraphs (A)-(E) of this
28 paragraph;

29 (12) for each person making a loan or loans to the candidate for campaign purposes, if the
30 total amount loaned by the person during the period is more than the amount specified in
31 Tex. Elec. Code §254.031(a)(2), as amended by Figure 1 in 1 TAC §18.31 [\$100]:

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1 (A) the full name of the person or financial institution making the loan;

2 (B) the address of the person or financial institution making the loan;

3 (C) the amount of the loan;

4 (D) the date of the loan;

5 (E) the interest rate;

6 (F) the maturity date;

7 (G) the collateral for the loan, if any; and

8 (H) if the loan has guarantors:

9 (i) the full name of each guarantor;

10 (ii) the address of each guarantor;

11 (iii) the principal occupation of each guarantor;

12 (iv) the name of the employer of each guarantor; and

13 (v) the amount guaranteed by each guarantor;

14 (13) the total amount of loans accepted during the period for the amount specified in Tex.
15 Elec. Code §254.031(a)(2), as amended by Figure 1 in 1 TAC §18.31 [~~\$100~~] and less
16 from persons other than financial institutions engaged in the business of making loans for
17 more than one year, except for a loan reported under paragraph (12) of this section;

18 (14) for political expenditures made during the reporting period that total more than the
19 amount specified in Tex. Elec. Code §254.031(a)(3), as amended by Figure 1 in 1 TAC
20 §18.31 [~~\$200~~] to a single payee, other than expenditures reported under paragraph (9) of
21 this section:

22 (A) the full name of the person to whom each expenditure was made;

23 (B) the address of the person to whom the expenditure was made;

24 (C) the date of the expenditure;

25 (D) the purpose of the expenditure; and

26 (E) the amount of the expenditure;

27 (15) for each political expenditure of any amount made out of personal funds for which
28 reimbursement from political contributions is intended:

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- 1 (A) the full name of the person to whom each expenditure was made;
2 (B) the address of the person to whom the expenditure was made;
3 (C) the date of the expenditure;
4 (D) the purpose of the expenditure;
5 (E) a declaration that the expenditure was made out of personal funds;
6 (F) a declaration that reimbursement from political contributions is intended; and
7 (G) the amount of the expenditure;

8 (16) for each non-political expenditure made from political contributions, other than
9 expenditures reported under paragraph (9) of this section:

- 10 (A) the date of each expenditure;
11 (B) the full name of the person to whom the expenditure was made;
12 (C) the address of the person to whom the expenditure was made;
13 (D) the purpose of the expenditure; and
14 (E) the amount of the expenditure;

15 (17) for each other candidate or officeholder who benefits from a direct campaign
16 expenditure made by the candidate during the reporting period:

- 17 (A) the name of the candidate or officeholder; and
18 (B) the office sought or held by the candidate or officeholder;

19 (18) for each political contribution from an out-of-state political committee, the
20 information required by §22.7 of this title (relating to Contribution from Out-of-State
21 Committee);

22 (19) any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting
23 from the use of a political contribution or an asset purchased with a political contribution
24 that is received during the reporting period and the amount of which exceeds the amount
25 specified in Tex. Elec. Code §254.031(a)(9), as amended by Figure 1 in 1 TAC §18.31
26 [\$130];

27 (20) any proceeds of the sale of an asset purchased with a political contribution that is
28 received during the reporting period and the amount of which exceeds the amount
29 specified in Tex. Elec. Code §254.031(a)(10), as amended by Figure 1 in 1 TAC §18.31
30 [\$130];

1 (21) any other gain from a political contribution that is received during the reporting
2 period and the amount of which exceeds the amount specified in Tex. Elec. Code
3 §254.031(a)(12), as amended by Figure 1 in 1 TAC §18.31 [~~\$130~~];

4 (22) any investment purchased with a political contribution that is received during the
5 reporting period and the amount of which exceeds the amount specified in Tex. Elec.
6 Code §254.031(a)(11), as amended by Figure 1 in 1 TAC §18.31 [~~\$130~~];

7 (23) the full name and address of each person from whom an amount described by
8 paragraph (19), (20), (21), or (22) of this section is received, the date the amount is
9 received, and the purpose for which the amount is received;

10 (24) the following total amounts:

11 (A) the total principal amount of all outstanding loans as of the last day of the
12 reporting period;

13 (B) the total amount or an itemized listing of political contributions (other than
14 pledges, loans, or guarantees of loans) of the amount specified in Tex. Elec. Code
15 §254.031(a)(1) and (1-a), as amended by Figure 1 in 1 TAC §18.31 [~~\$100~~] and
16 less;

17 (C) the total amount of all political contributions (other than pledges, loans, or
18 guarantees of loans);

19 (D) the total amount or an itemized listing of the political expenditures of the
20 amount specified in Tex. Elec. Code §254.031(a)(5), as amended by Figure 1 in 1
21 TAC §18.31 [~~\$200~~] and less; and

22 (E) the total amount of all political expenditures; and

23 (25) an affidavit, executed by the candidate, stating: “I swear, or affirm, that the
24 accompanying report is true and correct and includes all information required to be reported
25 by me under Title 15, Election Code.”

26 **§20.220. Additional Disclosure for the Texas Comptroller of Public Accounts.**

27 (a) For purposes of this section and §2155.003(e) of the Government Code, the term “vendor”
28 means:

29 (1) a person, who during the comptroller’s term of office, bids on or receives a contract
30 under the comptroller’s purchasing authority that was transferred to the comptroller by
31 §2151.004 of the Government Code; and

32 (2) an employee or agent of a person described by subsection (a)(1) of this section who
33 communicates directly with the chief clerk, or an employee of the Texas Comptroller of
34 Public Accounts who exercises discretion in connection with the vendor's bid or contract,
35 about a bid or contract.

1 (b) Each report filed by the comptroller, or a specific-purpose committee created to support the
2 comptroller, shall include:

3 (1) for each vendor whose aggregate campaign contributions equal or exceed the amount
4 specified by Figure 5 in 1 TAC §18.31 [~~\$650~~] during the reporting period, a notation that:

5 (A) the contributor was a vendor during the reporting period or during the 12-
6 month period preceding the last day covered by the report; and

7 (B) if the vendor is an individual, includes the name of the entity that employs or
8 that is represented by the individual; and

9 (2) for each political committee directly established, administered, or controlled by a
10 vendor whose aggregate campaign contributions equal or exceed the amount specified by
11 Figure 5 in 1 TAC §18.31 [~~\$650~~] during the reporting period, a notation that the
12 contributor was a political committee directly established, administered, or controlled by
13 a vendor during the reporting period or during the 12-month period preceding the last day
14 covered by the report.

15 (c) The comptroller, or a specific-purpose committee created to support the comptroller, is
16 considered to be in compliance with this section if:

17 (1) each written solicitation for a campaign contribution includes a request for the
18 information required by subsection (b) of this section; and

19 (2) for each contribution that is accepted for which the information required by this
20 section is not provided at least one oral or written request is made for the missing
21 information. A request under this subsection:

22 (A) must be made not later than the 30th day after the date the contribution is
23 received;

24 (B) must include a clear and conspicuous statement requesting the information
25 required by subsection (b) of this section;

26 (C) if made orally, must be documented in writing; and

27 (D) may not be made in conjunction with a solicitation for an additional campaign
28 contribution.

29 (d) The comptroller, or a specific-purpose committee created to support the comptroller, must
30 report the information required by subsection (b) of this section that is not provided by the
31 person making the political contribution and that is in the comptroller's or committee's records of
32 political contributions or previous campaign finance reports required to be filed under Title 15 of
33 the Election Code filed by the comptroller or committee.

34 (e) If the comptroller, or a specific-purpose committee created to support the comptroller,
35 receives the information required by this section after the filing deadline for the report on which

1 the contribution is reported the comptroller or committee must include the missing information
2 on the next required campaign finance report.

3 (f) The disclosure required under subsection (b) of this section applies only to a contributor who
4 was a vendor or a political committee directly established, administered, or controlled by a vendor
5 on or after September 1, 2007.

6 **§20.221. Special Pre-Election Report by Certain Candidates.**

7 (a) As provided by subsection (b) of this section, certain candidates must file reports about
8 certain contributions accepted during the period that begins on the ninth day before an election
9 and ends at noon on the day before an election. Reports under this section are known as “special
10 pre-election” reports.

11 (b) An opposed candidate for an office specified by §252.005(1), Election Code, who, during the
12 period described in subsection (a) of this section, accepts one or more political contributions
13 from a person that in the aggregate exceed the amount specified in Tex. Elec. Code
14 §254.038(a)(1), as amended by Figure 1 in 1 TAC §18.31 [~~\$2,020~~] must file special pre-election
15 reports.

16 (c) Except as provided in subsection (e) of this section, a candidate must file a special pre-
17 election report so that the report is received by the commission no later than the first business
18 day after the candidate accepts a contribution from a person that triggers the requirement to file
19 the special pre-election report.

20 (d) If, during the reporting period for special pre-election contributions, a candidate receives
21 additional contributions from a person whose previous contribution or contributions have
22 triggered the requirement to file a special pre-election report during that period, the candidate
23 must file an additional special pre-election report for each such contribution. Except as provided
24 in subsection (e) of this section, each such special pre-election report must be filed so that it is
25 received by the commission no later than the first business day after the candidate accepts the
26 contribution.

27 (e) A candidate must file a special pre-election report that is exempt from electronic filing under
28 §254.036(c), Election Code, so that the report is received by the commission no later than 5 p.m.
29 of the first business day after the candidate accepts a contribution from a person that triggers the
30 requirement to file the special pre-election report.

31 (f) A candidate must file a special pre-election report for each person whose contribution or
32 contributions made during the period for special pre-election reports exceed the threshold for
33 special pre-election reports.

34 (g) A candidate must also report contributions reported on a special pre-election report on the
35 next semiannual, pre-election, or runoff report filed, as applicable.

36

1 **Subchapter D. REPORTING REQUIREMENTS FOR AN OFFICEHOLDER WHO**
2 **DOES NOT HAVE A CAMPAIGN TREASURER APPOINTMENT ON FILE**

3 **§20.275. Exception from Filing Requirement for Certain Local Officeholders.**

4 An officeholder is not required to file a semiannual report of contributions and expenditures if
5 the officeholder:

6 (1) is required to file with an authority other than the commission;

7 (2) does not have a campaign treasurer appointment on file; and

8 (3) does not accept more than the aggregate amount of political contributions or make more
9 than the aggregate amount of political expenditures specified in Tex. Elec. Code §254.095,
10 as amended by Figure 1 in 1 TAC §18.31 [~~\$1,010 in political contributions or make more~~
11 ~~than \$940 in political expenditures~~] during the reporting period.

12 **§20.279. Contents of Officeholder's Sworn Report of Contributions and Expenditures.**

13 An officeholder's semiannual report of contributions and expenditures required by this
14 subchapter must cover reportable activity during the reporting period and must include the
15 following information:

16 (1) the officeholder's full name;

17 (2) the officeholder's address;

18 (3) the office held by the officeholder;

19 (4) for each political committee from which the officeholder received notice under
20 §20.319 of this title (relating to Notice to Candidate or Officeholder) or §20.421 of this
21 title (relating to Notice to Candidate or Officeholder):

22 (A) the committee's full name;

23 (B) the committee's address;

24 (C) identification of the political committee as a general-purpose or a specific-
25 purpose committee;

26 (D) the full name of the committee's campaign treasurer; and

27 (E) the address of the committee's campaign treasurer;

28 (5) on a separate page, the following information for each expenditure from political
29 contributions made to a business in which the officeholder has a participating interest of
30 more than 10%, holds a position on the governing body of the business, or serves as an
31 officer of the business:

1 (A) the full name of the business to which the expenditure was made;

2 (B) the address of the business to which the expenditure was made;

3 (C) the date of the expenditure;

4 (D) the purpose of the expenditure; and

5 (E) the amount of the expenditure;

6 (6) for each person from whom the officeholder accepted a political contribution (other
7 than a pledge, loan, or a guarantee of a loan) of more than the amount specified in Tex.
8 Elec. Code §254.031(a)(1), as amended by Figure 1 in 1 TAC §18.31 [\$100] in value or
9 political contributions (other than pledges, loans, or guarantees of loans) that total more
10 than the amount specified in Tex. Elec. Code §254.031(a)(1), as amended by Figure 1 in
11 1 TAC §18.31 [\$100] in value:

12 (A) the full name of the person making the contribution;

13 (B) the address of the person making the contribution;

14 (C) the total amount of contributions;

15 (D) the date each contribution was accepted; and

16 (E) a description of any in-kind contribution;

17 (7) for each person from whom the officeholder accepted a pledge or pledges to provide
18 more than the amount specified in Tex. Elec. Code §254.031(a)(1), as amended by Figure
19 1 in 1 TAC §18.31 [\$100] in money or goods or services [~~worth more than \$100~~]:

20 (A) the full name of the person making the pledge;

21 (B) the address of the person making the pledge;

22 (C) the amount of each pledge;

23 (D) the date each pledge was accepted; and

24 (E) a description of any goods or services pledged;

25 (8) the total of all pledges accepted during the period for the amount specified in Tex.
26 Elec. Code §254.031(a)(1), as amended by Figure 1 in 1 TAC §18.31 [\$100] and less
27 from a person, except those reported under paragraph (7) of this section;

28 (9) for each person making a loan or loans to the officeholder for officeholder purposes,
29 if the total amount loaned by the person during the period is more than the amount
30 specified in Tex. Elec. Code §254.031(a)(2), as amended by Figure 1 in 1 TAC §18.31
31 [\$100]:

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1 (A) the full name of the person or financial institution making the loan;

2 (B) the address of the person or financial institution making the loan;

3 (C) the amount of the loan;

4 (D) the date of the loan;

5 (E) the interest rate;

6 (F) the maturity date;

7 (G) the collateral for the loan, if any; and

8 (H) if the loan has guarantors:

9 (i) the full name of each guarantor;

10 (ii) the address of each guarantor;

11 (iii) the principal occupation of each guarantor;

12 (iv) the name of the employer of each guarantor; and

13 (v) the amount guaranteed by each guarantor;

14 (10) the total amount of loans accepted during the period for the amount specified in Tex.
15 Elec. Code §254.031(a)(2), as amended by Figure 1 in 1 TAC §18.31 [~~\$100~~] and less
16 from persons other than financial institutions engaged in the business of making loans for
17 more than one year, except those reported under paragraph (9) of this section;

18 (11) for political expenditures made during the reporting period that total more than the
19 amount specified in Tex. Elec. Code §254.031(a)(3), as amended by Figure 1 in 1 TAC
20 §18.31 [~~\$200~~] to a single payee, other than expenditures reported under paragraph (5) of
21 this section:

22 (A) the full name of the person to whom each expenditure was made;

23 (B) the address of the person to whom the expenditure was made;

24 (C) the date of the expenditure;

25 (D) the purpose of the expenditure; and

26 (E) the amount of the expenditure;

27 (12) for each political expenditure of any amount made out of personal funds for which
28 reimbursement from political contributions is intended:

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- 1 (A) the full name of the person to whom each expenditure was made;
2 (B) the address of the person to whom the expenditure was made;
3 (C) the date of each expenditure;
4 (D) the purpose of the expenditure;
5 (E) a declaration that the expenditure was made from personal funds;
6 (F) a declaration that reimbursement from political contributions is intended; and
7 (G) the amount of the expenditure;

8 (13) for each non-political expenditure made from political contributions, other than
9 expenditures reported under paragraph (5) of this section:

- 10 (A) the date of each expenditure;
11 (B) the full name of the person to whom the expenditure was made;
12 (C) the address of the person to whom the expenditure was made;
13 (D) the purpose of the expenditure; and
14 (E) the amount of the expenditure;

15 (14) for each candidate or other officeholder who benefits from a direct campaign
16 expenditure made by the officeholder during the reporting period:

- 17 (A) the name of the candidate or officeholder; and
18 (B) the office sought or held by the candidate or officeholder;

19 (15) for each political contribution from an out-of-state political committee, the
20 information required by §22.7 of this title (relating to Contribution from Out-of-State
21 Committee);

22 (16) any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting
23 from the use of a political contribution or an asset purchased with a political contribution
24 that is received during the reporting period and the amount of which exceeds the amount
25 specified in Tex. Elec. Code §254.031(a)(9), as amended by Figure 1 in 1 TAC §18.31
26 [\$130];

27 (17) any proceeds of the sale of an asset purchased with a political contribution that is
28 received during the reporting period and the amount of which exceeds the amount
29 specified in Tex. Elec. Code §254.031(a)(10), as amended by Figure 1 in 1 TAC §18.31
30 [\$130];

1 (18) any other gain from a political contribution that is received during the reporting
2 period and the amount of which exceeds the amount specified in Tex. Elec. Code
3 §254.031(a)(12), as amended by Figure 1 in 1 TAC §18.31 [~~\$130~~];

4 (19) any investment purchased with a political contribution that is received during the
5 reporting period and the amount of which exceeds the amount specified in Tex. Elec.
6 Code §254.031(a)(11), as amended by Figure 1 in 1 TAC §18.31 [~~\$130~~];

7 (20) the full name and address of each person from whom an amount described by
8 paragraph (16), (17), (18), or (19) of the section is received, the date the amount is
9 received, and the purpose for which the amount is received;

10 (21) the following total amounts:

11 (A) the total principal amount of all outstanding loans as of the last day of the
12 reporting period;

13 (B) the total amount or an itemized listing of political contributions (other than
14 pledges, loans, or guarantees of loans) of the amount specified in Tex. Elec. Code
15 §254.031(a)(1) and (1-a), as amended by Figure 1 in 1 TAC §18.31 [~~\$100~~] and
16 less;

17 (C) the total amount of all political contributions (other than pledges, loans, or
18 guarantees of loans);

19 (D) the total amount or an itemized listing of the political expenditures of the
20 amount specified in Tex. Elec. Code §254.031(a)(5), as amended by Figure 1 in 1
21 TAC §18.31 [~~\$200~~] and less; and

22 (E) the total amount of all political expenditures; and

23 (22) an affidavit, executed by the officeholder, stating: "I swear, or affirm, that the
24 accompanying report is true and correct and includes all information required to be reported
25 by me under Title 15, Election Code."

26 **Subchapter E. REPORTS BY A SPECIFIC-PURPOSE COMMITTEE**

27 **§20.301. Thresholds for Campaign Treasurer Appointment.**

28 (a) A specific-purpose committee may not accept political contributions exceeding the aggregate
29 amount of political contributions or political expenditures specified in Tex. Elec. Code
30 §253.031(b), as amended by Figure 1 in 1 TAC §18.31 [~~\$980~~] without filing a campaign
31 treasurer appointment with the appropriate filing authority.

32 (b) A specific-purpose committee may not knowingly make or authorize campaign contributions
33 or campaign expenditures exceeding the aggregate amount of political contributions or political
34 expenditures specified in Tex. Elec. Code §253.031(b), as amended by Figure 1 in 1 TAC §18.31
35 [~~\$980~~] to support or oppose a candidate in a primary or general election for an office listed

1 below unless the committee's campaign treasurer appointment as filed not later than the 30th day
2 before the appropriate election day:

- 3 (1) a statewide office;
- 4 (2) a seat in the state legislature;
- 5 (3) a seat on the State Board of Education;
- 6 (4) a multi-county district office; or
- 7 (5) a judicial district office filled by voters of only one county.

8 **§20.303. Appointment of Campaign Treasurer.**

9 (a) A specific-purpose committee may appoint a campaign treasurer at any time before
10 exceeding the thresholds described in §20.301(a) of this title (relating to Thresholds for
11 Campaign Treasurer Appointment).

12 (b) After a specific-purpose committee appoints a campaign treasurer, the campaign treasurer
13 must comply with all the requirements of this subchapter, even if the committee has not yet
14 exceeded the aggregate amount of political contributions or political expenditures specified in
15 Tex. Elec. Code §253.031(b), as amended by Figure 1 in 1 TAC §18.31 [~~\$980~~] in political
16 contributions or expenditures.

17 (c) With the exception of the campaign treasurer appointment, the individual named as a
18 committee's campaign treasurer is legally responsible for filing all reports of the specific-purpose
19 committee, including a report following the termination of his or her appointment as campaign
20 treasurer.

21 **§20.313. Converting to a General-Purpose Committee.**

22 (a) A specific-purpose committee that changes its operation and becomes a general-purpose
23 committee is subject to the requirements applicable to a general-purpose committee as of the date
24 it files its campaign treasurer appointment as a general-purpose committee with the commission.

25 (b) The campaign treasurer of a specific-purpose committee that becomes a general-purpose
26 committee must deliver written notice of its change in status to the authority with whom the
27 committee was required to file as a specific-purpose committee.

28 (c) The notice required under subsection (b) of this section is due no later than the next deadline
29 for filing a report under this subchapter that:

- 30 (1) occurs after the committee's change in status; and
- 31 (2) would be applicable to the political committee if it were still a specific-purpose
32 committee.

33 (d) The notice must state that future reports will be filed with the commission.

1 (e) The notice required under subsection (b) of this section is in addition to the requirement that
 2 the new general-purpose committee file a campaign treasurer appointment with the commission
 3 before it exceeds the aggregate amount of political contributions or political expenditures specified
 4 in Tex. Elec. Code §253.031(b), as amended by Figure 1 in 1 TAC §18.31 [~~\$980 in political~~
 5 ~~expenditures or \$980 in political contributions~~] as a general-purpose committee.

6 **§20.329. Modified Reporting.**

7 (a) A specific-purpose committee that would otherwise be required to file pre-election reports
 8 and a runoff report, if necessary, may choose to file under the modified schedule if the
 9 committee does not intend to accept more than the aggregate amount of political contributions or
 10 make more than the aggregate amount of political expenditures (excluding filing fees) specified
 11 in Tex. Elec. Code §254.182(a), as amended by Figure 1 in 1 TAC §18.31 [~~\$1,010 in political~~
 12 ~~contributions or make more than \$1,010 in political expenditures (excluding filing fees)~~] in
 13 connection with any election in an election cycle.

14 (b) Under the modified schedule, the campaign treasurer of a specific-purpose committee is not
 15 required to file pre-election reports or a runoff report.

16 (c) To select modified filing, a specific-purpose committee must file a declaration of the
 17 committee's intent not to accept more than the aggregate amount of political contributions or
 18 make more than the aggregate amount of political expenditures (excluding filing fees) specified
 19 in Tex. Elec. Code §254.182(b), as amended by Figure 1 in 1 TAC §18.31 [~~\$1,010 in political~~
 20 ~~contributions or make more than \$1,010 in political expenditures (excluding filing fees)~~] in
 21 connection with the election. The declaration must include a statement that the committee
 22 understands that if either one of those limits is exceeded, the committee's campaign treasurer
 23 will be required to file pre-election reports and, if necessary, a runoff report.

24 (d) A declaration under subsection (c) of this section is filed with the committee's campaign
 25 treasurer appointment.

26 (e) To file under the modified schedule, a specific-purpose committee must file the declaration
 27 required under subsection (c) of this section no later than the 30th day before the first election to
 28 which the declaration applies. A declaration filed under subsection (c) of this section is valid for
 29 one election cycle only.

30 (f) Except as provided by subsection (g) of this section, a specific-purpose committee's
 31 campaign treasurer must file pre-election reports and, if necessary, a runoff report under the
 32 schedule set out in §20.325 of this title (relating to Pre-election Reports) and §20.327 of this title
 33 (relating to Runoff Report) if the committee exceeds either of the aggregate limits in political
 34 contributions or political expenditures (excluding filing fees) specified in Tex. Elec. Code
 35 §254.183(a), as amended by Figure 1 in 1 TAC §18.31 [~~\$1,010~~] limits for modified reporting.

36 (g) If a specific-purpose committee exceeds either of the aggregate limits in political
 37 contributions or political expenditures (excluding filing fees) specified in Tex. Elec. Code
 38 §254.183(b), as amended by Figure 1 in 1 TAC §18.31 [~~\$1,010~~] limits for modified reporting
 39 after the 30th day before the election, the committee's campaign treasurer must file a report not
 40 later than 48 hours after exceeding the limit.

1 (1) The period covered by a 48-hour report shall begin either on the day the committee's
2 campaign treasurer appointment was filed (if it is the committee's first report of
3 contributions and expenditures) or on the first day after the period covered by the last
4 report (other than a special pre-election report or special session report) filed under this
5 subchapter, as applicable.

6 (2) The period covered by a 48-hour report shall continue through the day the committee
7 exceeded one of the limits for modified reporting.

8 (h) A specific-purpose committee that exceeds either of the aggregate limits in political
9 contributions or political expenditures (excluding filing fees) specified in Tex. Elec. Code
10 §254.183(a), as amended by Figure 1 in 1 TAC §18.31 [~~\$1,010 limits~~] for modified reporting after
11 the 30th day before the election and on or before the 10th day before the election must file a report
12 under §20.325(f) of this title, in addition to any required special pre-election reports.

13 **§20.331. Contents of Specific-Purpose Committee Sworn Report of Contributions and**
14 **Expenditures.**

15 Semiannual reports, pre-election reports, and runoff reports must cover reportable activity during
16 the reporting period and must include the following information:

17 (1) the full name of the specific-purpose committee;

18 (2) the address of the specific-purpose committee;

19 (3) the full name of the specific-purpose committee's campaign treasurer;

20 (4) the residence or business street address of the specific-purpose committee's campaign
21 treasurer;

22 (5) the committee campaign treasurer's telephone number;

23 (6) the identity and date of the election for which the report is filed, if applicable;

24 (7) for each candidate supported or opposed by the specific-purpose committee:

25 (A) the full name of the candidate;

26 (B) the office sought by the candidate; and

27 (C) an indication of whether the committee supports or opposes the candidate;

28 (8) for each officeholder assisted by the specific-purpose committee:

29 (A) the full name of the officeholder;

30 (B) the office held by the officeholder; and

31 (C) an indication of whether the committee supports or opposes the officeholder;

- 1 (9) for each measure supported or opposed by the specific-purpose committee:
- 2 (A) a description of the measure; and
- 3 (B) an indication of whether the committee supports or opposes the measure;
- 4 (10) for each political expenditure by the committee that was made as a political
- 5 contribution to a candidate, officeholder, or another political committee and that was
- 6 returned to the specific-purpose committee during the reporting period:
- 7 (A) the amount returned;
- 8 (B) the full name of the person to whom the expenditure was originally made;
- 9 (C) the address of the person to whom the expenditure was originally made; and
- 10 (D) the date the expenditure was returned to the specific-purpose committee;
- 11 (11) on a separate page, the following information for each expenditure from political
- 12 contributions made to a business in which the candidate has a participating interest of
- 13 more than 10%, holds a position on the governing body of the business, or serves as an
- 14 officer of the business:
- 15 (A) the full name of the business to which the expenditure was made;
- 16 (B) the address of the business to which the expenditure was made;
- 17 (C) the date of the expenditure;
- 18 (D) the purpose of the expenditure; and
- 19 (E) the amount of the expenditure;
- 20 (12) if the specific-purpose committee supports or opposes measures exclusively, for
- 21 each contribution accepted from a labor organization or corporation, as defined by §20.1
- 22 of this title (relating to Definitions):
- 23 (A) the date each contribution was accepted;
- 24 (B) the full name of the corporation or labor organization making the
- 25 contribution;
- 26 (C) the address of the corporation or labor organization making the contribution;
- 27 (D) the amount of the contribution; and
- 28 (E) a description of any in-kind contribution;

1 (13) for each person from whom the specific-purpose committee accepted a political
2 contribution (other than a pledge, loan, or a guarantee of a loan) of more than the amount
3 specified in Tex. Elec. Code §254.031(a)(1), as amended by Figure 1 in 1 TAC §18.31
4 [\$100] in value or political contributions (other than pledges, loans, or guarantees of
5 loans) that total more than the amount specified in Tex. Elec. Code §254.031(a)(1), as
6 amended by Figure 1 in 1 TAC §18.31 ~~[\$100]~~ in value:

7 (A) the full name of the person;

8 (B) the address of the person;

9 (C) the total amount of contributions;

10 (D) the date each contribution was accepted; and

11 (E) a description of any in-kind contribution;

12 (14) for each person from whom the specific-purpose committee accepted a pledge or
13 pledges to provide more than the amount specified in Tex. Elec. Code §254.031(a)(1), as
14 amended by Figure 1 in 1 TAC §18.31 ~~[\$100]~~ in money or to provide goods or services
15 ~~[worth more than \$100]:~~

16 (A) the full name of the person making a pledge;

17 (B) the address of the person making a pledge;

18 (C) the amount of the pledge;

19 (D) the date each pledge was accepted; and

20 (E) a description of any goods or services pledged;

21 (15) the total of all pledges accepted during the period for the amount specified in Tex.
22 Elec. Code §254.031(a)(1), as amended by Figure 1 in 1 TAC §18.31 ~~[\$100]~~ and less
23 from a person, except those reported under paragraph (14) of this section;

24 (16) for each person making a loan or loans to the specific-purpose committee for
25 campaign or officeholder purposes, if the total amount loaned by the person during the
26 period is more than the amount specified in Tex. Elec. Code §254.031(a)(2), as amended
27 by Figure 1 in 1 TAC §18.31 ~~[\$100]:~~

28 (A) the full name of the person or financial institution making the loan;

29 (B) the address of the person or financial institution making the loan;

30 (C) the amount of the loan;

31 (D) the date of the loan;

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1 (E) the interest rate;

2 (F) the maturity date;

3 (G) the collateral for the loan, if any; and

4 (H) if the loan has guarantors:

5 (i) the full name of each guarantor;

6 (ii) the address of each guarantor;

7 (iii) the principal occupation of each guarantor;

8 (iv) the name of the employer of each guarantor; and

9 (v) the amount guaranteed by each guarantor;

10 (17) the total amount of loans accepted during the period for the amount specified in Tex.
11 Elec. Code §254.031(a)(2), as amended by Figure 1 in 1 TAC §18.31 [\$100] and less
12 from persons other than financial institutions engaged in the business of making loans for
13 more than one year, except those reported under paragraph (16) of this section;

14 (18) for political expenditures made during the reporting period that total more than the
15 amount specified in Tex. Elec. Code §254.031(a)(3), as amended by Figure 1 in 1 TAC
16 §18.31 [~~\$200~~] to a single payee:

17 (A) the full name of the person to whom each expenditure was made;

18 (B) the address of the person to whom the expenditure was made;

19 (C) the date of the expenditure;

20 (D) the purpose of the expenditure; and

21 (E) the amount of the expenditure;

22 (19) for each direct campaign expenditure benefiting a candidate or officeholder, except
23 for a direct campaign expenditure made by a committee supporting only one candidate or
24 officeholder:

25 (A) the name of the candidate or officeholder; and

26 (B) the office sought or held by the candidate or officeholder;

27 (20) for each non-political expenditure made from political contributions, other than
28 expenditures reported under paragraph (11) of this section:

29 (A) the date of each expenditure;

1 (B) the full name of the person to whom the expenditure was made;

2 (C) the address of the person to whom the expenditure was made;

3 (D) the purpose of the expenditure; and

4 (E) the amount of the expenditure;

5 (21) for each political contribution accepted from an out-of-state political committee, the
6 information required by §22.7 of this title (relating to Contribution from Out-of-State
7 Committee);

8 (22) any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting
9 from the use of a political contribution or an asset purchased with a political contribution
10 that is received during the reporting period and the amount of which exceeds the amount
11 specified in Tex. Elec. Code §254.031(a)(9), as amended by Figure 1 in 1 TAC §18.31
12 [\$130];

13 (23) any proceeds of the sale of an asset purchased with a political contribution that is
14 received during the reporting period and the amount of which exceeds the amount
15 specified in Tex. Elec. Code §254.031(a)(10), as amended by Figure 1 in 1 TAC §18.31
16 [\$130];

17 (24) any other gain from a political contribution that is received during the reporting
18 period and the amount of which exceeds the amount specified in Tex. Elec. Code
19 §254.031(a)(12), as amended by Figure 1 in 1 TAC §18.31 [\$130];

20 (25) any investment purchased with a political contribution that is received during the
21 reporting period and the amount of which exceeds the amount specified in Tex. Elec.
22 Code §254.031(a)(11), as amended by Figure 1 in 1 TAC §18.31 [\$130];

23 (26) the full name and address of each person from whom an amount described by
24 paragraph (22), (23), (24), or (25) of this section is received, the date the amount is
25 received, and the purpose for which the amount is received;

26 (27) the following total amounts:

27 (A) the total principal amount of all outstanding loans as of the last day of the
28 reporting period;

29 (B) the total amount or an itemized listing of political contributions (other than
30 pledges, loans, or guarantees of loans) of the amount specified in Tex. Elec. Code
31 §254.031(a)(1) and (1-a), as amended by Figure 1 in 1 TAC §18.31 [\$100] and
32 less;

33 (C) the total amount of all political contributions (other than pledges, loans, or
34 guarantees of loans);

1 (D) the total amount or an itemized listing of the political expenditures of the
2 amount specified in Tex. Elec. Code §254.031(a)(5), as amended by Figure 1 in 1
3 TAC §18.31 [~~\$200~~] and less; and

4 (E) the total amount of all political expenditures; and

5 (28) an affidavit, executed by the campaign treasurer, stating: “I swear, or affirm, that the
6 accompanying report is true and correct and includes all information required to be reported
7 by me under Title 15, Election Code.”

8 **§20.333. Special Pre-Election Report by Certain Specific-Purpose Committees.**

9 (a) As provided by subsection (b) of this section, certain specific-purpose committees must file
10 reports about certain contributions accepted during the period that begins on the ninth day before
11 an election and ends at noon on the day before an election. Reports under this section are known
12 as “special pre-election” reports.

13 (b) A campaign treasurer for a specific-purpose committee for supporting or opposing a
14 candidate for an office specified by §252.005(1), Election Code, that, during the period described
15 in subsection (a) of this section, accepts one or more political contributions from a person that in
16 the aggregate exceed the amount specified in Tex. Elec. Code §254.038(a)(2), as amended by
17 Figure 1 in 1 TAC §18.31 [~~\$2,020~~] must file special pre-election reports.

18 (c) Except as provided in subsection (e) of this section, the campaign treasurer of a specific-
19 purpose committee must file a report so that the report is received by the commission no later
20 than the first business day after the committee accepts a contribution from a person that triggers
21 the requirement to file the special pre-election report.

22 (d) If, during the reporting period for special pre-election contributions, a committee receives
23 additional contributions from a person whose previous contribution or contributions have
24 triggered the requirement to file a special pre-election report during the period, the campaign
25 treasurer for the committee must file an additional special pre-election report for each such
26 contribution. Except as provided in subsection (e) of this section, each such special pre-election
27 report must be filed so that it is received by the commission no later than the first business day
28 after the committee accepts the contribution.

29 (e) The campaign treasurer of a specific-purpose committee must file a special pre-election
30 report for each person whose contribution or contributions made during the period for special
31 pre-election reports exceed the threshold for special pre-election reports.

32 (f) A campaign treasurer of a specific-purpose committee must also report contributions reported
33 on a special pre-election report on the next semiannual, pre-election, or runoff report filed, as
34 applicable.

35

1 **§20.431. Monthly Reporting.**

2 (a) A monthly report filed by a general-purpose committee shall include the information required
3 by §20.433 of this title (relating to Contents of General-Purpose Committee Sworn Report of
4 Contributions and Expenditures), except that the threshold reporting amounts specified in Tex.
5 Elec. Code §254.031(a)(1), (1-a), (2) and (5), as amended by Figure 1 in 1 TAC §18.31 [of \$100
6 set out in §20.433(11)-(16), and (20) of this title] does not apply to a general-purpose committee
7 reporting monthly. For a general-purpose committee reporting monthly, the threshold reporting
8 amount is the amount specified in Tex. Elec. Code §254.156, as amended by Figure 1 in 1 TAC
9 §18.31 [under §20.433(11)-(16) and (20) of this title is \$20], except as provided by §20.434 of
10 this title (relating to Alternate Reporting Requirements for Certain General-Purpose Committees).

11 (b) A monthly report is due not later than the fifth day of the month following the end of the
12 period covered by the report. A monthly report covering the month preceding an election in
13 which the committee is involved must be received by the authority with whom the report is
14 required to be filed no later than the fifth day of the month following the end of the period
15 covered by the report.

16 (c) Except for the first monthly report filed, a monthly report covers a period that begins on the
17 26th day of one month and ends on the 25th day of the next month.

18 (d) The beginning day for the first monthly report filed by a general-purpose committee shall be
19 as follows.

20 (1) For a general-purpose committee that has been filing on the regular schedule and
21 chooses monthly filing between January 1 and January 15 of a particular year, the first
22 report will cover a period that begins on January 1 of that year.

23 (2) For a general-purpose committee that elected to file monthly at the time it filed its
24 campaign treasurer appointment, the period covered by the first monthly report depends
25 on the day of the month that the campaign treasurer was appointed.

26 (A) If the general-purpose committee filed its campaign treasurer appointment
27 before the 25th of the month, the first report will cover a period that begins on the
28 day the appointment was filed and ends on the 25th day of the same month.

29 (B) If the general-purpose committee filed its campaign treasurer appointment on or after the 25th
30 of the month, the first report will cover the period that begins on the day the appointment is filed
31 and ends on the 25th day of the next month.

32 **§20.433. Contents of General-Purpose Committee Sworn Report of Contributions and**
33 **Expenditures.**

34 Semiannual reports, pre-election reports, and runoff reports must cover reportable activity during
35 the reporting period and must include the following information:

36 (1) the full name of the general-purpose committee;

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- 1 (2) the address of the general-purpose committee;
- 2 (3) the full name of the general-purpose committee's campaign treasurer;
- 3 (4) the residence or business street address of the general-purpose committee's campaign
4 treasurer;
- 5 (5) the committee campaign treasurer's telephone number;
- 6 (6) the identity and date of the election for which the report is filed, if applicable;
- 7 (7) the full name of each identified candidate or measure or classification by party of
8 candidates supported or opposed by the general-purpose committee and an indication of
9 whether the general-purpose committee supports or opposes each listed candidate,
10 measure, or classification by party of candidates;
- 11 (8) the full name of each identified officeholder or classification by party of officeholders
12 assisted by the general-purpose committee;
- 13 (9) if the general-purpose committee supports or opposes measures exclusively, for each
14 contribution accepted from a corporation or labor organization as defined by §20.1 of this
15 title (relating to Definitions):
- 16 (A) the date each contribution was accepted;
- 17 (B) the full name of the corporation or labor organization making the
18 contribution;
- 19 (C) the address of the corporation or labor organization making the contribution;
- 20 (D) the amount of the contribution; and
- 21 (E) a description of any in-kind contribution;
- 22 (10) for each political expenditure by the general-purpose committee that was made as a
23 political contribution to a candidate, officeholder, or another political committee and that
24 was returned to the general-purpose committee during the reporting period:
- 25 (A) the amount returned;
- 26 (B) the full name of the person to whom the expenditure was originally made;
- 27 (C) the address of the person to whom the expenditure was originally made; and
- 28 (D) the date the expenditure was returned to the general-purpose committee;
- 29 (11) for each person from whom the general-purpose committee accepted a political
30 contribution other than a pledge or a loan of more than the amount specified in Tex. Elec.
31 Code §254.031(a)(1), as amended by Figure 1 in 1 TAC §18.31 [~~\$100~~] in value, or

1 political contributions other than pledges or loans that total more than the amount
2 specified in Tex. Elec. Code §254.031(a)(1), as amended by Figure 1 in 1 TAC §18.31
3 [\$100] in value (~~or more than \$20~~) for a general-purpose committee reporting monthly,
4 use the amount specified in Tex. Elec. Code §254.156, as amended by Figure 1 in 1 TAC
5 §18.31):

6 (A) the date each contribution was accepted;

7 (B) the full name of the person making the contribution;

8 (C) the address of the person making the contribution;

9 (D) the principal occupation of the person making the contribution;

10 (E) the amount of the contribution; and

11 (F) a description of any in-kind contribution;

12 (12) for each person from whom the general-purpose committee accepted a pledge or
13 pledges to provide more than the amount specified in Tex. Elec. Code §254.031(a)(1), as
14 amended by Figure 1 in 1 TAC §18.31 [\$100] in money or to provide goods or services
15 [~~worth more than \$100~~] (~~more than \$20~~) for a general-purpose committee reporting
16 monthly, use the amount specified in Tex. Elec. Code §254.156, as amended by Figure 1
17 in 1 TAC §18.31):

18 (A) the full name of the person making the pledge;

19 (B) the address of the person making the pledge;

20 (C) the principal occupation of the person making the pledge;

21 (D) the amount of each pledge;

22 (E) the date each pledge was accepted; and

23 (F) a description of any goods or services pledged;

24 (13) the total of all pledges accepted during the period for the amount specified in Tex.
25 Elec. Code §254.031(a)(1), as amended by Figure 1 in 1 TAC §18.31 [\$100] and less
26 from a person, except for those reported under paragraph (12) of this subsection;

27 (14) for each person making a loan or loans to the general-purpose committee for
28 campaign purposes, if the total amount loaned by the person during the period is more
29 than the amount specified in Tex. Elec. Code §254.031(a)(2), as amended by Figure 1 in
30 1 TAC §18.31 [\$100] (~~more than \$20~~) for a general-purpose committee reporting
31 monthly, use the amount specified in Tex. Elec. Code §254.156, as amended by Figure 1
32 in 1 TAC §18.31):

33 (A) the full name of the person or financial institution making the loan;

1 (B) the address of the person or financial institution making the loan;

2 (C) the amount of the loan;

3 (D) the date of the loan;

4 (E) the interest rate;

5 (F) the maturity date;

6 (G) the collateral for the loan, if any; and

7 (H) if the loan has guarantors:

8 (i) the full name of each guarantor;

9 (ii) the address of each guarantor;

10 (iii) the principal occupation of each guarantor;

11 (iv) the name of the employer of each guarantor; and

12 (v) the amount guaranteed by each guarantor;

13 (15) the total amount of loans accepted during the period for the amount specified in Tex.
14 Elec. Code §254.031(a)(2), as amended by Figure 1 in 1 TAC §18.31 [\$100] and less
15 from persons other than financial institutions engaged in the business of making loans for
16 more than one year, except for those reported under paragraph (14) of this section;

17 (16) for political expenditures made during the reporting period that total more than the
18 amount specified in Tex. Elec. Code §254.031(a)(3), as amended by Figure 1 in 1 TAC
19 §18.31 [\$200] (~~more than \$20~~) for a general-purpose committee reporting monthly, use
20 the amount specified in Tex. Elec. Code §254.156, as amended by Figure 1 in 1 TAC
21 §18.31) to a single payee:

22 (A) the full name of the person to whom each expenditure was made;

23 (B) the address of the person to whom the expenditure was made;

24 (C) the date of the expenditure;

25 (D) the purpose of the expenditure;

26 (E) the amount of the expenditure; and

27 (F) indication for an expenditure paid in full or in part from corporations or labor
28 organizations that it was paid from such sources.

29 (17) for each non-political expenditure made from political contributions:

- 1 (A) the date of each expenditure;
- 2 (B) the full name of the person to whom the expenditure was made;
- 3 (C) the address of the person to whom the expenditure was made;
- 4 (D) the purpose of the expenditure;
- 5 (E) the amount of the expenditure; and
- 6 (F) indication for an expenditure paid in full or in part from corporations or labor
- 7 organizations that it was paid from such sources.

8 (18) for each candidate or officeholder who benefits from a direct campaign expenditure
9 made by the committee:

- 10 (A) the name of the candidate or officeholder; and
- 11 (B) the office sought or held by the candidate or officeholder;

12 (19) for each political contribution from an out-of-state political committee, the
13 information required by §22.7 of this title (relating to Contribution from Out-of-State
14 Committee);

15 (20) any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting
16 from the use of a political contribution or an asset purchased with a political contribution
17 that is received during the reporting period and the amount of which exceeds the amount
18 specified in Tex. Elec. Code §254.031(a)(9), as amended by Figure 1 in 1 TAC §18.31
19 [\$130];

20 (21) any proceeds of the sale of an asset purchased with a political contribution that is
21 received during the reporting period and the amount of which exceeds the amount
22 specified in Tex. Elec. Code §254.031(a)(10), as amended by Figure 1 in 1 TAC §18.31
23 [\$130];

24 (22) any other gain from a political contribution that is received during the reporting
25 period and the amount of which exceeds the amount specified in Tex. Elec. Code
26 §254.031(a)(12), as amended by Figure 1 in 1 TAC §18.31 [\$130];

27 (23) any investment purchased with a political contribution that is received during the
28 reporting period and the amount of which exceeds the amount specified in Tex. Elec.
29 Code §254.031(a)(11), as amended by Figure 1 in 1 TAC §18.31 [\$130];

30 (24) the full name and address of each person from whom an amount described by
31 paragraph (20), (21), (22), or (23) of this section is received, the date the amount is
32 received, and the purpose for which the amount is received;

33 (25) the following total amounts:

1 (A) the total principal amount of all outstanding loans as of the last day of the
2 reporting period;

3 (B) the total amount or an itemized listing of political contributions (other than
4 pledges, loans, or guarantees of loans) of the amount specified in Tex. Elec. Code
5 §254.031(a)(1) and (1-a), as amended by Figure 1 in 1 TAC §18.31 [~~\$100~~] and
6 less (~~[\$20 and less]~~) for a general-purpose committee reporting monthly, use the
7 amount specified in Tex. Elec. Code §254.156, as amended by Figure 1 in 1 TAC
8 §18.31);

9 (C) the total amount of all political contributions (other than pledges, loans, or
10 guarantees of loans);

11 (D) the total amount or an itemized listing of the political expenditures of the
12 amount specified in Tex. Elec. Code §254.031(a)(5), as amended by Figure 1 in 1
13 TAC §18.31 [~~\$200~~] and less (~~[\$20 and less]~~) for a general-purpose committee
14 reporting monthly, use the amount specified in Tex. Elec. Code §254.156, as
15 amended by Figure 1 in 1 TAC §18.31); and

16 (E) the total amount of all political expenditures; and

17 (26) an affidavit, executed by the campaign treasurer, stating: “I swear, or affirm, that the
18 accompanying report is true and correct and includes all information required to be reported
19 by me under Title 15, Election Code.”

20 **§20.434. Alternate Reporting Requirements for General-Purpose Committees.**

21 (a) This section and Election Code §254.1541 apply only to a general-purpose committee with
22 less than the amount specified in Tex. Elec. Code §254.1541(a), as amended by Figure 1 in 1
23 TAC §18.31 [~~\$29,300~~] in one or more accounts maintained by the committee in which political
24 contributions are deposited, as of the last day of the preceding reporting period for which the
25 committee was required to file a report.

26 (b) The alternative reporting requirement in Election Code §254.1541 applies only to
27 contributions.

28 (c) A report by a campaign treasurer of a general-purpose committee to which this section and
29 Election Code §254.1541 apply shall include the information required by §20.433 of this title
30 (relating to Contents of General-Purpose Committee Sworn Report of Contributions and
31 Expenditures), except that the campaign treasurer may choose a threshold reporting amount for
32 political contributions [~~of~~] specified in Tex. Elec. Code §254.1541(b)(1), as amended by Figure
33 1 in 1 TAC §18.31 [~~\$200~~] instead of the threshold reporting amount [~~of~~] specified in Tex. Elec.
34 Code §254.031(a)(1) and (1-a), as amended by Figure 1 in 1 TAC §18.31 [~~\$100~~] set out in
35 §20.433(11) and (25)(B) of this title.

36 (d) A monthly report by a campaign treasurer of a general-purpose committee to which this section
37 and Election Code §254.1541 apply shall include the information required by §20.433 of this title,
38 except that the campaign treasurer may choose a threshold reporting amount for political

1 contributions of the amount specified in Tex. Elec. Code §254.156(2), as amended by Figure 1 in
2 1 TAC §18.31, [~~\$40~~] instead of the threshold reporting amount [~~of \$20~~] set out in §20.433(11) and
3 (25)(B) of this title.

4 **§20.435. Special Pre-Election Reports by Certain General-Purpose Committees.**

5 (a) In addition to other reports required by this chapter, a general-purpose committee must file a
6 special pre-election report if the committee is involved in an election and if it:

7 (1) makes direct campaign expenditures supporting or opposing a single candidate or a
8 group of candidates that in the aggregate exceed the amounts specified in Tex. Elec. Code
9 §254.039(a)(2), as amended by Figure 1 in 1 TAC §18.31 [~~\$2,020 or a group of~~
10 ~~candidates that in the aggregate exceed \$30,330~~] during the reporting period for special
11 pre-election reports; or

12 (2) accepts political contributions from a person that in the aggregate exceed the amount
13 specified in Tex. Elec. Code §254.039(a)(1), as amended by Figure 1 in 1 TAC §18.31
14 [~~\$6,910~~] during the reporting period for special pre-election reports.

15 (b) The period for special pre-election reports begins on the ninth day before election day and
16 ends at noon on the day before election day.

17 (c) Except as provided by subsection (d) of this section, a report under this section must be
18 received by the commission no later than the first business day after the contribution is accepted
19 or the expenditure is made.

20 (d) A special pre-election report that is exempt from electronic filing under §254.036(c), Election
21 Code, must be received by the commission no later than 5 p.m. of the first business day after the
22 contribution is accepted or the expenditure is made.

23 (e) Expenditures and contributions reported under this section must be reported again in the next
24 applicable sworn report of contributions and expenditures.

25 **Subchapter I. RULES APPLICABLE TO A POLITICAL PARTY'S COUNTY**
26 **EXECUTIVE COMMITTEE**

27 **§20.553. Campaign Treasurer Appointment Not Required for County Executive Committee**
28 **Accepting Contributions or Making Expenditures under Certain Amount.**

29 (a) A county executive committee accepting political contributions or making political
30 expenditures totaling the amount specified in Tex. Elec. Code §253.031(d), as amended by
31 Figure 1 in 1 TAC §18.31 [~~\$36,630~~] or less in a calendar year is not required to:

32 (1) appoint a campaign treasurer before accepting political contributions or making
33 political expenditures; or

34 (2) file the reports required by Subchapter F of this chapter (relating to Reporting
35 Requirements for a General-Purpose Committee).

1 (b) A county executive committee described in subsection (a) of this section is required to comply
2 with §20.551 of this title (relating to Obligation To Maintain Records).

3 **§20.555. County Executive Committee Accepting Contributions or Making Expenditures**
4 **That Exceed Certain Amount.**

5 (a) A county executive committee described by subsection (b) of this section is subject to the
6 requirements of Subchapter F of this chapter (relating to Reporting Requirements for a General-
7 Purpose Committee), except where those rules conflict with this subchapter. In the case of
8 conflict, this subchapter prevails over Subchapter F of this chapter.

9 (b) A county executive committee that accepts political contributions or that makes political
10 expenditures that, in the aggregate, exceed the amount specified in Tex. Elec. Code
11 §253.031(d)(1), as amended by Figure 1 in 1 TAC §18.31 [§36,630] in a calendar year shall file:

12 (1) a campaign treasurer appointment with the commission no later than the 15th day
13 after the date that amount is exceeded; and

14 (2) the reports required by Subchapter F of this chapter (~~relating to Reporting~~
15 ~~Requirements for a General Purpose Committee~~). The first report filed must include all
16 political contributions accepted and all political expenditures made before the county
17 executive committee filed its campaign treasurer appointment.

18 (c) Contributions accepted from corporations and labor organizations under section 253.104 of
19 the Election Code and reported under Subchapter H of this chapter (relating to Accepting and
20 Reporting Contributions from Corporations and Labor Organizations) do not count against the
21 amount specified in Tex. Elec. Code §253.031(d)(1), as amended by Figure 1 in 1 TAC §18.31
22 [§36,630] thresholds described in subsection (b) of this section.

23 (d) A county executive committee that filed a campaign treasurer appointment may file a final
24 report, which will notify the commission that the county executive committee does not intend to
25 file future reports unless it exceeds one of the amount specified in Tex. Elec. Code
26 §253.031(d)(1), as amended by Figure 1 in 1 TAC §18.31 [§36,630] thresholds. The final report
27 may be filed:

28 (1) beginning on January 1 and by the January 15 filing deadline if the committee has
29 exceeded one of the amount specified in Tex. Elec. Code §253.031(d)(1), as amended by
30 Figure 1 in 1 TAC §18.31 [§36,630] thresholds in the previous calendar year; or

31 (2) at any time if the committee has not exceeded one of the amount specified in Tex. Elec.
32 Code §253.031(d)(1), as amended by Figure 1 in 1 TAC §18.31 [§36,630] thresholds in
33 the calendar year.

34

1 **Chapter 22. RESTRICTIONS ON CONTRIBUTIONS AND EXPENDITURES**

2
3 **§22.1. Certain Campaign Treasurer Appointments Required before Political Activity Begins.**

4
5 (a) An individual must file a campaign treasurer appointment with the proper authority before
6 accepting a campaign contribution or making or authorizing a campaign expenditure.

7 (1) An officeholder may accept an officeholder contribution and make or authorize an
8 officeholder expenditure without a campaign treasurer appointment on file.

9 (2) An officeholder who does not have a campaign treasurer appointment on file may not
10 accept a campaign contribution or make or authorize a campaign expenditure.

11 (b) A political committee may not accept political contributions exceeding the amount specified
12 for making political contributions or making or authorizing political expenditures in Tex. Elec.
13 Code §253.031(b), as amended by Figure 1 in 1 TAC §18.31 [~~\$980 and may not make or~~
14 ~~authorize political expenditures exceeding \$980~~] without filing a campaign treasurer
15 appointment with the appropriate filing authority.

16 (c) Unless the committee's campaign treasurer appointment was filed not later than the 30th day
17 before the appropriate election day, a political committee may not knowingly make or authorize
18 campaign contributions or campaign expenditures exceeding the amount specified in Tex. Elec.
19 Code §253.031(b), as amended by Figure 1 in 1 TAC §18.31 [~~\$980~~] to support or oppose a
20 candidate in a primary or general election for the following:

21 (1) a statewide office;

22 (2) a seat in the state legislature;

23 (3) a seat on the State Board of Education;

24 (4) a multi-county district office; or

25 (5) a judicial district office filled by voters of only one county.

26 (d) This section does not apply to the county executive committee of a political party except as
27 provided in Chapter 20, Subchapter I of this title (relating to Rules Applicable to a Political Party's
28 County Executive Committee).

29 **§22.6. Reporting Direct Campaign Expenditures.**

30 Section 254.261 of the Election Code applies to a person who, not acting in concert with another
31 person, makes one or more direct campaign expenditures that exceed the amount specified in Tex.
32 Elec. Code §254.261(a), as amended by Figure 1 in 1 TAC §18.31 [~~\$150~~] in an election from the
33 person's own property.
34
35

1 **§22.7. Contribution from Out-of-State Committee.**
2

3 (a) For each reporting period during which a candidate, officeholder, or political committee
4 accepts a contribution or contributions from an out-of-state political committee totaling more
5 than the amount specified in Tex. Elec. Code §253.032(a), as amended by Figure 1 in 1 TAC
6 §18.31 [\$1,010], the candidate, officeholder, or political committee must comply with
7 subsections (b) and (c) of this section.

8 (b) The candidate, officeholder, or political committee covered by subsection (a) of this section
9 must first obtain from the out-of-state committee one of the following documents before
10 accepting the contribution that causes the total received from the out-of-state committee to
11 exceed the amount specified in Tex. Elec. Code §253.032(a), as amended by Figure 1 in 1 TAC
12 §18.31 [\$1,010] during the reporting period:

13 (1) a written statement, certified by an officer of the out-of-state political committee,
14 listing the full name and address of each person who contributed more than the amount
15 specified in Tex. Elec. Code §253.032(a)(1), as amended by Figure 1 in 1 TAC §18.31
16 [\$1,010] to the out-of-state political committee during the 12 months immediately
17 preceding the date of the contribution; or

18 (2) a copy of the out-of-state political committee's statement of organization filed as
19 required by law with the Federal Election Commission and certified by an officer of the
20 out-of-state committee.

21 (c) The document obtained pursuant to subsection (b) of this section shall be included as part of
22 the report that covers the reporting period in which the candidate, officeholder, or political
23 committee accepted the contribution that caused the total accepted from the out-of-state
24 committee to exceed the amount specified in Tex. Elec. Code §253.032(e), as amended by Figure
25 1 in 1 TAC §18.31 [\$1,010].

26 (d) A candidate, officeholder, or political committee that:

27 (1) receives contributions covered by subsection (a) of this section from the same out-of-
28 state committee in successive reporting periods; and

29 (2) complies with subsection (b)(2) of this section before accepting the first contribution
30 triggering subsection (a) of this section, may comply with subsection (c) of this section in
31 successive reporting periods by submitting a copy of the certified document obtained
32 before accepting the first contribution triggering subsection (a) of this section, rather than
33 by obtaining and submitting an original certified document for each reporting period,
34 provided the document has not been amended since the last submission.

35 (e) A candidate, officeholder, or political committee that accepts a contribution or contributions
36 totaling the amount specified in Tex. Elec. Code §253.032(e), as amended by Figure 1 in 1 TAC
37 §18.31 [\$1,010] or less from an out-of-state political committee shall include as part of the report
38 covering the reporting period in which the contribution or contributions are accepted either:

1 (1) a copy of the out-of-state committee's statement of organization filed as required by
2 law with the Federal Election Commission and certified by an officer of the out-of-state
3 committee; or

4 (2) the following information:

5 (A) the full name of the committee, and, if the name is an acronym, the words the
6 acronym represents;

7 (B) the address of the committee;

8 (C) the telephone number of the committee;

9 (D) the name of the person appointing the campaign treasurer; and

10 (E) the following information for the individual appointed campaign treasurer and
11 assistant campaign treasurer:

12 (i) the individual's full name;

13 (ii) the individual's residence or business street address; and

14 (iii) the individual's telephone number.

15 (f) This section does not apply to a contribution from an out-of-state political committee if the
16 committee filed a campaign treasurer appointment with the commission before making the
17 contribution.

18 **Chapter 34. REGULATION OF LOBBYISTS**

19
20 **Subchapter B. REGISTRATION REQUIRED**

21
22 **§34.41. Expenditure Threshold.**

23
24 (a) A person must register as a lobbyist under chapter 305 of the Texas Government Code [~~under~~
25 ~~Government Code, §305.003(a)(1),~~] if the person makes total expenditures of more than the
26 amount specified in Tex. Gov't Code §305.003(a)(1), as amended by Figure 2 in 1 TAC §18.31
27 [\$880] in a calendar quarter, not including expenditures for the person's own travel, food,
28 lodging, or membership dues, on activities described in Government Code §305.006(b) to
29 communicate directly with one or more members of the legislative or executive branch to
30 influence legislation or administrative action.

31 (b) An expenditure made by a member of the judicial, legislative, or executive branch of state
32 government or an officer or employee of a political subdivision of the state acting in his or her
33 official capacity is not included for purposes of determining whether a person is required to
34 register under Government Code, §305.003(a)(1).

1 (c) An expenditure made in connection with an event to promote the interests of a designated
2 geographic area or political subdivision is not included for purposes of determining whether a
3 person has crossed the registration threshold in Government Code, §305.003(a)(1), if the
4 expenditure is made by a group that exists for the limited purpose of sponsoring the event or by a
5 person acting on behalf of such a group.

6 **§34.43. Compensation and Reimbursement Threshold.**
7

8 (a) A person must register as a lobbyist under chapter 305 of the Texas Government Code [~~under~~
9 ~~Government Code, §305.003(a)(2),~~] if the person receives, or is entitled to receive under an
10 agreement under which the person is retained or employed, more than the amount specified in
11 Tex. Gov't Code §305.003(a)(2), as amended by Figure 2 in 1 TAC §18.31 [\$1,760] in a
12 calendar quarter in compensation and reimbursement, not including reimbursement for the
13 person's own travel, food, lodging, or membership dues, from one or more other persons to
14 communicate directly with a member of the legislative or executive branch to influence
15 legislation or administrative action.

16 (b) For purposes of Government Code, §305.003(a)(2), and this chapter, a person is not required
17 to register if the person spends not more than 40 hours for which the person is compensated or
18 reimbursed during a calendar quarter engaging in lobby activity, including preparatory activity as
19 described by §34.3 of this title (relating to Compensation for Preparation Time).

20 (c) For purposes of Government Code, §305.003(a)(2), and this chapter, a person shall make a
21 reasonable allocation of compensation between compensation for lobby activity and compensation
22 for other activities.

Exhibit D

Text of Proposed Rule

The proposed new language is indicated by underlined text.

The deleted language is indicated by [~~striketrough~~] text.

CHAPTER 18. GENERAL RULES CONCERNING REPORTS

§18.10. Guidelines for Substantial Compliance for a Corrected/Amended 8-day Pre-election Report.

(a) A corrected/amended 8-day pre-election report substantially complies with the applicable law and will not be assessed a late fine under §18.9 of this title (relating to Corrected/Amended Reports) if:

(1) The original report was filed in good faith and the corrected/amended report was filed not later than the 14th business day after the date the filer learned of the errors or omissions; and

(2) The only corrections/amendments needed were to correct the following types of errors or omissions:

(A) a technical, clerical, or *de minimis* error, including a typographical error, that is not misleading and does not substantially affect disclosure;

(B) an error in or omission of information that is solely required for the commission's administrative purposes, including a report type or filer identification number;

(C) an error that is minor in context and that, upon correction/amendment, does not result in changed monetary amounts or activity disclosed, including a descriptive change or a change to the period covered by the report;

(D) one or more errors in disclosing contributions that, in total:

(i) do not exceed \$32,000; or

(ii) do not exceed the lesser of 10% of the total contributions on the corrected/amended report or \$10,000;

(E) one or more errors in disclosing expenditures that, in total:

(i) do not exceed \$32,000; or

(ii) do not exceed the lesser of 10% of the total expenditures on the corrected/amended report or \$10,000;

(F) one or more errors in disclosing loans that, in total:

Exhibit D

1 (i) do not exceed \$~~32~~,000; or

2 (ii) do not exceed the lesser of 10% of the amount originally disclosed or
3 \$10,000; or

4 (G) an error in the amount of total contributions maintained that:

5 (i) does not exceed \$~~3,000~~~~250~~; or

6 (ii) does not exceed the lesser of 10% of the amount originally disclosed or
7 \$~~10,000~~~~2,500~~.

8 (H) The only correction/amendment by a candidate or officeholder was to add
9 to or delete from the outstanding loans total an amount of loans made from
10 personal funds;

11
12 (I) The only correction/amendment by a political committee was to add the
13 name of each candidate supported or opposed by the committee, when each
14 name was originally disclosed on the appropriate schedule for disclosing
15 political expenditures;

16
17 (J) The only correction/amendment was to disclose the actual amount of a
18 contribution or expenditure, when:

19
20 (i) the amount originally disclosed was an overestimation;

21
22 (ii) the difference between the originally disclosed amount and the
23 actual amount did not vary by more than 10%; and

24
25 (iii) the original report clearly included an explanation of the estimated
26 amount disclosed and the filer's intention to file a
27 correction/amendment as soon as the actual amount was known; or

28
29 (K) The only correction/amendment was to delete a duplicate entry.

30 (b) The executive director shall determine whether an 8-day pre-election report as originally filed
31 substantially complies with applicable law by applying the criteria provided in this section.

32 (c) In this section, "8-day pre-election report" means a report due eight days before an election
33 filed in accordance with the requirements of §20.213(d), 20.325(e), or 20.425(d) of this title
34 (relating to a candidate, a specific-purpose committee, or a general-purpose committee,
35 respectively) and §254.064(c), 254.124(c), or 254.154(c) of the Election Code (relating to a
36 candidate, a specific-purpose committee, or a general-purpose committee, respectively).

37

Exhibit D

~~§18.11 Guidelines for Waiver or Reduction of a Late Fine for a Corrected/Amended 8-day Pre-election Report.~~

~~(a) A filer who has filed a corrected/amended 8-day pre-election report may request the executive director to waive or reduce a late fine assessed under §18.9 of this title (relating to Corrected/Amended Reports) by submitting an affidavit to the executive director. The executive director shall waive a late fine if the report meets the criteria in subsection (b) of this section and shall reduce a late fine if the report meets the criteria in subsection (c) of this section.~~

~~(b) A late fine for a correction/amendment to an 8-day pre-election report shall be waived if:~~

~~(1) The corrected report was filed not later than the fourth day after the original report due date;~~

~~(2) The only correction/amendment by a candidate or officeholder was to add to or delete from the outstanding loans total an amount of loans made from personal funds;~~

~~(3) The only correction/amendment by a political committee was to add the name of each candidate supported or opposed by the committee, when each name was originally disclosed on the appropriate schedule for disclosing political expenditures; or~~

~~(4) The only correction/amendment was to disclose the actual amount of a contribution or expenditure, when:~~

~~(A) the amount originally disclosed was an overestimation;~~

~~(B) the difference between the originally disclosed amount and the actual amount did not vary by more than 10%; and~~

~~(C) the original report clearly included an explanation of the estimated amount disclosed and the filer's intention to file a correction/amendment as soon as the actual amount was known.~~

~~(c) A late fine for a correction/amendment to an 8-day pre-election report that does not meet the criteria for a waiver under subsection (b) of this section shall be reduced as follows:~~

~~(1) If the corrected/amended report was filed more than four days after the original report due date but was filed before the election day, the late fine is reduced to \$500;~~

~~(2) If the corrected/amended report was filed after the election and the amount of the incorrectly reported or unreported activity was more than 10% of the total amount disclosed on the corrected/amended report but did not exceed the lesser of 25% of the total amount of activity, or \$5,000, the late fine is reduced to \$1,000; or~~

~~(3) If the amount of the incorrectly reported or unreported activity was more than 40% of the total amount disclosed in the corrected/amended report and the corrected/amended report was filed over a year after the election, the late fine is reduced to 10% of the amount at issue.~~

Exhibit D

1 ~~(d) A late fine that is reduced under this section will revert to the full amount originally assessed~~
2 ~~if the reduced fine is not paid on or before the 30th calendar day after the date of the notice~~
3 ~~informing the filer of the reduction.~~

4 ~~(e) A filer may appeal a determination made under this section by submitting a request in writing~~
5 ~~to the commission.~~

6 ~~(1) The request for appeal should state the filer's reasons for requesting an appeal, provide~~
7 ~~any additional information needed to support the request, and state whether the filer would~~
8 ~~like the opportunity to appear before the commission and offer testimony regarding the~~
9 ~~appeal.~~

10 ~~(2) After hearing a request for appeal, the commission may affirm the determination made~~
11 ~~under this section or make a new determination based on facts presented in the appeal.~~

12 ~~(f) This section does not apply to a civil penalty assessed through the sworn complaint process or~~
13 ~~facial compliance review process.~~

STAFF DRAFT. NOT FINAL UNLESS ADOPTED BY COMMISSION

ETHICS ADVISORY OPINION NO. ____

[DATE]

ISSUE

Whether receiving a fee contingent on the sale of services to an independent school district is prohibited by Section 305.022 of the Government Code. (AOR-686).

SUMMARY

No. The Section 305.022 contingency fee prohibition does not apply to actions of an independent school district.

FACTS

The requestor is a company that sells educational services. The requestor seeks to enter into a contingency fee arrangement with other businesses to facilitate the sale of educational services to independent school districts (ISDs) and individual public schools. Under the agreement, the requestor would receive a percentage fee for each sale its clients make to an ISD and individual Texas public schools.

ANALYSIS

Chapter 305 of the Government Code (“the Lobby Code”) generally regulates lobbying of the legislature and state officials and employees. Tex. Gov’t Code § 305.001.

At issue is the Lobby Code’s specific provision that prohibits a person from retaining or employing another person to “influence legislation or administrative action for compensation that is totally or partially contingent on . . . the outcome of any *administrative action*.” *Id.* § 305.022(a) (emphasis added).

The definition of “administrative action” includes only actions taken by the legislature or “a state agency or executive branch office,” *Id.* § 305.002(1); *see also, id.* § 305.002(4) (defining “member of the executive branch” as “an officer, officer-elect, candidate for, or employee of any state agency, department, or office in the executive branch of state government.”). Therefore, actions taken by units of government besides the legislature, state agency, or executive branch office of state government are beyond the reach of Section 305.022.

As a general rule, statewide jurisdiction is implicit in the term “state agency or department” as used in the Lobby Code. Tex. Ethics Comm’n Op. No. 101 (1992). The commission has long

STAFF DRAFT. NOT FINAL UNLESS ADOPTED BY COMMISSION

held that a political subdivision is not a state agency or in the executive branch of state government. Tex. Ethics Comm'n Op. No. 178 (1993) ("A metropolitan transit authority is a political subdivision, not a state agency"); Tex. Ethics Comm'n Op. No. 106 (1992) (finding a county is a political subdivision, not "one of the branches of 'state' government").

We reached this conclusion because "[t]he definitions of 'member of the legislative branch' and 'member of the executive branch' make clear that those terms refer to the legislative and executive branches of 'state' government," not political subdivisions. Tex. Ethics Comm'n Op. No. 106 (1992). For example, Section 305.003(b-1) of the Government Code lists an "employee of a political subdivision" separately from "a member of the judicial, legislative, or executive branch of state government" when providing an exception to lobby registration. *See also* Tex. Gov't Code § 305.026 (defining "political subdivision" to include a "school district").

At least for the purposes of the Lobby Code, an ISD is a political subdivision and not a state agency or member of the executive branch of state government. *Id.* § 305.026; see generally, Chapter 11, Texas Education Code. Therefore, the Section 305.022 contingent fee restriction does not apply to actions taken by an ISD or individual public school belonging to an ISD.

STAFF DRAFT. NOT FINAL UNLESS ADOPTED BY COMMISSION

ETHICS ADVISORY OPINION NO. ____

[DATE]

ISSUE

Whether a retired district court judge may use political contributions to pay for his and his spouse's headstones or monuments at the State Cemetery of Texas. (*AOR-687*).

SUMMARY

A retired district court judge may use political contributions to purchase a headstone or monument for himself and his spouse at the State Cemetery of Texas because the headstones or monuments are related to the requestor's activities as an officeholder and the headstone or monument will be the property of the state.

FACTS

The requestor is a retired district court judge who plans to be buried at the Texas State Cemetery upon his death. His spouse also has a burial plot reserved at the same cemetery.

The Texas State Cemetery was founded in 1851 "to honor those individuals who have made a significant impact on the history of Texas." Texas State Cemetery, Texas State Preservation Board, 2018 Strategic Master Plan. The cemetery serves as "the final resting place of Governors, Senators, Legislators, Congressmen, Judges and other legendary Texans who have made the state what it is today," according to its Website. The cemetery also serves as a museum, offering guided tours to school groups and the general public.

Only former state legislators, elected state officials, and other people who made a significant contribution to Texas history and culture are eligible for burial at the cemetery. Tex. Gov't Code § 2165.256. The spouse of such a notable Texan is also eligible for burial at the Texas State Cemetery. *Id.*

It is customary for the headstone or monument to provide information regarding the officeholder, elected or appointed positions held, and dates served. The information contained on the headstones and monuments helps the Texas State Cemetery illustrate the historical and cultural aspects of Texas.

The cemetery is administered by the State Preservation Board and the State Cemetery Committee. Each monument and headstone is subject to review of the State Cemetery Committee and must comply with regulations promulgated by the State Preservation Board. The

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monuments or headstones are typically purchased by the estate of the person interred but become the property of the state. 13 Tex. Admin. Code § 71.11(e).

The requestor asks whether he may use his unexpended political contributions to purchase the monument or headstone for both himself and his spouse.

ANALYSIS

Title 15 of the Election Code prohibits the personal use of political contributions. Tex. Elec. Code § 253.035.

“Personal use” means a use that “primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate for or holder of a public office.” *Id.* § 253.035(d). Personal use does not include “payments made to defray ordinary and necessary expenses incurred in connection with activities as a candidate or in connection with the performance of duties or activities as a public officeholder.” *Id.* § 253.035(d)(1).

In Ethics Advisory Opinion No. 199 the Commission held “an expenditure to purchase a portrait of a retiring judge for the county courthouse where the judge presided is connected to the duties and activities associated with the office and is therefore a permissible use of political contributions.” Tex. Ethics Comm’n Op. No. 199 (1994).

A headstone or monument at the state cemetery for a retired judge is analogous to a portrait hung in a county courthouse in that the requestor’s headstone or monument would become state property to be viewed by the public.

The headstone is also related to the requestor’s activities as an officeholder. The requestor is only eligible for a plot due to his state service. The headstone itself will also note the duration and type of service provided by the requestor and be displayed at a public cemetery among other notable Texans. Importantly, the headstones will be the property of the state. The requestor’s spouse is also only eligible for burial in the Texas State Cemetery due to the requestor’s state service. The headstone of the spouse also provides a fuller picture the state official’s life in furtherance of the educational mission of the Texas State Cemetery. For those reasons, the purchase of a headstone for a plot at the state cemetery for the requestor and his spouse is not a personal use.

We also note that even if the purchase of a headstone is not a conversion to personal use, six years after ceasing to become a candidate or officeholder or filing a final report, whichever is later, all unexpended political funds must be disposed of in specific statutorily prescribed ways. Tex. Elec. Code §§ 254.203, .204. Purchasing a headstone or monument is not one of the approved expenditures.

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ETHICS ADVISORY OPINION NO. ____

[DATE]

ISSUE

Whether Section 253.007 of the Election Code prohibits a former legislator from engaging in activity requiring lobby registration under various scenarios. (*AOR-688*).

SUMMARY

Section 253.007 applies to contributions to all candidates for and holders of non-federal Texas elective offices—not just legislative or state executive branch offices. Once a triggering contribution is made, it cannot be cured by a refund or reimbursement. Section 253.007 also applies to a political contribution made to a political committee regardless of how the political committee ultimately disposes of the contribution.

FACTS

The requestor is a former legislator who made several political contributions in 2022 from a specific-purpose committee that he controlled. The requestor used his specific-purpose political committee to make political contributions to two local candidates, one statewide executive branch candidate, general-purpose political committees and a county executive committee of a political party. The requestor sought and received reimbursements of his SPAC's political contributions from two local candidates and the statewide candidate. The requestor states he reimbursed his specific-purpose political committee with personal funds for some of the contributions for which he did not receive a refund.

The request states that despite not being required to the register as a lobbyist under Chapter 305 of the Government Code, the requestor nevertheless registered as a lobbyist “out of an abundance of caution.”

ANALYSIS

Section 253.007 of the Election Code prohibits a person from engaging in activities that require the person to register as a lobbyist under Chapter 305 of the Government Code during the two-year period after the date the person knowingly makes a political contribution to a candidate, officeholder, or political committee from political contributions accepted by the person as a candidate or officeholder. Tex. Elec. Code § 253.007(b).

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The Section 253.007 waiting period also applies to expenditures made by a candidate-controlled specific-purpose committee. Tex. Ethics Comm'n Op. No. 575 (2002).

The requestor asks a series of questions regarding the scope of Section 253.007 and whether triggering contributions can be refunded to shorten the two-year waiting period. Each question is addressed specifically below after a discussion of the general contours of the law.

Section 253.007 applies to contributions to all candidates for and holders of non-federal Texas elective offices—not just legislative or state executive branch offices.

Section 253.007 applies, in relevant part, to certain contributions made to a “candidate, officeholder, or political committee.” The Election Code definition of a “candidate” applies to all elective public offices in the state, excluding federal office. Tex. Elec. Code §§ 251.001(1) (defining candidate) 252.005; 251.006 (generally excluding federal offices from Title 15 regulation). The plain language of Section 253.007 does not limit its reach to contributions made to legislative or state executive branch officer holders or candidates. Nor does it limit its reach to only political committees that make contributions to legislative or state executive branch officeholders or candidates.

Once a triggering contribution is made, it cannot be cured by a refund or reimbursement.

Earlier this year we were asked whether a candidate or officeholder could personally reimburse their campaign account to “cure” a past violation or to shorten the two-year waiting period. Tex. Ethics Comm'n Op. No. 587 (2023) (“EAO No. 587”). We held that Section 253.007 did not provide for exceptions to “cure” a past violation or shorten the two-year waiting period after a triggering contribution was made. *Id.* The same is true of a refund of a triggering contribution. The two-year waiting period is triggered once a former candidate or officeholder “makes or authorizes a political contribution or political expenditure that is a political contribution” from political contributions accepted by the candidate or officeholder. Tex. Elec. Code § 253.007. The triggering event is complete once the former officeholder effects the transfer of political contributions to another candidate, officeholder or political committee. See EAO 587. Nothing in the Election Code provides a way to reverse the expenditure to end the two-year waiting period.

With the basic framework of Section 253.007 established, we turn to the requestor’s specific questions.

Question 1: Is a former legislator prohibited from engaging in activity requiring registration before *the legislative branch* if a specific-purpose committee supporting that person made, during the preceding two years, contributions from political funds to a constable candidate, a justice court candidate, and a candidate for land commissioner?

Yes. The two-year waiting period is triggered by a contribution made to a candidate or officeholder regardless of the level of office sought (excluding federal office) when the contribution is made from a former candidate or officeholder’s political contributions. Tex. Elec.

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Code § 253.007; see also Tex. Ethics Comm'n Op. No. 575 (2002) (applying § 253.007 to candidate-controlled specific-purpose political action committees).

Question 2: Does the answer to Question 1 change if the specific-purpose committee was reimbursed with the lawmaker's personal funds *and* each candidate refunded the contributions to the committee?

No. The plain language of Section 253.007 provides no exception or way to shorten the waiting period once a triggering contribution is made.

Question 3: Is a former legislator prohibited from engaging in activity requiring registration if a specific-purpose committee supporting that person made, during the preceding two years, contributions from political funds to a general-purpose committee that is not controlled by the former legislator?

Yes. The plain language of 253.007 applies to contributions made to "a political committee." A general-purpose political committee is included in the definition of "political committee." Tex. Elec. Code § 251.001(12), (14).

Question 4: Is a former legislator prohibited from engaging in activity requiring registration if a specific-purpose committee supporting that person made, during the preceding two years, contributions from political funds to a political party's county executive committee?

Yes, if the county executive committee meets the definition of a political committee. A county executive committee will often meet the definition of a political committee, which is "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 treatment of county executive committees of a political party as a type of general-purpose political committee is apparent throughout Title 15. *See id.* §§ 253.031(d) (applying a higher political committee registration threshold to "a political party's county executive committee that accepts political contributions or makes political expenditures"); 254.161 (applying notice requirements to "a general-purpose committee other than the principal political committee of a political party or a political committee established by a political party's county executive committee"); 257.001 ("The state or county executive committee of a political party may designate a general-purpose committee as the principal political committee for that party in the state or county, as applicable.").

Question 5: Is a former legislator prohibited from engaging in activity that requires registration if a specific-purpose committee supporting that person made, during the preceding two years, a contribution from political funds to a political committee that never supported/opposed a candidate before dissolving?

Yes. The two-year waiting period is triggered by the candidate-controlled specific-purpose committee making a contribution to a political committee from contributions accepted by the

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candidate-controlled specific-purpose committee. Tex. Elec. Code § 253.007; *see* also EAO No. 587. The law provides no exception if the recipient committee dissolves before making use of the triggering contribution.

Question 6: Does Election Code § 253.007 apply to a person that voluntarily registered as a lobbyist despite not engaging in activity requiring registration (by remaining below the 40-hour threshold)?

Section 253.007 prevents a person from “engag[ing] in any activit[y]” that would require registration as a lobbyist—not the act of registering. Whether a person engaged in activity that requires registration is a fact question that cannot be resolved in an advisory opinion. Assuming the person actually did not engage in activity requiring registration as a lobbyist, the person would not violate 253.007 by gratuitously registering as a lobbyist.

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ETHICS ADVISORY OPINION NO. ____

[DATE]

ISSUE

Whether a written communication, created by a political subdivision and related to a measure, constitutes political advertising for purposes of the Election Code’s prohibition against using public funds for political advertising. Tex. Elec. Code § 255.003(a). (*AOR-689*).

SUMMARY

The specific communication considered in this opinion is political advertising for purposes of Section 255.003 of the Election Code because it advocates for the passage of a measure.

FACTS

The requestor is a superintendent of an independent school district that put a voter-approved tax rate election (“VATRE”) on the November 2023 ballot. The requestor asks whether a proposed communication would violate the prohibition on an officer or employee approving the spending of public funds for political advertising.

The communication is a video that uses animated text and images to present questions and answers about the VATRE. The communication explains that the VATRE will be used to add money to the school district’s general fund.

The video contains the question “Why do we need a VATRE?” which it answers by citing the state’s recapture system, inflation, “COVID-19 Costs,” and increase in property values that outpaced growth in student enrollment.

The video also explains the cost of the VATRE and notes that it will have no additional cost to “those over 65.” The video provides a table with the current tax rate and amount for a typical home under the current tax structure, the tax structure for next year if the VATRE fails, and the tax structure if the VATRE passes. The table shows a tax savings to the tax payer with the VATRE and a greater tax savings with no VATRE from the “current” tax structure. The video explains that an owner of a typical home can expect property taxes to be reduced even though the VATRE would raise the tax rate imposed by the ISD due to property tax relief legislation passed by the 88th legislature.

We assume that facts contained in the communication are true.

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ANALYSIS

Officers and employees of political subdivisions are prohibited from “knowingly spend[ing] or authoriz[ing] the spending of public funds for political advertising.” Tex. Elec. Code § 255.003(a). However, Section 255.003(a) does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure. Tex. Elec. Code § 255.003(b).

“Political advertising” means, in relevant part, a communication *supporting or opposing* a measure that appears in a pamphlet, circular, flier, billboard, or other sign, bumper sticker, or similar form of written communication. Tex. Elec. Code § 251.001(16) (emphasis added).

We view the communication as a whole when determining whether a communication supports or opposes a measure. Tex. Ethics Comm’n Op. No. 476 (2007). However, any amount of express advocacy, a motivational slogan, or call to action is impermissible even if the communication is otherwise factual. *See* Tex. Ethics Comm’n Op. No. 559 (2021).

“[T]he Election Code does not prohibit political subdivisions from spending public funds to enable voters to make informed decisions.” Tex. Ethics Comm’n Op. No. 582 (2022) (quoting Tex. Ethics Comm’n Op. No. 559 (2021)). A communication may contain factual information that may affect whether voters will support or oppose the passage of a measure without advocating for or against the measure. *See, e.g.* Tex. Ethics Comm’n Op. No. 565 (2021); Tex. Ethics Comm’n Op. No. 582 (2022).

However, the communication at issue contains statements that are not factual and advocate for the passage of the VATRE. One question asked during the video is “Why is the VATRE necessary?” The question itself assumes the necessity for the increased tax rate. The communication then offers justifications. The VATRE being necessary is not a fact; it is a question for the voters to decide. Framing questions to assume the VATRE is necessary and then providing justifications is advocacy. The communication also emphasizes that taxes overall will go down for homeowners despite the increase from the VATRE, and actually writes “Yes” in a test bubble on the screen, after asking whether the VATRE should be approved.

When viewed as a whole, the communication advocates for the passage of the measure. Therefore, Section 255.003(a) prohibits an officer or employee from knowingly spending or authorizing the spending of public funds for its distribution or publication.

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ETHICS ADVISORY OPINION NO. ____

[DATE]

ISSUE

Whether a written communication, created by a political subdivision and related to the political subdivision's special election for a sales tax ballot measure, constitutes political advertising for purposes of the Election Code's prohibition against using public funds for political advertising. Tex. Elec. Code § 255.003(a). (AOR-690).

SUMMARY

The specific communication considered in this opinion is not political advertising for purposes of Section 255.003 of the Election Code because it is entirely factual and does not include any advocacy.

FACTS

The requestor represents a city that has called a special election for November 7, 2023, regarding a sales tax ballot measure. The city wishes to publish "educational materials with factual descriptions of the ballot measure to help voters make informed decisions." The requestor included a proposed communication attached with the request.

The communication includes:

- The election and early voting dates;
- A statement that "while the City Council voted in favor of calling the Special election to place the proposition before the voters, the City . . . as an entity does not advocate for or against passage or any proposition";
- Contact information for the city and county elections administrators;
- The ballot language;
- The history of various tax rates set by the city;
- The legal authority for making tax rate changes.

We assume that facts contained in the communication are true.

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ANALYSIS

Under Section 255.003(a) of the Election Code, an officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising. Tex. Elec. Code § 255.003(a). Section 255.003(a) does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure. Tex. Elec. Code § 255.003(b).

“Political advertising” means, in relevant part, a communication *supporting or opposing* a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication. *Id.* at § 251.001(16) (emphasis added).

A significant factor “in determining whether a particular communication supports or opposes a public officer [or measure] is whether the communication provides information . . . without promotion of the public officer [or measure].” Tex. Ethics Comm’n Op. No. 476 (2007). For example, in Ethics Advisory Opinion No. 211, we concluded that an informational brochure was not a political advertisement—despite identifying the incumbent in the letterhead—because it “merely describe[d] the duties” of the public office and did not reference the incumbent “in a way that would lead one to believe that the purpose of the brochure was to support the incumbent.” Tex. Ethics Comm’n Op. No. 211 (1994).

No matter how much factual information about the purposes of a measure election is included in a communication, *any amount* of advocacy is impermissible under Section 255.003(a). Tex. Ethics Comm’n Op. No. 564 (2021).

When viewed in its entirety, the communication is informational and does not support or oppose any candidate or measure. The proposed communication does not include any express advocacy, motivational slogan, or call to action. Viewed as a whole, the communication is not a statement of support or opposition, but rather a factual description of the measure presented to the voters. The communication does emphasize that the changes in the tax rates “d[o] not increase the current combined rate of all local sales and use taxes in the City.” However, highlighting a particularly salient fact does not necessarily equate to advocacy for the measure.

In conclusion, the proposed communication does not constitute political advertising and does not advocate passage or defeat of a measure. Consequently, Section 255.003(a) of the Election Code does not prohibit an officer or employee of the political subdivision from using public funds to create and distribute the written communication.

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ETHICS ADVISORY OPINION NO. ____

[DATE]

ISSUE

Whether the Section 572.069 revolving door prohibition prevents a state university employee, who operates a business outside of his university employment, from bidding on behalf of his business on a procurement issued by the university. (*AOR-691*).

SUMMARY

Section 572.069 of the Government Code applies only to a “former state officer or employee of a state agency.” The requestor is a current employee of the university and therefore is not subject to 572.069. However, the requestor should take care not to violate the standards of conduct for state employees listed in Section 572.051 of the Government Code or Chapter 39 of the Penal Code.

FACTS

The requestor has been employed in various capacities at the same university where he currently works as a senior advisor. The requestor has reduced his work hours for the university to three quarters time in order to pursue outside consulting projects. The outside projects are undertaken by a consulting firm where he is the Managing Principal and Executive Director. The consulting firm specializes in executive searches for universities. The requestor states he disclosed his outside employment and consulting services to his university in accordance with university policy.

The state university that employs the requestor has submitted a request for quotes (RFQ) for consulting services to help select the next university president. The requestor would like to submit a bid to provide consulting services through his consulting firm.

The requestor further states that he did not influence or work on the RFQ and would not have any involvement with scoring the bid. The facts submitted with the request do not indicate whether advising or participating in the executive search fits within his job description or expectations as a senior advisor employed by the university.

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ANALYSIS

Chapter 572 of the Government Code contain three revolving door provisions—all of which apply to a former officer or employee of a state agency. Tex. Gov't Code §§ 572.054(a), 572.054(b), 572.069.

The requestor asks whether the revolving door provision that bars a “former state officer or employee of a state agency” who participated in a procurement involving a person from accepting employment for two years after the contract is signed or the procurement is terminated prevents him from bidding on the RFQ through his consulting firm and, if awarded, working on the project. *Id.* § 572.069. It does not.

In this case, the requestor has not yet exited the revolving door. As a current employee, the requestor is not a “former officer or employee” of a state agency. Tex. Gov't Code § 572.069. Therefore, Section 572.069 would not prohibit the requestor from bidding on, and if granted, receiving compensation for working on the RFQ while he maintains employment at the university.

Although the law cited in the request does not apply to the requestor because he plans on maintaining employment at the university, other Government Code and Penal Code provisions do apply to the conduct of current state employees.

Section 572.051 of the Government Code lists certain conduct in which a state officer or employee “should not” engage. The “should nots” include “accept[ing] other employment or engag[ing] in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position; . . .[or] accept[ing] other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties.” Tex. Gov't Code § 572.051(a)(2), (3). Both of these provisions are potentially implicated by a senior advisor employed by a university bidding on and ultimately receiving additional compensation for providing “consulting” services to the same university.

Each state agency is also required to adopt a written ethics policy consistent with Section 572.051 and violating that policy or Section 572.051 may subject the state employee to termination. *Id.* § 572.051(b), (c).

The Texas Penal Code also makes it a criminal offense for a public servant to use or disclose nonpublic information that he has access to by means of his office or employment with an intent to gain a benefit, such as winning a competitive contract. Tex. Penal Code § 39.06(b).

The effect of an advisory opinion is to provide a defense to prosecution or civil penalty if reasonably relied upon. *Id.* § 571.097(a). Based on the limited facts presented we cannot offer that protection to the requestor with respect to Chapter 572 of the Government Code and Chapter 39 of the Penal Code.