



respondent did not elect to file campaign finance reports under the modified reporting schedule.

7. The respondent stated that she mistakenly thought she had elected to file reports under modified reporting.
8. The 30-day pre-election report for the March 6, 2018, primary election was due by February 5, 2018. The 8-day pre-election report for the March 6, 2018, primary election was due by February 26, 2018. Records on file with the local filing authority indicate that the respondent filed both pre-election reports on May 23, 2018. Both reports indicate that the respondent did not accept any political contributions or make any political expenditures during the reporting periods.

### **Misleading Use of Office Title**

9. The complaint alleged that the respondent represented in political advertising that she held an elective public office that she did not hold at the time the representations were made. At issue in the complaint were the logos on the respondent's Facebook campaign webpage and campaign website, which stated:

Roslyn Shorter  
ROZZY  
Harris County  
DISTRICT CLERK

10. The respondent stated that she was unaware that she was required to include the word "for" on political advertising.

### **Conclusions of Law**

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV'T CODE § 571.061.
2. The respondent received legally sufficient notice of the hearing in this case. *Id.* § 571.032 and 1 TAC § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.

### **Filing of the Pre-Election Reports**

3. In addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. ELEC. CODE § 254.064(a). The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The report covers the period beginning the day the candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under chapter 254, as applicable, and continuing through the 40th day before

election day. *Id.* § 254.064(b). The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. *Id.* § 254.064(c).

4. As an opposed candidate not filing under the modified reporting schedule, the respondent was required to file the 30-day and 8-day pre-election reports for the March 6, 2018, primary election.
5. The 30-day pre-election report was required to be filed not later than February 5, 2018, and the 8-day pre-election report was required to be filed not later than February 26, 2018. Credible evidence indicates that the respondent filed both reports late on May 23, 2018. Therefore, there is credible evidence of a violation of sections 254.064(b) and 254.064(c) of the Election Code.

### **Misleading Use of Office Title**

6. A person commits an offense if the person knowingly enters into a contract or other agreement to print, publish, or broadcast political advertising with the intent to represent to an ordinary and prudent person that a candidate holds a public office that the candidate does not hold at the time the agreement is made. ELEC. CODE § 255.006(a). A person commits an offense if the person knowingly represents in a campaign communication that a candidate holds a public office that the candidate does not hold at the time the representation is made. *Id.* § 255.006(b). For purposes of this section, a person represents that a candidate holds a public office that the candidate does not hold if the candidate does not hold the office that the candidate seeks and the political advertising or campaign communication states the public office sought but does not include the word "for" in a type size that is at least one-half the type size used for the name of the office to clarify that the candidate does not hold that office. *Id.* § 255.006(c).
7. "Political advertising" means 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 in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television, or appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication, or on an Internet website. *Id.* § 251.001(16).
8. "Campaign communication" means a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure. *Id.* § 251.001(17).
9. The respondent does not hold the office of Harris County District Clerk. During the relevant time at issue, the respondent's campaign websites included her logos that stated the name of the public office sought but did not include the word "for" immediately before the name of the office. Therefore, there is credible evidence of violations of section 255.006(c) of the Election Code.

10. The Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater. GOV'T CODE § 571.173.

**Therefore, the Texas Ethics Commission orders that:**

1. The respondent pay to the Texas Ethics Commission, within 30 days of the date of this Order, a civil penalty in the amount of \$250. If the respondent does not pay the \$250 civil penalty within 30 days of the date of this Order, then the civil penalty is increased to \$2,500 and the matter of the collection of the civil penalty will be referred to the Office of the Attorney General of Texas.

Order Date: \_\_\_\_\_

FOR THE COMMISSION

\_\_\_\_\_  
Seana Willing  
Executive Director  
Texas Ethics Commission