

# TEXAS ETHICS COMMISSION

IN THE MATTER OF

DARLA G. LAW,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-32011249

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (Commission) met on June 16, 2021, to consider sworn complaint SC-32011249. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Sections 254.063 and 254.064 of the Election Code, laws administered and enforced by the Commission. To resolve and settle this complaint without further proceedings, the Commission adopted this resolution.

### II. Allegations

The complaint alleged that the respondent did not file: 1) a semiannual report by the required January 15, 2020, deadline, in violation of Section 254.063(c) of the Election Code; 2) a semiannual report by the required July 15, 2020, deadline, in violation of Section 254.063(b) of the Election Code; 3) a 30-day pre-election report by the required October 5, 2020, deadline, in violation of Section 254.064(b) of the Election Code; and 4) an 8-day pre-election report by the required October 26, 2020, deadline, in violation of Section 254.064(c) of the Election Code.

### III. Findings of Fact and Conclusions of Law

Credible evidence available to the Commission supports the following findings of fact and conclusions of law:

1. The respondent was the incumbent candidate for Caldwell County Tax Assessor-Collector in the March 3, 2020, primary election and November 3, 2020, general election. She was unopposed in the primary election and opposed in the general election. The respondent was successful in the general election.
2. In response to the complaint, the respondent swore that she was unaware that her reports did not upload to the county filing system until she received a call from the Commission. After this call, she immediately contacted the county elections coordinator to determine what happened and discovered several issues. The respondent stated that she could no longer access her account or change her password. She further stated that once she was able to access her account, she found that she could no longer upload and submit reports. The

respondent stated that at that point, the elections coordinator contacted the software provider for assistance. She further swore that it took some time for the software provider to correct the software issues. According to the respondent, the software provider had to delete and then re-upload all of the reports for them to be submitted. She further swore that according to the software provider, there was either a glitch with the filing software, or the error had occurred on her end. She swore that the reports were now submitted, apologized for any inconvenience this caused, and honestly believed her reports were filed on time. Commission staff contacted third parties with relevant information who confirmed that the respondent did experience technical issues with the county filing software when she attempted to upload each report the first time.

Commission staff was able to contact the county clerk and former elections administrator to obtain relevant information regarding the software issues that the respondent experienced. The county clerk stated that she did remember that the respondent experienced software issues when she originally attempted to file her reports. The county clerk stated that she, herself, did not experience the same software issues when she filed her campaign finance reports. The former elections coordinator also confirmed that the respondent did experience software issues when she originally attempted to file her reports. However, she could not recall any other filers who experienced the same software issues that the respondent encountered.

3. The respondent filed a campaign treasurer appointment on November 14, 2019, and did not select modified reporting.
4. The respondent, with assistance from the software provider, was able to re-file all reports on November 12, 2020, except for the January 2020 semiannual report, which was filed on February 25, 2021. Although not required, the respondent also filed an 8-day pre-election report for the March 3, 2020, primary election. The respondent made a good faith attempt to make corrections to these reports but continued to experience issues with the county filing software. The respondent provided examples of these issues such as videos of her reports frozen in the upload process and stated that the filing software would double the amount of total contributions or expenditures made for the reporting period if any corrections were made to an individual contribution or expenditure.
5. Regarding the January 2020 semiannual report, the respondent disclosed \$0 in total political contributions and expenditures.
6. Regarding the July 2020 semiannual report, the respondent originally disclosed \$300 in total political contributions and \$0 in political expenditures. The report covered a period from February 26, 2020, through July 15, 2020. The respondent filed a correction to the report on February 25, 2021, with a reporting of the period covered from January 1, 2020, through June 30, 2020, but removed the \$300 political contribution. The respondent made a good faith attempt to file a second correction to change the beginning cover period to

- December 31, 2019, and re-include the \$300 political contribution but experienced issues with the county filing software not being able to upload the second corrections to the report.
7. Regarding the 30-day pre-election report for the November 6, 2020, general election, the respondent originally disclosed \$850 in total political contributions, \$682.59 in total political expenditures, and \$567.41 in total contributions maintained. The report covered a period from July 16, 2020, through October 5, 2020. As a result, the respondent reported political contributions and expenditures that were supposed to be disclosed in the 8-day pre-election report related to the general election. The respondent filed a correction to the report on February 25, 2021, properly reporting the period covered from July 1, 2020, through September 24, 2020. Additionally, the respondent removed the incorrectly reported political contributions and expenditures. However, the respondent stated that the filing software populated \$1,500 in total contributions instead of \$750, and \$350.18 in political expenditures instead of \$179.59, but did properly populate \$979.41 in total contributions maintained. The respondent attempted to file a second correction for this report but experienced issues with the county filing software not being able to upload the second corrections to the report.
  8. Regarding the 8-day pre-election report for the November 6, 2020, general election, the respondent originally disclosed \$100 in total political contributions, \$348 in total political expenditures, and \$319.41 in total contributions maintained. The report covered a period from October 6, 2020, through October 26, 2020. The respondent attempted to file a correction for this report but was unable to due to issues with the county filing software not being able to upload the corrections to the report.
  9. A candidate shall file two reports for each year. The first report shall be filed not later than July 15. The report covers the period beginning January 1, 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 this subchapter, as applicable, and continuing through June 30. The second report shall be filed not later than January 15. The report covers the period beginning July 1, 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 this subchapter, as applicable, and continuing through December 31. Tex. Elec. Code § 254.063.
  10. 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. 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 this chapter, as applicable, and continuing through the 40th day before election day. 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.

11. The respondent was required to file the January 2020 semiannual report by January 15, 2020. Caldwell County records show that the respondent filed this report on February 25, 2020. The respondent was also required to file the July 2020 semiannual report by July 15, 2020. Additionally the respondent was required to file a 30-day pre-election report by October 6, 2020, and an 8-day pre-election report on October 26, 2020, for the November 3, 2020, general election. Caldwell County records show that the respondent filed these reports on November 12, 2020. Therefore, there is credible evidence of violations of Sections 254.063 and 254.064 of the Election Code.

#### **IV. Representations and Agreement by Respondent**

By signing this order and agreed resolution and returning it to the Commission:

1. The Respondent neither admits nor denies the findings of fact and conclusions of law described under Section III, and consents to the entry of this order and agreed resolution solely for the purpose of resolving this sworn complaint.
2. The Respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter.
3. The Respondent acknowledges that a candidate shall file two reports for each year. The first report shall be filed not later than July 15. The report covers the period beginning January 1, 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 this subchapter, as applicable, and continuing through June 30. The second report shall be filed not later than January 15. The report covers the period beginning July 1, 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 this subchapter, as applicable, and continuing through December 31, as required by Section 254.063 of the Election Code. 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. 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 this chapter, as applicable, and continuing through the 40th day before election day. 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. The Respondent agrees to comply with these requirements of the law.

**VI. Confidentiality**

This order and agreed resolution describes violations that the Commission has determined is neither technical nor *de minimis*. Accordingly, this order and agreed resolution is not confidential under Section 571.140 of the Government Code and may be disclosed by members and staff of the Commission.

**VII. Sanction**

After considering the nature, circumstances, and consequences of the violations described under Section III, and after considering the sanction necessary to deter future violations, the Commission imposes no civil penalty.

**VIII. Order**

The Commission hereby orders that if the Respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-32011249.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Darla G. Law, Respondent

EXECUTED by the Commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
Anne Temple Peters, Executive Director