

# TEXAS ETHICS COMMISSION

IN THE MATTER OF

ALISHA DARDEN,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-3220283

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (Commission) met on May 11, 2022, to consider sworn complaint SC-3220283. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Sections 252.001, 252.010, 253.031, and 254.063 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, as a candidate for Judge, Tarrant County Probate Court No. 2, in the March 1, 2022 primary election, the respondent: 1) did not file a campaign treasurer appointment with Tarrant County, in violation of Sections 252.001 and 252.005 of the Election Code; 2) did not transfer her campaign treasurer appointment from the Commission to Tarrant County, in violation of Section 252.010 of the Election Code; 3) accepted campaign contributions and/or made or authorized campaign expenditures without a campaign treasurer appointment in effect, in violation of Section 253.031 of the Election Code; and 4) did not file a January 2022 semiannual campaign finance report, which was due by January 18, 2022 (January 15 deadline extended due to holiday weekend), in violation of Section 254.063 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 an unopposed candidate for Judge, Tarrant County Probate Court No. 2, in the March 1, 2022 primary election. The respondent previously ran for District Judge, 153rd Judicial District, in 2020 but was unsuccessful in the November 3, 2020 general election.

**Failure to Transfer Campaign Treasurer Appointment**

2. The sworn complaint was filed on February 15, 2022. The complaint alleged that the respondent did not file a campaign treasurer appointment with Tarrant County and made a campaign expenditure without a treasurer appointment on file. The complaint included a copy of the respondent's petition to be on the March 1, 2022 primary election ballot for Tarrant County Probate Court No. 2, showing the respondent began collecting signatures on December 10, 2021. The complaint also included a copy of the respondent's ballot application showing that the respondent paid the \$2,500 filing fee and filed the application on December 13, 2021. The respondent did not have a campaign treasurer appointment on file with Tarrant County during this period.
3. Records on file with the Commission show the respondent filed a campaign treasurer appointment on November 15, 2019 to run for district judge. The respondent did not file a final report after the November 3, 2020 general election to terminate the treasurer appointment.
4. On March 17, 2022, in response to the complaint, the respondent transferred her campaign treasurer appointment from the Commission to Tarrant County. The respondent swore she had a good faith belief that she didn't need to file another treasurer appointment because she never cancelled or revoked the treasurer appointment she previously filed with the Commission, and therefore she believed the treasurer appointment was effective for her current race.
5. Each candidate and each political committee shall appoint a campaign treasurer as provided by Chapter 252 of the Election Code. Tex. Elec. Code § 252.001.
6. An individual must file a campaign treasurer appointment for the individual's own candidacy with the county clerk, if the appointment is made for candidacy for a county office, a precinct office, or a district office other than one included in Section 252.005(1) of the Election Code. *Id.* § 252.005(2).
7. If a candidate who has filed a campaign treasurer appointment decides to seek a different office that would require the appointment to be filed with another authority, a copy of the appointment certified by the authority with whom it was originally filed must be filed with the other authority in addition to the new campaign treasurer appointment. *Id.* § 252.010(a). The original appointment terminates on the filing of the copy with the appropriate authority or on the 10th day after the date the decision to seek a different office is made, whichever is earlier. *Id.* § 252.010(b).
8. A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. *Id.* § 253.031(a).

9. The respondent made the decision to seek the office of Tarrant County Probate Court No. 2 on or before December 10, 2021. Therefore, the respondent's treasurer appointment that was on file with the Commission was terminated under Section 252.010(b) of the Election Code on December 20, 2021. The respondent did not file a new treasurer appointment with Tarrant County until March 17, 2022.
10. Credible evidence shows the respondent made a \$2,500 campaign expenditure for her ballot application filing fee at a time when a campaign treasurer appointment was not on file with the proper filing authority, Tarrant County. Moreover, the respondent did not timely transfer her treasurer appointment and did not have a treasurer appointment on file from December 20, 2021 through March 16, 2022, during which she was a candidate. Therefore, there is credible evidence of a violation of Sections 252.001, 252.010, and 253.031 of the Election Code.

#### **Failure to Timely File January 2022 Semiannual Report**

11. The complaint alleged that the respondent did not file a January 2022 semiannual report. In response to the complaint, the respondent filed the report with the Commission on February 28, 2022. The respondent subsequently filed a copy of the report with Tarrant County on April 7, 2022. The report disclosed \$0 in total political contributions and \$2,500 in total political expenditures.
12. A candidate shall file two reports for each year. Tex. Elec. Code § 254.063(a). 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. *Id.* § 254.063(b). 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. *Id.* § 254.063(c).
13. The respondent was required to file the January 2022 semiannual report with Tarrant County by January 18, 2022 (January 15 deadline extended due to holiday weekend). The respondent erroneously filed the report with the Commission on February 28, 2022, and did not file the report with Tarrant County until April 7, 2022. There is credible evidence of a violation of Section 254.063 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: 1) each candidate shall appoint a campaign treasurer as provided by Chapter 252 of the Election Code; 2) an individual must file a campaign treasurer appointment for the individual's own candidacy with the county clerk, if the appointment is made for candidacy for a county office; 3) if a candidate who has filed a campaign treasurer appointment decides to seek a different office that would require the appointment to be filed with another authority, a copy of the appointment certified by the authority with whom it was originally filed must be filed with the other authority in addition to the new campaign treasurer appointment. The original appointment terminates on the filing of the copy with the appropriate authority or on the 10th day after the date the decision to seek a different office is made, whichever is earlier; 4) a candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect; and 5) a candidate shall file two reports for each year – the second report shall be filed not later than January 15 and 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, as applicable, and continuing through December 31. The respondent agrees to comply with these requirements of the law.

#### V. Confidentiality

This order and agreed resolution describes violations that the Commission has determined are 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.

#### VI. Sanction

The respondent has prior violations for late reports. The respondent filed the 8-day pre-election report for the November 3, 2020 election one-day late on October 27, 2020 and was assessed a \$500 administrative penalty. The respondent filed the July 2021 semiannual report late on October 7, 2021 and was assessed a \$500 administrative penalty. The respondent paid both penalties.

After considering the nature, circumstances, and consequences of the violations described under Section III, after considering the respondent's prior violations for similar conduct, and after considering the sanction necessary to deter future violations, the Commission imposes a \$500 civil penalty.

**VII. 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-3220283.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Alisha Darden, Respondent

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

Texas Ethics Commission

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