



**TEXAS ETHICS COMMISSION MEETING
MORNING MINUTES**

May 30, 2013, 10:18 a.m.
Capitol Extension, Room E1.010
Austin, Texas 78701



COMMISSIONERS PRESENT: Jim Clancy, Chair; Paul W. Hobby, Vice Chair, Hugh C. Akin, Tom Harrison, Bob Long, Tom Ramsay, and Chase Untermeyer.

COMMISSIONERS ABSENT: Paula M. Mendoza

STAFF PRESENT: Natalia L. Ashley, Margie Castellanos, Jessie Haug, Becky Levy, Mike McElhaney, Melissa Ramos, David A. Reisman, and Tim Sorrells.

MINUTES

This meeting was recorded. These minutes are a summary record of the Commission's actions at the meeting. For a detailed record of discussions and statements made by persons speaking at the meeting, please consult the audio recordings on file at the Commission's office.

Agenda Item 1: Call to order; roll call.

The meeting was called to order by Chair Clancy. David A. Reisman, Executive Director, called the roll. All Commissioners were present, except for Commissioner Mendoza.

Agenda Item 2: Communication to the Commission from the public.

None.

Agenda Item 3: Approve minutes of the March 27, 2013, morning and afternoon Commission meetings.

Motion by Vice Chair Hobby to approve the morning minutes of the March 27, 2013, Commission meeting; second by Commissioner Long. **Motion passed by a vote of seven ayes.**

Motion by Commissioner Untermeyer to approve the afternoon minutes of the March 27, 2013, Commission meeting; second by Commissioner Hobby. **Motion passed by a vote of seven ayes.**

Agenda Item 4: Briefing and discussion on the impact of ethics legislation in the 2013 legislative session: a.) Status of Ethics Commission legislative recommendations; b.) Status of Ethics Commission Sunset Bill(s): HB 2737 and SB 219; and c.) Summary of passed ethics legislation.

David A. Reisman, Executive Director, briefed the Commission on this agenda item.

- a. Mr. Reisman informed the public of the nine recommendations the Commission presented to the Legislature prior to the 83rd Legislative Session.
- b. Mr. Reisman stated SB 219 had been enrolled but still required the Governor's signature. He discussed the changes made to the bill by the Conference Committee.
- c. Mr. Reisman pointed out 11 bills that the Commission was following. He mentioned SB 346 was vetoed, and HB 195 and SB 1773 had passed.

Agenda Item 5: Public discussion and possible action on options for rulemaking on campaign bookkeeping requirements.

Natalia L. Ashley, Special Counsel, addressed the Commission on this agenda item. Ms. Ashley explained the rules for campaign bookkeeping requirements for candidates, officeholders, and campaign treasurers of political committees. She discussed several alternatives intended for efficient bookkeeping. Chair Clancy stated his views regarding campaign bookkeeping requirements. He would like to develop an effective rule for sufficient record keeping. The Commission discussed several options to implement for rulemaking. Chair Clancy tabled Agenda Item 5 until the August Commission meeting.

Agenda Item 6: Public discussion, and possible action on proposed investigative action for *detailed review* of a potentially serious sworn complaint.

Chair Clancy addressed the Commission on this agenda item. The Commission discussed a number of options regarding the sworn complaint process. Agenda Item 6 is tabled until the August workshop.

Agenda Item 7: Public discussion and possible action on rule(s) for social media, e-mail, and text messaging, including expanding definition of "political advertising" to include electronic messages.

Natalia L. Ashley, Special Counsel, briefed the Commission on this agenda item. Ms. Ashley explained the definition and history of political advertising. She discussed the legislature's consideration of including electronic messages into the definition of political advertising in SB 219. Chair Clancy expressed his desire to have electronic messages included in the definition of political advertising. Motion by Commissioner Ramsay to amend rule § 20.1(13)(B); second by Commissioner Harrison. **Motion passed by a vote of seven ayes to amend rule § 20.1(13)(B).**

Agenda Item 8: Presentation, discussion and possible action on collection of delinquent accounts.

David A. Reisman, Executive Director, briefed the Commission on this agenda Item. Mr. Reisman presented a current delinquent filer list. He explained the collection method by the Office of the Attorney General to collect fines for the Ethics Commission. Mr. Reisman explained the history of the process and procedures of collecting for the agency. He discussed the cost benefit and resources used by the Ethics Commission. Mr. Reisman closed his discussion by answering questions from the Commissioners.

Agenda Item 9: Public discussion and possible action on the proposal and publication in the Texas Register of Ethics Commission Rule § 26.7 (Use of the Term “Reelect” in Political Advertising) relating to the use of the term reelect in political advertising.

Motion by Commissioner Untermeyer to amend the proposed language of rule § 26.7; second by Vice Chair Hobby.
Motion passed by a vote of seven ayes.

Agenda Item 10: AOR-578: Whether a person who was elected to the position of justice of the peace of a particular precinct that was subsequently renumbered to a different precinct holds the office of the renumbered precinct for purposes of section 255.006 of the Election Code.

Natalia L. Ashley, Special Counsel, briefed the Commission on this agenda item. Motion by Vice Chair Hobby to adopt AOR-578; second by Commissioner Long. **Motion passed by a vote of seven ayes. AOR-578 is adopted.**

Agenda Item 11: AOR-579: Whether a federal principal campaign committee established to support a candidate for federal office located in Texas that makes a contribution to a state or local office is required to file a campaign treasurer appointment or campaign finance reports with the Commission.

Natalia L. Ashley, Special Counsel, briefed the Commission on this agenda item. Motion by Vice Chair Hobby to adopt AOR-579; second by Commissioner Harrison. **Motion passed by a vote of seven ayes. AOR-579 is adopted.**

Agenda Item 12: Public discussion and possible action on proposed training pamphlet “Am I a Lobbyist?”

Agenda Item 12 is tabled until the August Commission meeting.

Agenda Item 13: Comments by the Commissioners.

Vice Chair Hobby asked when the Software subcommittee is meeting. Mr. Reisman replied in early July.

Agenda Item 14: Comments by the Executive Director.

None.

Agenda Item 15: Creation of a subcommittee of commissioners to draft rules and training materials on issues of proper reporting and record keeping for personal expenses, officeholder living expenses in Austin, per diem, and state reimbursed expenses.

Chair Clancy appointed Commissioners Long, Ramsay, and Untermeyer to this subcommittee.

Agenda Item 16: Creation of a subcommittee of commissioners to draft rules implementing statutory changes by the 83rd Legislature on the method by which the Commission issues notices.

Chair Clancy appointed Commissioners Long, Mendoza and Ramsay to this subcommittee.

Agenda Item 17: Creation of a subcommittee of commissioners to draft rules implementing statutory changes by the 83rd Legislature regarding sworn complaint processes and procedures.

Chair Clancy appointed himself, Vice Chair Hobby, and Commissioners Akin and Harrison to this subcommittee.

Agenda Item 18: Adjourn.

Motion by Commissioner Ramsay to adjourn; second by Commissioner Akin. Motion passed by a unanimous vote.