

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

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

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

MEETING AGENDA

Date and Time: 3:00 p.m., Tuesday, June 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; 571.139(b) certain sworn complaint 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.
 - 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; and related case, Cause No. 03-22-00133-CV: *Michael Quinn Sullivan v. Texas Ethics Commission*, in the Third Court of Appeals, Austin, Texas.

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

- iv. Cause No. 1:22-cv-1371, *Orlando Salinas v. J.R. Johnson, et al.*, in the U.S District Court for the Western District of Texas, Austin 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.
- B. Discussion of contemplated litigation and to seek legal advice regarding the collection of imposed penalties.
 - C. Discussion of contemplated litigation and to seek legal advice regarding the enforcement of Section 255.004 of the Election Code.
 - D. Discussion and possible action related to personnel matters regarding employee evaluations and compensation.
 - E. Legal advice regarding sworn compliant procedures.
 - F. Reconvene in open session.
- 3. Discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to 1 Tex. Admin. Code § 22.37, regarding virtual currency contributions.
 - 4. 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.

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

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

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

MEETING AGENDA

Date and Time: 9:00 a.m., Wednesday, June 28, 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. Discussion of, and possible action on, any unfinished business from the Executive Session or Public Meeting held on June 27, 2023, including discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to 1 Tex. Admin. Code § 22.37, regarding virtual currency contributions.
3. Election of Chair and Vice Chair of the Texas Ethics Commission.
4. Discussion regarding dates for next quarterly Commission meeting.
5. Approve minutes for the following meetings:
 - o Executive Session – February 15, 2023;
 - o Public Meeting – February 16, 2023; and
 - o Executive Session – March 27, 2023.

RULEMAKING

Rule Adoption

6. Discussion and possible action on the adoption or proposal and publication in the Texas Register of the repeal and amendments to 1 Tex. Admin. Code §§ 18.21, 18.23, 18.24, 18.25 and 18.26, regarding the administrative waiver or reduction of civil penalties for late filing.

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

7. Discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to 1 Tex. Admin. Code § 18.13, regarding a fine for a late report.
8. Discussion and possible action on the adoption or proposal and publication in the Texas Register of the repeal of 1 Tex. Admin. Code § 28.3, regarding the termination of a speaker candidate's candidacy.

Rule Publication

9. Discussion and possible action on the proposal and publication in the Texas Register of amendment to 1 Tex. Admin. Code § 18.31, regarding the adjustments of reporting thresholds, and Ethics Commission Rules that are affected by the adoption of an amendment 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.

ADVISORY OPINIONS

10. Draft Advisory Opinion No. AOR-681: How a state officeholder should report mileage reimbursement from the state of Texas for travel.

This opinion construes Tex. Elec. Code §§ 253.035, 254.031, and 254.092 and 1 Tex. Admin. Code § 20.69.

11. Draft Advisory Opinion Nos. AOR-682 and 683: Whether a judicial candidate or officeholder may continue to accept political contributions more than 120 days after the election in which their name last appeared on the ballot, with the intention to use those contributions to defray expenses associated with an election contest.

This opinion construes Tex. Elec. Code §§ 253.152, .153.

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:

1. Tim Mahoney (00081838)

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

Political Committees

1. A Better Hays PAC, Taylor L. Hogeland, treasurer (00083788)
2. Alamo Area Republican Women, Sharon Saunders, treasurer (00086560)
3. Alliance Against Sexual Assault, Lawrence Collins, treasurer (00064955)
4. Committee for Victoria's Future, Aaron R. Franco, treasurer (00082041)
5. Constitutional Texans, Jordan B. Hulcy, treasurer (00085665)
6. First Financial Corp. PAC, Michelle Hill, treasurer (00015543)
7. Friends of Good Government, Steve Klein, treasurer (00085831)
8. Grassroots Bold Leadership Political Action Committee, Claude Foster, treasurer (00086118)
9. Midland County Texas Coalition of Black Democrats PAC, Eddie Rabb, treasurer (00085453)
10. People First, Mildred Escobedo, treasurer (00084648)
11. Port Arthur Community Political Action Committee, Gary I. Dixon, treasurer (00084118)
12. Round Rock Police Officers Association Political Action Committee, Blake C. Bearden, treasurer (00081695)
13. Texans for Access to Medical Care, Deshdeepak Sahni, treasurer (00085050)
14. Texans for Economic Development, Tommy J. Azopardi, treasurer (00059603)
15. Texans for Wellness and Recovery, Michael Dougherty, treasurer (00085374)
16. TX Youth PAC, Zane C. Smith, treasurer (00085333)

Individuals

1. Adams, Alexis A. (00085761)
2. Bacy, Akilah A. (00083546)
3. Brown-Scoggins, Meghan L. (00081545)
4. Castaneda, Raynie G. (00085646)
5. Castillo, Fidel (00080604)
6. Davis, Brandon L. (00085850)
7. Demming Ruiz, Natasha (00084438)
8. Dominguez, Alberto A. (00086341)
9. Douglas, Will L. (00084229)
10. Drake, Phillip J. (00086219)
11. Farias, Katie (00085782)
12. Garza Lopez, Aimee (00084000)
13. Gutierrez, Martha M. (00086413)
14. Harper, Justin W. (00086224)
15. Jefferson-Wysinger, Demetra (00069827)
16. Jennings, Reginald E. (00086492)
17. Khon, Natalie N. (00086321)

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

18. Martinez, Jacinto (00084552)
19. Matranga, Michael A. (00086238)
20. McKinzie, Larry (00084539)
21. Mellina Hayslip, Susan (00085814)
22. Molison, Alfred (00086241)
23. Nash, Lynda (00086493)
24. Nervis, Marcus A. (00085544)
25. Pierce, Billy E. (00085687)
26. Raasch, Wayne G. (00066256)
27. Ramirez, Jr., Alfredo M. (00084198)
28. Rios, Jeremy Joseph (00086485)
29. Smith, Demetria Y. (00080343)
30. Vasquez, Connie G. (00084319)
31. Watkins, Nathan E. (00086233)

OTHER MATTERS

14. Executive Director's Update: Briefing and discussion of legislation in the 2023 legislative session, including status of Ethics Commission legislative recommendations and discussion, possible action regarding improvements to the Commission's electronic filing software, and the sunset review process.
15. 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.

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 **Text of Proposed Rule Repeal and Amendments**

2 The proposed new language is indicated by underlined text.

3 The deleted language is indicated by [~~strikethrough~~] text.

4 **CHAPTER 18. GENERAL RULES CONCERNING REPORTS**

5

6 **§ 18.21. Submitting a Request to Waive or Reduce a Late Filing Penalty**

7

8 (a) A filer may ask the commission to waive or reduce a civil penalty determined by §§
9 305.033(b) or 572.033(b) of the Government Code, or §254.042(b) of the Election Code
10 by submitting a written request to the Commission.

11

12 (b) The commission will not consider a request under subsection (a) unless the filer, not later
13 than 60 days after the report or statement was due:

14

15 1) submits the request in the manner prescribed by subsection (a);

16 2) files all reports owed to the commission; and

17 3) pays all outstanding civil penalties owed to the commission that are not subject to
18 a pending request for waiver or appeal.

19

20 (c) Upon a showing of good cause, the executive director may extend the deadline in
21 subsection (b).

22

23

24 **§ 18.23 [repeal]**

25

26 **§ 18.24. General Guidelines for Other Administrative Waiver or Reduction of Statutory**
27 **Civil Penalties**

28 (a) For purposes of determining whether a filer is eligible for a waiver or reduction of a civil
29 penalty under §§18.25 or 18.26 of this title, a “prior late offense” is any report for which a civil
30 penalty for late filing was assessed, regardless of whether the civil penalty was waived or
31 reduced. The term does not include:

32 (1) reports for which no late notices were sent and the filer did not file a request that the
33 civil penalty be waived or reduced for the prior late report; and

34 (2) reports determined by the executive director to be not required.

35 (b) A civil penalty that is reduced under §§18.25 or 18.26 of this title will revert to the full
36 amount originally assessed if the reduced civil penalty is not paid within thirty (30) calendar
37 days from the date of the letter informing the filer of the reduction.

38 (c) A filer may appeal a determination made under §§18.25 or 18.26 of this title by submitting a
39 request for appeal in writing to the commission.

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

5 (2) The Executive Director may review the appeal and reconsider the determination
 6 made under §§18.25 or 18.26 of this title or set the appeal for a hearing before the commission.

7 (3) After hearing a request for appeal, the commission may affirm the determination
 8 made under §§18.25 or 18.26 of this title or make a new determination based on facts presented
 9 in the appeal.

10 **§18.25. Administrative Waiver or Reduction of Statutory Civil Penalties not More than**
 11 **\$500**

12 (a) The executive director shall apply this section to a late report subject to a statutory civil
 13 penalty of not more than \$500.

14
 15 (b) The executive director shall use the following chart to determine the level of waiver or
 16 reduction of a civil penalty under this section:

# OF PRIOR LATE OFFENSES IN PAST 5 YEARS	ADJUSTED FINE
0	Waiver
1	\$100
2	\$250
3 or more	No reduction or waiver

17
 18 **§18.26. Administrative Waiver or Reduction of Statutory Civil Penalties in Excess of \$500**

19 (a) The executive director shall apply this section to a late report subject to a statutory civil
 20 penalty in excess of \$500.

1
 2 (b) The executive director shall use the following chart to determine the level of waiver or
 3 reduction of a civil penalty under this section:

Prior Late Offenses	Total Political Expenditures or Contributions in Reporting Period									
	<\$5k	<\$10k	<\$20k	<\$30k	<\$40k	<\$50k	<\$60k	<\$70k	<\$80k	<\$90k
0	\$0	90%	80%	70%	60%	50%	40%	30%	20%	10%
1	\$100	70%	60%	50%	40%	30%	20%	10%	0%	0%
2	\$250	50%	40%	30%	20%	10%	0%	0%	0%	0%

4
 5 (c) For purposes of using the chart in subsection (b):

6
 7 (1) where the chart identifies a dollar amount, that is the amount of the reduced or waived
 8 penalty;

9
 10 (2) where the chart identifies a percentage, that is the percentage by which the penalty is
 11 reduced.

1 **18.13. Fine for a Late Report**
2 **Text of Proposed Amendment**

3 The deleted text is indicated by ~~text~~ text.

4 **CHAPTER 18. GENERAL RULES CONCERNING REPORTS**

5 **§18.13. Fine for a Late Report.**

6 (a) Except as provided by subsection (b) or (c) of this section, the fine is \$500 for:

7 (1) a late report required to be filed with the commission under Election Code chapter
8 254 or 257, ~~Government Code chapter 302,~~ Government Code chapter 305, or
9 Government Code chapter 572; or

10 (2) a late report filed with the commission under Local Government Code chapter 159,
11 subchapter C.

12 (b) The fine for a report due eight days before an election is \$500 for the first day the report is
13 late and \$100 for each day thereafter that the report is late, up to a maximum fine of \$10,000.

14 (c) The fine for the first semiannual report under Section 254.063, 254.123, or 254.153, Election
15 Code, that is required to be filed by a candidate or political committee following the primary or
16 general election is \$500 for the first day the report is late and \$100 for each day thereafter that
17 the report is late, up to a maximum fine of \$10,000.

18 (d) A fine assessed under this chapter is in addition to any other sanction assessed under other
19 law.

AGENDA 3, ITEMS 6 THROUGH 9, EXHIBIT H

Text of Proposed Amendments

The proposed new language is indicated by underlined text.
 The deleted language is indicated by ~~strikethrough~~ text.

Chapter 18. GENERAL RULES CONCERNING REPORTS

§18.31. Adjustments to Reporting Thresholds.

(a) Pursuant to section 571.064 of the Government Code, the reporting thresholds are adjusted 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 6 THROUGH 9, EXHIBIT H

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 6 THROUGH 9, EXHIBIT H

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 6 THROUGH 9, EXHIBIT H

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 6 THROUGH 9, EXHIBIT H

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 6 THROUGH 9, EXHIBIT H

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;

AGENDA 3, ITEMS 6 THROUGH 9, EXHIBIT H

- 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:

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]:

AGENDA 3, ITEMS 6 THROUGH 9, EXHIBIT H

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:

AGENDA 3, ITEMS 6 THROUGH 9, EXHIBIT H

- 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:

AGENDA 3, ITEMS 6 THROUGH 9, EXHIBIT H

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]:

AGENDA 3, ITEMS 6 THROUGH 9, EXHIBIT H

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:

AGENDA 3, ITEMS 6 THROUGH 9, EXHIBIT H

- 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;

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;

- 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.

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.

STAFF DRAFT. NOT FINAL UNLESS ADOPTED BY COMMISSION

ETHICS ADVISORY OPINION NO. ____

[DATE]

ISSUES

Whether a member of the legislature may recover personal funds used to pay for both a vehicle and gas from a state-issued mileage reimbursement received for travel using a vehicle paid for with a combination of personal funds and political contributions. (*AOR 681*).

SUMMARY

Yes. A member of the legislature may take reimbursement from a state-reimbursement for fuel purchased with personal funds. If the vehicle is paid for with a combination of personal funds and political contributions, the member may also prorate the remaining amount of the state-reimbursement for wear on the vehicle between his personal account and political account.

FACTS

The requestor is a member of the legislature who leases a vehicle he uses for both personal and political purposes. He pays for the lease with a combination of political and personal funds paid in an amount proportional to each use, which is 70% political and 30% personal.

The requestor asks the Commission to assume the following fact pattern:

An officeholder uses his personal debit card to pay for gas while traveling to and from Austin from the district and keeps his receipts. [We assume all the fuel is consumed during official state travel]. He submits mileage reimbursement to the state at the end of every month to cover gas receipts as well as wear and tear on the vehicle.

The requestor asks, because the vehicle cost is being split between political and personal funds, is it permissible to be personally reimbursed for the cost of fuel and a portion of the state mileage reimbursement for wear on the vehicle?

ANALYSIS

The Election Code prohibits the conversion of political contributions to personal use. Tex. Elec. Code § 253.035(d). However, the use of political contributions to purchase or lease a vehicle to perform duties connected with holding a public office is a permissible use of political funds. *See id*; Tex. Ethics Comm’n Op. No. 204 (1994) (“EAO 204”). It is also permissible for a candidate or officeholder to use a combination of political and personal funds to purchase or lease a vehicle

STAFF DRAFT. NOT FINAL UNLESS ADOPTED BY COMMISSION

provided the proportion of political funds used to pay for the vehicle does not exceed the proportion the vehicle is used for political rather than personal purposes. Tex. Ethics Comm'n Op. No. 430 (2000).

If an individual uses a combination of political contributions and personal funds to purchase, operate, and maintain an asset, the individual must make sure that political contributions are not converted to personal use. *Id.*; Tex. Elec. Code § 253.035. Any interest, rebates, refund, or reimbursement resulting from the use of an asset paid for with political contributions belongs to the campaign and must not be converted to personal use.

Therefore, the requestor may take personal reimbursement for the expenses directly attributable to personal funds, including the purchase of gas with personal funds and the vehicle wear-and-tear proportional to his personal investment in the vehicle.¹ Any reimbursement attributable to the campaign's ownership interest in the vehicle must be paid into the officeholder's political fund. Tex. Ethics Comm'n Op. No. 347 (1996); EAO 204, note 1. The amount deposited in the campaign account should be disclosed on Schedule K (used to report credits, interest, rebates, refund, or reimbursement resulting from the use of an asset purchased with political contributions) of the campaign finance report.

¹ The requestor asserts that the gas receipts will accurately reflect the amount of gas used for state travel. We assume this to be true. However, as a practical matter, in most cases it will be difficult to identify with precision how much gas in tank was used for political rather than personal purpose relying solely on gas receipts. We think a better method of calculating the amount of fuel consumed by political travel is to divide the miles driven for political purposes by the vehicle's average miles per gallon and multiply the quotient by the price of a gallon of gas at the time.

STAFF DRAFT. NOT FINAL UNLESS ADOPTED BY COMMISSION

ETHICS ADVISORY OPINION NO. ____

[DATE]

ISSUES

Whether a judicial candidate or officeholder may accept a political contribution after the normal fundraising period ends if the contribution is made and accepted with the intent that it be used for legal fees and costs arising from an election contest. (*AOR 682, 683*)

SUMMARY

Yes. A contribution made and accepted with the intent that it be used to defray expenses incurred in connection with a past election may be accepted after the normal fundraising period ends. Legal fees and costs arising from an election contest are expenses incurred in connection with a contested election.

FACTS

The Commission received similar requests for an advisory opinion from two incumbent judges who are subject to legal challenges to the results of the November 8, 2022 election. The petitions for an election contest seek to have the challengers declared the winner or for new elections to be ordered.

Judicial candidates generally cannot accept political contributions later than 120 after their last election day. The window to accept political contributions closed on March 8, 2023, for judicial candidates who last appeared on the November 2022 ballot.

The requestors have incurred substantial expenses for legal fees and other related costs to defend against the election contests after the fundraising window closed. The requestors expect to continue to incur expenses as the election contests are litigated. The requestors ask whether they may accept political contributions beyond the normal fundraising period to pay for expenses incurred after the normal fundraising period ended and for future expected expenses directly related to the election contests.

STAFF DRAFT. NOT FINAL UNLESS ADOPTED BY COMMISSION

ANALYSIS

The Judicial Campaign Fairness Act limits the time period during which a judicial candidate or officeholder¹ may accept political contributions. Tex. Elec. Code § 253.153.

The last day a judicial candidate may accept a contribution is generally the 120th day after the date of the election in which the candidate or officeholder last appeared on the ballot. *Id.* § 253.153(a)(2).

However, a candidate may continue to raise political contributions to cover expenses incurred in connection with a past election after the fundraising window has closed. *See* Tex. Elec. Code § 253.153(b).

The relevant part of Section 253.153 reads in full:

(b) Subsection (a)(2) [ending the fundraising period 120 days after the candidate's last election day] does not apply to a political contribution that was made and accepted with the intent that it be used to defray expenses incurred in connection with an election, including the repayment of any debt that is:

(1) incurred directly by the making of a campaign expenditure during the period beginning on the date the application for a place on the ballot or for nomination by convention was required to be filed for the election in which the candidate last appeared on the ballot and ending on the date of that election; and

(2) subject to the restrictions prescribed by Sections 253.162 and 253.1621.

The plain language of Section 253.153(b) allows a candidate to accept political contributions after the normal fundraising period to pay for expenses arising “in connection with an election.” Subdivision (b)(1) includes a specific example of permissible expenses included in the exception—debt incurred during the fundraising period. The inclusion of a specific example does not modify the plain language of the exception that applies to “expenses incurred in connection with an election.” Legal fees for an election contest are expenses incurred in connection with the contested election. Therefore, a candidate may accept contributions to defray costs associated with an election contest even if the costs are actually incurred after the close of the fundraising window.

Fundraising for an election contest has always been allowed as an exception to the judicial fundraising moratorium. The Judicial Campaign Fairness Act, which created the judicial fundraising moratorium, included an exception allowing fundraising to finance election contests after normal fundraising window closed. Acts 1995, 74th Leg., ch. 763, Sec. 1, eff. June 16, 1995, codified as subchapter F, Chapter 235, Election Code. In 2009, the Legislature expanded

¹ For the sake of brevity this opinion will refer to a “candidate” rather than a “candidate or officeholder”, but the term should be understood to encompass both judicial “candidates and officeholders” as it relates to the temporal fundraising limit.

STAFF DRAFT. NOT FINAL UNLESS ADOPTED BY COMMISSION

the election contest exception to apply to all expenses incurred in connection with the past election rather than just an “election contest.” Acts 2009, 81st Leg., R.S., Ch. 1329 (H.B. 4060), Sec. 1, eff. September 1, 2009. The legislature did so by deleting the word “contest” from the phrase “in connection with an election contest.” There is no indication that the legislature intended to end the exception for fundraising for election contests while it otherwise greatly expanded the exception to the fundraising moratorium.

Contributors must designate in writing contributions applicable to a past election.

A contribution to a judicial candidate applies to the candidate’s next election in time unless designated in writing for a particular election. *See* Tex. Elec. Code § 253.152(2). So, for a judicial candidate to accept a contribution outside of the normal fundraising period, the contribution must be designated in writing for the previous election.

Contributions to judicial candidates are also subject to individual limits “in connection with each election.” Tex. Elec. Code § 253.155, .157. If designated for a past election, a contribution will apply towards that election’s contribution limit, even if made and accepted after the election. For example, an individual who had already contributed the maximum amount for an election would not be able to designate a subsequent contribution for that election, should there be an election contest. However, an individual who makes a maximum contribution designated for an election would be able to make another maximum contribution for the next election in which the candidate appears on the ballot.