

TEXAS ETHICS COMMISSION
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MEETING AGENDA

Date and Time: 9:00 a.m., Friday, March 12, 2021
Via online broadcast

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#2020

1. Call to order; roll call.
2. **Executive session pursuant to Section 551.071, Government Code, Consultation with Attorneys, and Section 551.074, Government Code, Personnel 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; 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 case, 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.
 - B. Discussion of personnel matters.

For more information, contact Anne Temple Peters, Executive Director, at (512) 463-5800.

- C. Reconvene in open session.
- 3. Discussion regarding dates for next quarterly Commission meeting.
- 4. Approve minutes for the following meetings:
 - o Public Meeting – December 2, 2020; and
 - o Public Meeting – December 18, 2020.

ADMINISTRATIVE APPEALS OF FINES

- 5. Discussion and possible action on appeals of determinations made under Ethics Commission Rules §§ 18.25 and 18.26 relating to administrative waiver or reduction of a fine, for the following filers:
 - 1. Thomas Adair, candidate (00083917)
 - 2. Danny E. Wood, Jr., candidate (00083816)
 - 3. Jim Sharp, candidate (00054854)

ADVISORY OPINIONS

- 6. Draft Advisory Opinion No. AOR-638: Whether an officer of a political subdivision may use public funds to print and affix graphic designs to bicycle-sharing stations, hats, t-shirts, and water bottles that identify the public official by name, office, and include the following statement: “Funding for this Station Provided by [the requestor].”

This opinion construes Tex. Elec. Code § 255.003.

- 7. Draft Advisory Opinion No. AOR-641: Whether certain written communications, created by a political subdivision and related to the political subdivision’s upcoming elections, constitute political advertisements for purposes of the Election Code’s prohibition against using public funds for political advertising.

This opinion construes Tex. Elec. Code § 255.003(a).

8. Draft Advisory Opinion No. AOR-640-CI: Whether an officer or employee of a political subdivision may display a political advertisement—for example, by wearing a facemask or other visible article of clothing with a campaign logo or slogan printed on it—during a public meeting that is streamed or posted on the Internet.

This opinion construes Tex. Elec. Code § 255.003.

9. Draft Advisory Opinion No. AOR-639: May a judicial officer take—or coordinate the taking of—photographs of his courtroom for use in political advertisements? Does it make a difference if the photographs are taken from the gallery, the area in front of the bench, or behind the bench? May a judicial officer use, for political advertisements, photographs that are created without his cooperation or coordination and published in the public domain, even if they show the judge behind the bench?

This opinion construes Tex. Penal Code § 39.02 and Tex. Elec. Code § 255.003.

RULEMAKING

Rule Adoption

10. Discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to 1 Tex. Admin. Code §§ 20.434 (Alternate Reporting Requirements for General-Purpose Committees) to correct errors in cross-references to other rules.
11. Discussion and possible action on the adoption or proposal and publication in the Texas Register of amendments to 1 Tex. Admin. Code § 18.15 (Additional Fine), regarding procedures for increasing fines.

Rule Publication

12. Discussion and possible action on the proposal and publication in the Texas Register of amendments to 1 Tex. Admin. Code §§ 18.23 through 18.26, regarding changes to administrative waiver rules.

Rule Proposals

13. Discussion on possible rule amendment addressing whether certain text messages are considered political advertising.

OTHER POLICY MATTERS

14. Briefing and discussion of ethics legislation in the 2021 legislative session, including status of Ethics Commission legislative recommendations.
15. Discussion and possible appointment of a Nominating Committee of Commissioners for the positions of Chair and Vice Chair of the Texas Ethics Commission.
16. 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: Anne Temple Peters, 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.