

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

Steven D. Wolens, Chair
Jim Clancy
Chad M. Craycraft
Randall H. Erben

Chris Flood
Mary K. "Katie" Kennedy
Tom Ramsay
Joseph O. Slovacek

EXECUTIVE SESSION AGENDA

Date and Time: 1:00 p.m., Tuesday, January 30, 2018
Location: Room E1.014, Capitol Extension, Austin, Texas

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.**
3. Discussion of pending litigation to seek legal advice relating to the following:
 - A. Cause No. D-1-GN-17-001878: *Texas Ethics Commission v. Michael Quinn Sullivan*, in the 250th Judicial District Court in Travis County, Texas; and Cause No. 03-17-00392-CV: *Michael Quinn Sullivan v. Texas Ethics Commission*, in the Third Court of Appeals at Austin, Texas.
 - B. Cause No. D-1-GN-14-001252: *Empower Texans, Inc. and Michael Quinn Sullivan v. State of Texas Ethics Commission; Natalia Luna Ashley, in her capacity as Executive Director of the Texas Ethics Commission; Tom Ramsay, individually and in his capacity as Commissioner; et al.*; in the 53rd Judicial District Court of Travis County, Texas; and related case, Cause No. 03-17-00770-CV: *Empower Texans, Inc., and Michael Quinn Sullivan v. Tom Ramsay in his individual capacity, et al.*; in the Third Court of Appeals, Austin, Texas.
 - C. 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.

For more information, contact Seana Willing, Executive Director, at (512) 463-5800.

- D. Civil Action No. 5:14-cv-00133-C: *Texas Home School Coalition Association, Inc. v. Matthew D. Powell, in his official capacity as District Attorney of Lubbock County, et al.*, in the United States District Court for the Northern District of Texas, Lubbock Division.
- E. Cause No. D-1-GN-16-000149: *Texas Home School Coalition Association, Inc. v. Texas Ethics Commission*, in the 261st Judicial District Court of Travis County, Texas; and related case, Cause No. 03-17-00167-CV: *Texas Home School Coalition Association, Inc. v. Texas Ethics Commission*, in the Third Court of Appeals, Austin, Texas.
4. Discussion to seek legal advice relating to conflicts of interest and recusal requirements.
5. Discussion to seek legal advice relating to sworn complaint procedures.
6. Discussion of personnel matters.
7. **Reconvene in open session.**
8. 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: Seana Willing, 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.

21 TEXAS ETHICS COMMISSION
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PUBLIC MEETING AGENDA

Date and Time: 8:00 a.m., Wednesday, January 31, 2018
Location: Room E1.014, Capitol Extension, Austin, Texas

1. Call to order; roll call.
2. Comments, if any, by the Commissioners.
3. Election of Vice Chair.
4. Approve minutes for the following meetings:
 - o Executive Session – November 13, 2017;
 - o Public Meeting - November 13, 2017;
 - o Executive Session – September 28, 2017; and
 - o Public Meeting – September 28, 2017
5. Discussion regarding the next Texas Ethics Commission meeting.
6. Briefing, discussion, and possible action to waive or reduce the late-filing penalty in connection with a corrected report or to determine whether the corrected report as originally filed substantially complied with the applicable law for the following individuals:
 1. Kim D. McMath, Treasurer, 'C2E' Committed to Excellence (00081914)
 2. Mark A. Stasney, Treasurer, 2017 Built 4 Kids (00081872)
 3. John C. 'Chris' Allen, Treasurer, Focus Irving PAC (00069672)

ADVISORY OPINIONS

7. Discussion of Advisory Opinion Request No. AOR-623: Whether an associate judge may use in political advertising and campaign communications in

For more information, contact Seana Willing, Executive Director, at (512) 463-5800.

connection with the associate judge's candidacy for district judge: 1) the title "associate judge" and 2) photographs depicting the associate judge in a judicial robe, sitting on the bench over which the associate judge currently presides.

This opinion request construes section 255.006 of the Election Code and Chapter 39 of the Penal Code.

8. Discussion of Advisory Opinion Request No. AOR-624: Whether a judge may use political contributions to pay the costs associated with membership in an organization that helps its members develop leadership skills.

This opinion request construes section 253.035 of the Election Code.

OTHER POLICY MATTERS

9. Discussion and possible action regarding the agency's policies and procedures, if any, for handling criminal referrals in the administrative enforcement process and the sworn complaint enforcement process.
10. Discussion of Commissioner reimbursement policy for travel to meetings.
11. Discussion and possible action on the approval of a format for electronic filing of campaign finance reports, as proposed by Rockwall County.

RULEMAKING

12. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 18.23, regarding extension of deadline or expedited waiver process for filing campaign finance reports for extraordinary circumstances.
13. Public discussion and possible action on the adoption or proposal and publication in the Texas Register of new Ethics Commission Rules § 12.37 (Dismissal of Complaint After Public Disclosure), regarding the Commission's authority to dismiss a complaint filed by a complainant who publicly discloses confidential information regarding the complaint.
14. Public discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 12.21 (Notice) and new Ethics Commission Rules § 12.84 (Notice of Preliminary Review Hearing) and § 12.103 (Notice of Formal Hearing), regarding notices and exchange of documents for hearings.

For more information, contact Seana Willing, Executive Director, at (512) 463-5800.

15. Public discussion and possible action on the adoption or proposal and publication in the Texas Register of new Ethics Commission Rules § 12.28 (Production of Documents During a Preliminary Review), regarding procedures for production or inspection and subpoenas during preliminary review.
16. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 20.61 (Purpose of Expenditure), regarding the disclosure of political expenditures made in the form of in-kind contributions to candidates, officeholders, and political committees.
17. Public discussion and possible action on the proposal and publication in the Texas Register of new Ethics Commission Rules in Chapter 12, regarding new procedural rules for formal hearing process.
18. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 6.1 and new Ethics Commission rules §§27.1 and 27.101, regarding when a declaration of intent (JDI) is required to for judicial candidates.
19. Public discussion and possible action on the proposal and publication in the Texas Register of new Ethics Commission Rules §§12.31 and 12.33, regarding decorum and sanctions in sworn complaint proceedings.
20. Public discussion and possible action on the proposal and publication in the Texas Register of new Ethics Commission Rules Chapter 16 (Facial Compliance Review & Full Audits), including §§ 16.1 – 16.11, regarding procedures for facial compliance reviews and audits.
21. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 20.5, regarding a county elections administrator or tax assessor-collector acting as the filing authority for campaign finance reports.
22. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 20.33, regarding the authority of the Commission or local filing authority to terminate an inactive filer's campaign treasurer appointment.
23. 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: Seana Willing, Executive Director.

For more information, contact Seana Willing, Executive Director, at (512) 463-5800.

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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:

2018 CALENDAR

JANUARY						
S	M	T	W	Th	F	S
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- 01 New Year's Day
- 06 Epiphany
- 10 Lobby Annual Activity Report Due
- 15 M.L. King Day
- 15 Jan. Semiannual Report Due

JULY						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- 04 Independence Day
- 16 July Semiannual Report Due

FEBRUARY						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

- 13 Shrove Tuesday (Mardi Gras)
- 14 Valentine's Day/Ash Wednesday
- 19 Presidents Day

AUGUST						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

MARCH						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- 2 Texas Independence Day
- 30 Good Friday
- 31 Passover

SEPTEMBER						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

- 03 Labor Day
- 10 Rosh Hashana
- 19 Yom Kippur

APRIL						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- 1 Easter

OCTOBER						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- 08 Columbus Day
- 31 Halloween

MAY						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- 13 Mother's Day
- 16 Ramadan starts
- 28 Memorial Day

NOVEMBER						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

- 6 Election Day
- 12 Veterans Day (observed)
- 22 Thanksgiving Day

JUNE						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- 17 Father's Day

DECEMBER						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

- 3 Hanukkah (first day)
- 25 Christmas Day
- 26 Kwanzaa begins

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ETHICS ADVISORY OPINION NO. ____

January 31, 2018

Whether an associate judge may use in political advertising and campaign communications in connection with the associate judge's candidacy for district judge: 1) the title "associate judge" and 2) photographs depicting the associate judge in a judicial robe, sitting on the bench over which the associate judge currently presides. (AOR-623)

SUMMARY

Section 255.006 of the Election Code does not prohibit an associate judge from merely using the title "associate judge" in the manner described in this opinion or using photographs depicting the judge in a judicial robe and sitting on the bench over which the judge presides in campaign communications in connection with the judge's candidacy for district judge.

Section 39.02 of the Penal Code prohibits the use of government property, including the bench over which the judge presides, in political advertising or campaign communications.

ANALYSIS

The Texas Ethics Commission ("Commission") has been asked two questions pertaining to an associate judge including certain text and photographs in political advertising and campaign communications as a candidate for district court judge.

Use of the Title "Associate Judge"

The requestor is an associate judge of a state district court and a candidate for district judge of the same court. The requestor asks whether he may refer to himself in political advertising and campaign communications in the following manner: "John Smith, Associate Judge, 1000th District Court, Texas County."¹ The judge was appointed to his position by a district judge pursuant to section 201.001(a) of the Family Code to hear certain family law cases.² The judge's

¹ The name and number of the court have been changed for purposes of this opinion.

² A judge of a court with certain jurisdiction may appoint a full-time or part-time associate judge to perform the duties authorized under Chapter 201 of the Family Code if the commissioners court of a county in which the court has jurisdiction authorizes the employment of an associate judge. Family Code § 201.001(a). The position of associate judge is a position of employment and an associate judge who serves a single court serves at the will of the judge of that court. *Id.* § 201.004(a). See Att'y Gen. Op. No. GA-0126 (2003) (an associate judge appointed by a district judge is a member of the district judge's personal staff).

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duties may include conducting hearings and trials, making findings, and issuing final orders. Family Code § 201.007.

Section 255.006 of the Election Code states:

(a) A person commits an offense if the person knowingly enters into a contract or other agreement to print, publish, or broadcast political advertising with the intent to represent to an ordinary and prudent person that a candidate holds a public office that the candidate does not hold at the time the agreement is made.

(b) A person commits an offense if the person knowingly represents in a campaign communication that a candidate holds a public office that the candidate does not hold at the time the representation is made.

That law generally does not prohibit a judge from using the title “judge” in political advertising or campaign communications for another judicial office as long as the communications do not suggest that the judge holds a public office the person does not hold. *See, e.g.*, Ethics Advisory Opinion No. 171 (1993) (a part-time municipal judge seeking the office of district or county court-at-law judge may use the title “judge” in political advertising); *see also* Elec. Code §§ 251.001(16), (17) (defining “political advertising” and “campaign communication”).

The associate judge performs certain duties as a judge and his position is plainly described by statute as a “judge.” However, for purposes of this opinion, the issue is whether a particular use of the title “associate judge” would represent that the judge holds a public office, not whether the judge is actually a judge. In this instance, a reference to the associate judge as “Associate Judge, 1000th District Court, Texas County” does not, by itself, represent that the judge holds an office he does not hold, and therefore would not violate section 255.006.

Use of Photographs

The requestor also asks whether he may use photographs of himself in campaign literature and advertising while wearing a judicial robe and sitting on the bench over which he currently presides. A caption would appear under each photograph that describes the judge in the same manner considered above in this opinion: “John Smith, Associate Judge, 1000th District Court, Texas County.” Both section 255.006 of the Election Code and section 39.02 of the Penal Code are relevant to this issue.

Section 255.006, Election Code

As stated above, under section 255.006 of the Election Code, in pertinent part, a person commits an offense if the person knowingly represents in political advertising or in a campaign communication that a candidate holds a public office he does not hold at the time the representation is made. In our opinion, merely appearing in a judicial robe while seated on a bench does not necessarily represent that the person depicted holds a particular office. In this instance, the caption beneath the photographs in the communications at issue would clearly

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indicate that the candidate is an associate judge,³ and therefore the communications would not violate section 255.006 of the Election Code.⁴

Section 39.02, Penal Code

Under section 39.02 of the Penal Code, a public servant commits an offense if, with intent to obtain a benefit or harm or defraud another, the public servant intentionally or knowingly “misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant’s custody or possession by virtue of the public servant’s office or employment.” Penal Code § 39.02(a)(2). Section 39.01(2) of the Penal Code defines “misuse” as dealing with government property contrary to:

- (A) an agreement under which the public servant holds the property;
- (B) a contract of employment or oath of office of a public servant;
- (C) a law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or
- (D) a limited purpose for which the property is delivered or received.

Id. § 39.01(2).

The use of government property, services, personnel, or any other thing of value belonging to the government for campaign purposes is prohibited by section 39.02 of the Penal Code. *See* Ethics Advisory Opinion Nos. 172 (1993) and 386 (1997) (stating that the use of state equipment or state employees to handle campaign contributions or prepare campaign finance reports for officeholders is a misuse of government resources); *see also* Tex. Const. art. III, § 51 (prohibition on the use of state funds for private purposes).

Facilities used by a state district court to conduct official business are government property and would include the bench over which an associate judge presides. The creation of photographs to be used in political advertising or campaign communications for the purpose of being elected to the office of district judge furthers a campaign purpose and would be made with the intent to obtain a benefit.⁵ Therefore, the associate judge may not use his access as a judge to the bench

³ We assume that the photograph would not contain other words, images, or symbols that represent that the associate judge is a district judge.

⁴ The Commission’s authority to issue advisory opinions is limited to opinions interpreting certain laws. The conduct of judges is also regulated by the Texas Code of Judicial Conduct, which the Commission does not have authority to interpret.

⁵ *See* General Appropriations Act, 85th Leg., R.S., Art. IV, §1, p. IV-33 (stating salary for district judges appropriated out of the state treasury).

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or other government resources⁶ to create a photograph to be used in such political advertising or campaign communications.⁷

⁶ To the extent that the judicial robe is government property, the use of the robe for campaign purposes would also be prohibited.

⁷ We do not address circumstances in which a candidate, acting as any member of the public, takes a photograph of a government facility for use in campaign materials. *See, e.g.*, Ethics Advisory Opinion No. 431 (2000) (a candidate may use publicly available government information for campaign purposes but may not use government employee work time or government resources to gather or prepare information for campaign purposes).

Policy for Travel Arrangements for Commissioners

In order to insure compliance with Sec. 660.007, Texas Gov't Code, Commissioners are obligated to use the most cost effective methods, considering all relevant circumstances, in arranging their travel for Commission-related activities.

Relevant circumstances that Commissioners may consider include: (1) predictability of the Commissioner's personal work and travel schedule; (2) predictability of the Commission's meeting schedule at the time travel arrangements are made; (3) travel conditions, including length of travel time, and road or flight conditions; (4) ability to travel to avoid additional costs to State such as additional hotel and food expenses; and (5) any other arrangement that is the most cost effective considering all relevant circumstances.

Patti Shannon - EasyVoteCampaignFinance

From: Christopher Lynch <clynch@rockwallcountytexas.com>
To: "ian.steusloff@ethics.state.tx.us" <ian.steusloff@ethics.state.tx.us>
Date: 1/3/2018 3:14 PM
Subject: EasyVoteCampaignFinance
Attachments: EasyVote System Recovery (003).pdf; ECF Features and Benefits for Rockwall Tx.docx; Security form_Rockwall Co.docx; ECF Admin Instructions.pdf; ECF Candidate Instructions.pdf; Image (3).tif

Ian,

Please see the attached documents requesting approval for Rockwall County to adopt the Easy Vote's Campaign Finance platform. Rockwall County Commissioners Court approved this action on 12 December 2017. Let me know if I missed anything. Thanks.

Christopher J. Lynch

Elections Administrator, Rockwall County
915 Whitmore Dr. STE D
Rockwall Texas, 75087
972.204.6200
www.rockwallvotes.com



CHRISTOPHER J. LYNCH
ELECTIONS ADMINISTRATOR

January 3, 2018

Ms. Seana Willing
Executive Director, Texas Ethics Commission
PO Box 12070
Austin, TX 78711-2070

Ref: Rockwall County Campaign Finance Filings

Ms. Willing,

With this letter, Rockwall County Elections Administrator is requesting to accept campaign finance filings from local filers through an electronic filing application. Specifically, we are requesting to use EasyCampaignFinance from Easy Vote.

If you require further information other than what I have attached please contact Jason Barnett, Director of Business Development at 512.378.3834 or email @ jbarnett@easyvotesolutions.com.

If you have any questions for me please call me at 972.204.6201.

Sincerely,

A handwritten signature in black ink, appearing to read "C. J. Lynch".

Christopher J Lynch

Rockwall County Elections Administrator

The Rockwall County Elections Office is seeking a Campaign Finance System for receiving and processing of disclosure reports that improve efficiency for this office and the elected officials and candidates using the system. The Rockwall County Elections Office is interested in a campaign finance system that includes the following requirements and/or features:

- **Cloud Based**
Reducing the need for hardware/software support from the County IT department.
- **SaaS pricing model with no long term contracts**
Eliminating the need for a significant upfront investment.
- System specifically designed for Campaign Finance and supported by individuals with a clear understanding of Campaign Finance and Elections law.
- US based support
- **Secure Electronic Submission**
Candidates can quickly and efficiently submit their filings securely online, via a standard web browser. Within the module, each candidate completes, submits and updates all required forms. Submissions are time-stamped and cataloged by the system, ensuring an audit trail.
 - Each electronic submission will contain a sworn statement by the person required to file the report along with their digitized signature per Tex. Elec. 254.036(h) and in compliance with commission specifications.
- **Detailed Search & Reporting**
Election staff can view a complete history of all campaign finance events including form submissions and communication with the office.
- **Automated Communication & Notifications**
Election staff can easily and quickly communicate with candidates, directly or en masse via the system's online tool. Reporting deadlines and other regulatory initiated notifications are pushed to the appropriate campaign staff. Other custom notifications can be created/set by the election administrator.
- **Import Candidate History**
The system will allow us to import and or save historical information for candidates.
- **Searchable Document Retention System Tied to Statute**
Stores documents for the statutory retention period by candidate file or document type with a time stamp built in to know when the document can be discarded. System may include a search feature for ease of locating documents.
- **Personalized and Secure Candidate Profile**
Allow each new candidate to access the system, create an account, a profile, and allow them to submit forms or complete process(es) applicable to their situation.

What Makes EasyCampaignFinance Stand Out from the Competition?

- Cloud based software with US support both locally and virtually;
- User friendly system with a dedicated portal for each user (county staff, candidate/ official, and public);
- Software is scalable to fit the evolving needs of the county and/or changes to law or regulation;
- Dedicated team of experts in the areas of campaign finance and elections both at the local and state level.

ROCKWALL COUNTY ELECTIONS – CAMPAIGN FINANCE SECURITY FORM

This document is the undersigned's submission for the purpose of receiving access to file electronic campaign related reports with the Rockwall County Elections Office. (This document is NOT for use by those required to file with the Texas Ethics Commission.)

Name:	Last First Middle
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Committee Name: (if Committee)	
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Mailing Address:	Street City State ZIP
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Contact Phone:	Area Code Phone Number Extension
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Email Address:	
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Signature and Affirmation:	I swear, or affirm, under penalty of perjury, that I am the person required by law under the Texas Ethics Commission jurisdiction to file Campaign Finance reports with The Rockwall County Elections Office. _____ Signature
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Return to the Rockwall County Elections Office – 915 Whitmore Dr., Suite D • Rockwall, TX 75087, or fax to (972) 204-6209

EasyCampaignFinance Administration Initial Set-Up

A. Logging into System

1. Double Click the EasyVote Icon on your desktop
2. Enter your username (you will have to put the cursor in the box)
3. Enter your password
4. Choose Location from drop down menu
5. Click Login

B. Admin Tab (Single Click ONLY)

1. Click County Setup
2. Enter County Name (i.e. Franklin – do not include the word county)
3. Enter Address – City, State and Zip
4. Enter Phone and Fax number
5. Enter Filer ID (this is the Q number issued to you by the Ethics Department)
6. Upload County Logo (must be .png)
 - a. Click Upload under County Logo
 - b. Locate file on your computer
 - c. Click Open
 - d. Click Save Changes
 - e. Click Close This Form

C. Campaign Finance Tab (Single Click ONLY)

1. Dashboard is viewable only – you must click on Officials tab to work documents
2. Officials (once candidate has green check beside name you can begin accepting documents from them and uploading documents to public site)
 - a. To ACCEPT/REJECT document and send to ethics
 1. Highlight candidate/elected official name
 2. Highlight document name on right under Uploads/Filings
 3. Click Edit/View to Change name of Document, Click Save Changes, Click Close This Form
 4. Click Reject/Accept – Click Accept Submission to ACCEPT – Enter Reason if you want to REJECT and then Click Reject
 5. Once submission has been ACCEPTED – highlight document name and click Send to Ethics – If will ask if you are sure – click YES – it will ask if you want to make public – click YES
 - b. To Upload Scanned Document
 1. Find document and drag and drop under Uploads and Filings
 2. Once document has been dropped under the correct tab you can change date, type of document and description – click UPLOAD DOCUMENT

3. You would need to click on Edit/View and under Status click the circle beside ACCEPTED – click Save Changes – click Close This Form
4. You would then follow the steps above to Send to Ethics
3. All activity
 - a. This tab show all activity for all candidates/elected officials)

TABS ACROSS TOP

1. Access Request (this tab is used to approve candidate/elected official access)
 - a. Highlight name
 - b. Click Accept/Active or Deny/Inactive (if you click Deny – give reason)
2. Update Blog (like a personal website for candidates)
 - a. Click New Blog Entry
 - b. Choose Expiration Date
 - c. Enter a Subject
 - d. If applicable, insert URL
 - e. Enter information that you want your candidates/elected officials to know)
 - f. Click Save
 - g. Click Close This Form
3. Send Bulk E-Mail
 - a. Choose the candidates/elected officials you would like to send e-mail
4. Send Bulk SMS
 - a. Choose the candidates/elected officials you would like to send text
5. Email Content
 - a. You can personalize any of the emails that are automated. DO NOT remove the links that we have in the emails that have them to click to reset password or click to complete registration)
 - b. After Thank You, put in your contact information
 - c. You can change all email content before you have to Save Change
 - d. When all emails are complete – click Save Changes
 - e. Click Close This Form
6. Resend Invites (used if candidate/elected official does not complete registration)
 - a. When you click Resend Invites – it will resend the email asking them to complete their registration (at this time it sends to everyone that has not completed their registration – 2015 release you will be able to choose who to send to)
7. Doc Due Dates
 - a. Double Click on the dates that documents are due (at this point everything defaults to CCDR being due – but with new release in 2015 you will be able to select which document will be due)
 - b. You must enter document due dates for each of the four (4) tabs (Less than \$2500, \$2500 or More, \$5000 or More, Non Election Year)
 - c. Click Close This
8. Office List (you must enter each office that is elected in your city/county)
 - a. Click New Office

- b. Enter Name of Office
- c. Click Save

EasyCampaignFinance Candidate Instructions

1. Open browser of choice (IE, Firefox, Chrome, Safari, etc.)
2. Enter: easyvote.county.com in address bar
3. Click on Officials/Candidates at top right
4. Click Register (there is a video to the left after you click Register – if you need further assistance)
 - a. Select your County/City from drop down menu
 - b. Enter your email address
 - c. Enter your first name
 - d. Enter your last name
 - e. Cell Phone is optional
 - f. Choose the office you are running for from the drop down menu under Office Occupying/Running for
 - g. Enter code in box
 - h. Click REGISTER
 - i. You will be sent an email thanking you for registering
 - ii. After the Filing Clerk has approved you – you will receive an e-mail with a link to click to complete your registration.
 - iii. After your registration is completed – you will be ready to login and begin submitting your documents.

To Submit Documents

1. Follow Steps 1-3 from above
2. Click on Login
 - a. Enter your email that you registered with
 - b. Enter the **password** (if you forgot your password – click the link “Forgot Password?”)
 - c. Click Login
 - d. Click on File Reports (Instruction Video is a 5 minute video to give you instructions on how to complete the forms.)
 - i. Click Wizard/Upload next to the form that you want to complete
 - ii. Click Start Wizard
 - iii. The forms are broken down in to small snippets (after you complete each page – click NEXT STEP
 - iv. You will always be able to view your document before submitting (in pdf format) – if your document is complete on the review page – click E-Sign/Submit
 - v. Enter the **code on the right (security code)**
 - vi. Check the box next to “By checking this box you are certifying that statements on this form are complete, true and accurate.”
 - vii. Click Submit
 - viii. You will be defaulted back to the front page
 - ix. Click on My Submissions and look under STATUS and you will see that your form has been Submitted
 - x. When the Filing Clerk has accepted your form – the Submitted will be changed to Accepted
 - xi. When the Filing Clerk has faxed your form to Ethics – the Accepted will be changed to Faxed to Ethics

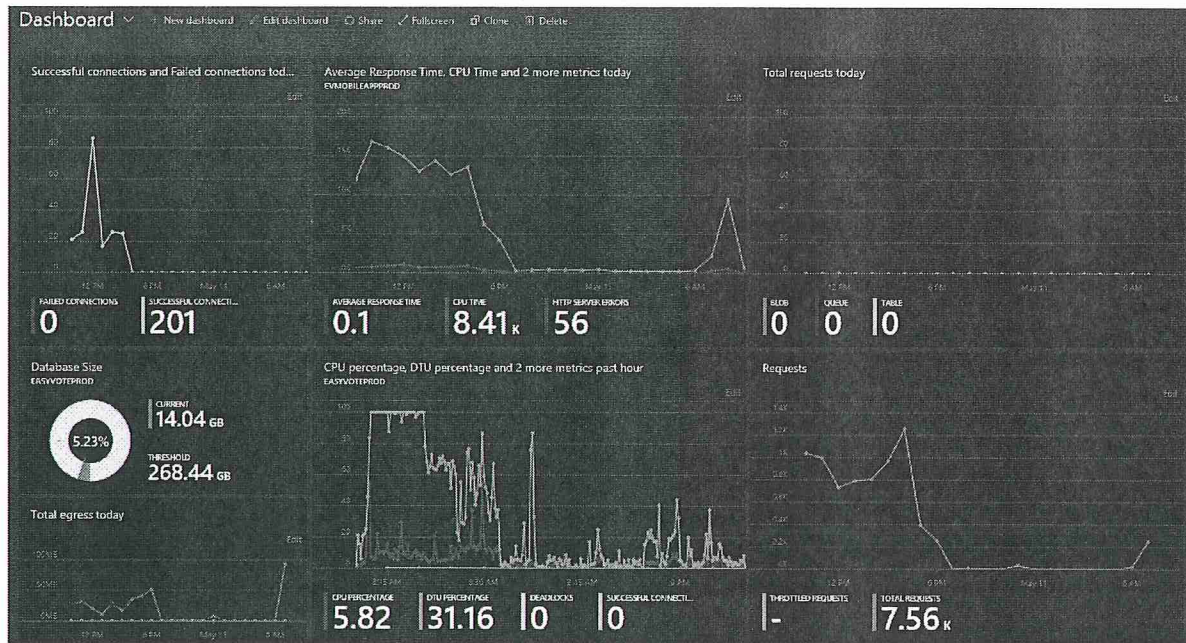
xii. When you look under STATUS and it says NEW – that means that you have not E-Signed/Submitted your form.

EasyVote System Recovery

1 Introduction

EasyVote is based on a SaaS (Software as a Service) model and operates with the assumption that all of our customers have access to an Internet connection. That being said, SaaS must be available 99.6% of the time so that no customers experience outages due to the infrastructure that we supply being inaccessible at any time. Since EasyVote is entirely based on a green field build out on Microsoft Azure, the benefits of Cloud Based computing are inherited from the core of the Azure redundant and scalable architecture.

Azure provides the highest enterprise level performance and recovery tools as well as services that warn of saturation points before they become a problem. Below is one of the Azure dashboards that are used 24/7 to ensure the level of performance required by our customers.



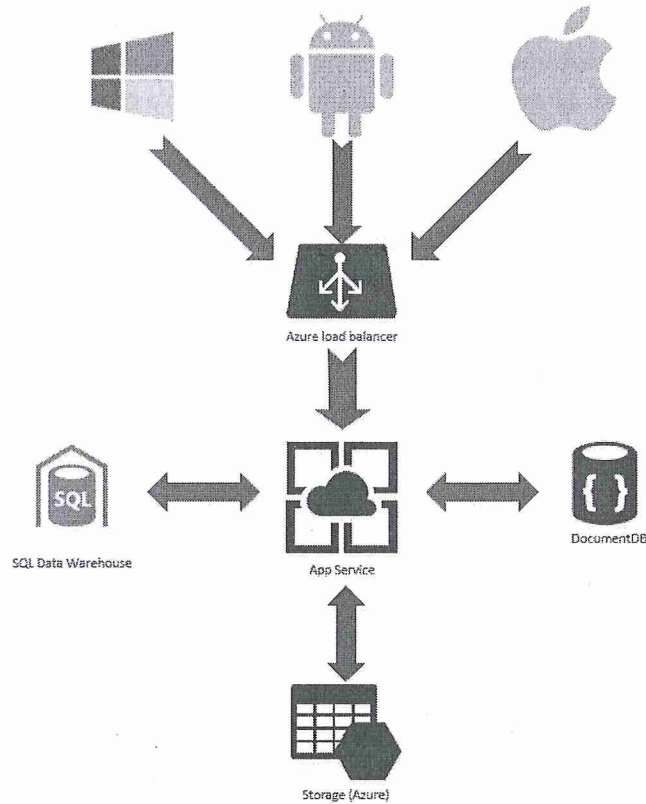
These dashboards allow the creation of **Alerts** that will send SMS and Emails to warn our administrators of any possible performance hampering issues.

1.1 Scale Out, Not Up

Adding more hardware is preferable to upgrading hardware. This is a new standard in the world of Cloud computing. As demand increases the Azure Auto Scale feature will initialize more hardware to handle the load, and as the load requirements diminish, hardware is taken offline.

2 Services and Data

EasyVote is built on your data, our services and the network. Below is a representation of how the data and services are assembled to allow continuous access to all of these services and your data.



Each part and level of EasyVote is built on a geographically redundant service and the SQL server has an added layer of protection called "Active geo-replicated". This means that each SQL Server service is running on hardware that is physically located at different data centers around the United States.

NOTE: No data or services are allowed outside the U.S. borders.

2.1 SQL Server Details

The backbone of any searchable data storage is of course the database. With today's rise of the **NoSQL** databases, EasyVote has integrated this new technology into the appropriate places and taken full advantage of these new techniques.

EasyVote uses a hybrid approach by utilizing SQL based storage (Azure MSSQL Server) and NoSQL storage (Azure DocumentDB) to ensure the best performance as well as the maximum flexibility to satisfy our customer's feature requests.

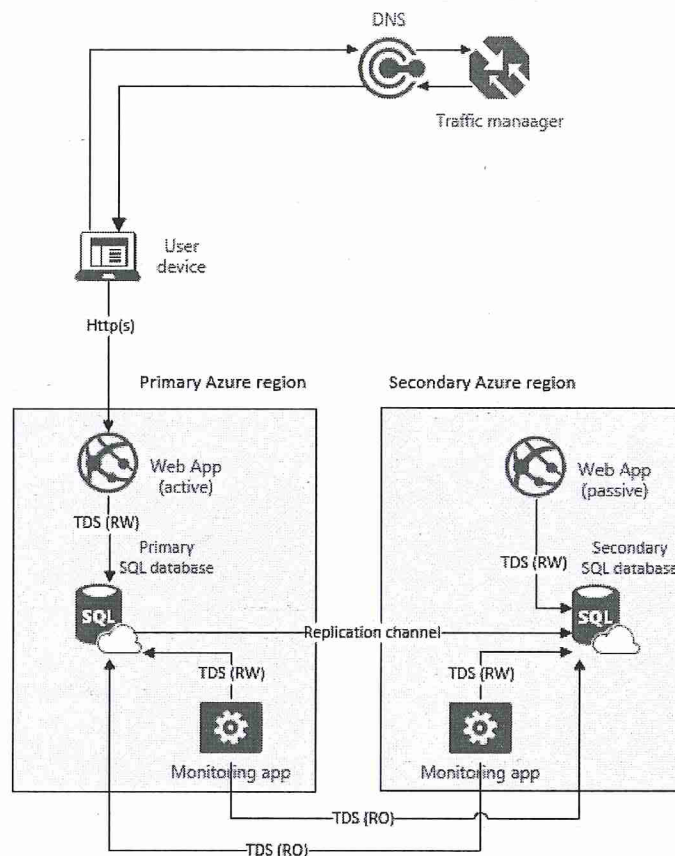
The EasyVote Microsoft SQL Server is replicated in Virginia as well as California. The physical separation of the primary and secondary databases ensures that your data is always available.

Log Shipping ensures that the databases are always in sync with each other so that when an issue arises, the Auto Fail Over will forward all SQL statements and queries to the secondary database. Once the issue is resolved the Fail Over recovery mechanism will resync the primary database and restore all edited data to the newly recovered production database.



Here are some more details about the Active geo-replication aspects of Azure SQL Server:

- Database-level disaster recovery goes quickly when you've replicated transactions to databases on different SQL Database servers in the same or different regions.
- Cross-region redundancy allows applications to recover from permanent loss of a datacenter caused by natural disasters, catastrophic human errors, or malicious acts.
- Online secondary databases are readable, and they can be used as load balancers for read-only workloads such as reporting.
- With automatic asynchronous replication, after an online secondary database has been seeded, updates to the primary database are automatically copied to the secondary database.



2.2 Disaster Recover Drills for SQL Server

Once a month, EasyVote DevOps performs a disaster recover drill. There is about a 25 second delay once the FAILOVER command is executed on the SQL Server and the secondary database takes over. All data is replicated before the test fail over is execute. Below is the TSQL command to execute to perform a test.

```
ALTER DATABASE <MyDB> FAILOVER;
```

In the event that disaster has occurred, the failover can be performed manually or automatically. Sometimes the automatic fail over does not react fast enough so the DevOps team can force the failover immediately by running the command below.

```
ALTER DATABASE <MyDB> FORCE_FAILOVER_ALLOW_DATA_LOSS;
```

2.3 File Storage

Azure File Storage is automatically protected from failure by the Microsoft Data Centers redundant servers and disk drives. This is a guaranteed service that requires no maintenance or testing from the DevOps as it is always available with a 99.90% uptime.

2.4 DocumentDB (NoSQL)

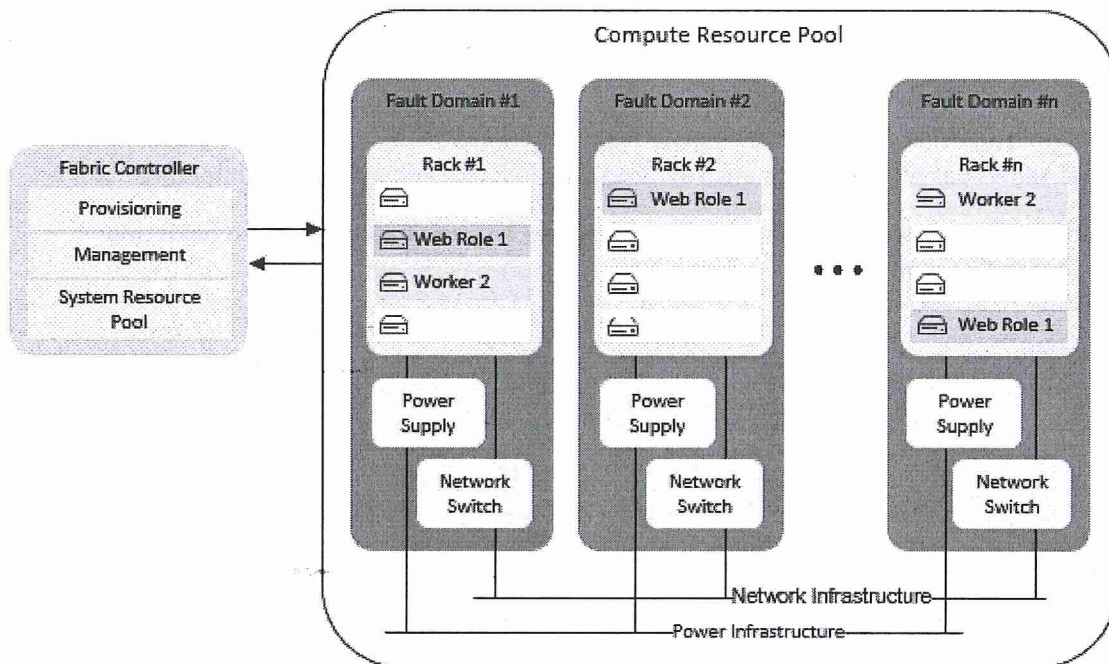
Azure DocumentDB is an enterprise level generic document (JSON/XML) storage and querying service that allows EasyVote to store unstructured data in a safe and efficient architecture.

DocumentDB has a 99.99% uptime and is by far the safest location for your custom fields and Campaign finance documents.

3 Web App Services

The Azure Fabric Controller (FC) is responsible for provisioning and monitoring the condition of the Azure compute instances. The Fabric Controller checks the status of the hardware and software of the host and guest machine instances. When it detects a failure, it enforces SLAs by automatically relocating the VM instances. The concept of fault and upgrade domains further supports the compute SLA.

When multiple role instances are deployed, Azure deploys these instances to different fault domains. A fault domain boundary is basically a different hardware rack in the same datacenter. Fault domains reduce the probability that a localized hardware failure will interrupt the service of an application. You cannot manage the number of fault domains that are allocated to your worker or web roles. The Fabric Controller uses dedicated resources that are separate from Azure hosted applications. It has 100% uptime because it serves as the nucleus of the Azure system. It monitors and manages role instances across fault domains. The following diagram shows Azure shared resources that are deployed and managed by the FC across different fault domains.



4 Summary

By building the EasyVote platform on a proven enterprise level Cloud service, an unprecedented level of reliability and consistency is derived from the massive hardware and software investments of Microsoft.

EXHIBIT A

Dismissal of Complaint After Public Disclosure

Text of Proposed Rule

The proposed new language is indicated by underlined text.

Chapter 12. SWORN COMPLAINTS

Subchapter A. GENERAL PROVISIONS AND PROCEDURES

§ 12.37. Dismissal of Complaint After Public Disclosure.

If a complainant publicly discloses confidential information about a sworn complaint filed or to be filed by the complainant, the commission may dismiss the complaint with prejudice as to the complainant.

EXHIBIT A

Notice and Exchange Rules

Text of Proposed Rule

The proposed new language is indicated by underlined text.
The deleted text is indicated by [~~striketrough~~] text.

Chapter 12. SWORN COMPLAINTS
Subchapter A. GENERAL PROVISIONS AND PROCEDURES

§ 12.21. Notice.

(a) A notice required to be sent to a complainant under chapter 571 of the Government Code shall be sent to the address most recently provided by the complainant.

(b) A notice required to be sent to a respondent under chapter 571 of the Government Code shall be sent to the address provided by the complainant or to the address most recently provided by the respondent.

~~[(c) Notice of a hearing must be given at least 10 business days before the date of the hearing, and must include:~~

~~(1) the date, time, place, and nature of the hearing;~~

~~(2) a statement of the legal authority and jurisdiction under which the hearing is to be held;~~

~~(3) a reference to the particular sections of the statutes and rules involved; and~~

~~(4) a short and plain statement of the matters asserted.]~~

(c) ~~[(d)]~~ A person entitled to receive notice may waive that right by filing a written waiver with the executive director.

(d) ~~[(e)]~~ A respondent or complainant in a complaint may waive the right under section 571.032 of the Government Code to receive written notices related to the complaint by registered or certified mail, restricted delivery, return receipt requested, and may agree to receive written notices related to the complaint by first class mail, electronic mail, or other means.

EXHIBIT A

Notice and Exchange Rules

Subchapter D. PRELIMINARY REVIEW HEARING

§ 12.84. Notice of Preliminary Review Hearing.

(a) Commission staff shall provide notice of a preliminary review hearing to a respondent and complainant at least 45 days before the date of the hearing and must include:

- (1) the date, time, place, and nature of the hearing;
- (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) a reference to the particular sections of the statutes and rules involved; and
- (4) a short and plain statement of the factual matters asserted.

(b) Commission staff shall provide to a respondent at least 30 days before the date of the hearing:

- (1) a list of proposed witnesses to be called at the hearing and a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing; and
- (2) copies of all documents expected to be used or introduced as exhibits at the hearing.

(c) The respondent shall provide to commission staff the contents described by subsections (b)(1) and (b)(2) of this section. The contents must be received by commission staff at least 14 days before the date of the hearing. If a respondent or commission staff fail to comply with this section, the commission may reschedule the hearing or proceed with the hearing and exclude at the hearing evidence, documents, and testimony provided by the respondent or commission staff, as applicable, but such failure may be excused upon a showing of good cause.

EXHIBIT A

Notice and Exchange Rules

Subchapter E. FORMAL HEARING

§12.103. Notice of Formal Hearing.

(a) Commission staff shall provide notice of a formal hearing to a respondent and complainant at least 60 days before the date of the hearing and must include, in addition to the contents required by section 571.126(b) of the Government Code:

- (1) the date, time, place, and nature of the hearing;
- (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) a reference to the particular sections of the statutes and rules involved; and
- (4) a short and plain statement of the factual matters asserted.

(b) Commission staff shall provide to a respondent and complainant at least 30 days before the date of the hearing:

- (1) a list of proposed witnesses to be called at the hearing and a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing; and
- (2) copies of all documents expected to be used or introduced as exhibits at the hearing.

(c) The respondent shall provide to commission staff the contents described by subsections (b)(1) and (b)(2) of this section. The contents must be received by commission staff at least 14 days before the date of the hearing. If a respondent or commission staff fail to comply with this section, the commission may reschedule the hearing or proceed with the hearing and exclude at the hearing evidence, documents, and testimony provided by the respondent or commission staff, as applicable, but such failure may be excused upon a showing of good cause.

EXHIBIT A

Production for Preliminary Review

Text of Proposed Rule

The proposed new language is indicated by underlined text.

Chapter 12. SWORN COMPLAINTS
Subchapter A. GENERAL PROVISIONS AND PROCEDURES

§12.28. Production of Documents During a Preliminary Review.

(a) Before applying for the commission to issue a subpoena under section 571.137(a-1) of the Government Code, commission staff must send to the person from whom records are sought a written request for the production or inspection of documents or other tangible things that:

(1) specifies the items to be produced or inspected, either by individual item or by category, and describes with reasonable particularity each item and category; and

(2) provides a reasonable amount of time, but not less than 30 days, to comply with the request.

(b) The person from whom records are sought must produce or allow the inspection of documents or other tangible things within the person's possession, custody or control within the time provided in the request, or submit in writing, as appropriate:

(1) objections to those records that are unreasonable, improper, or unnecessary to investigate the complaint; or

(2) that, after a diligent search, no items have been identified that are responsive to the request.

(c) Commission staff shall provide to the commission any response it receives to its request for production or inspection when applying for a subpoena under section 571.137(a-1) of the Government Code.

EXHIBIT A

Text of Proposed Rule Amendment

The proposed new language is indicated by underlined text.

The deleted language is indicated by [~~striketrough~~] text.

Chapter 20. REPORTING POLITICAL CONTRIBUTIONS AND EXPENDITURES

Subchapter B. GENERAL REPORTING RULES

§20.61. Purpose of Expenditure.

(a) For reporting required under Section 254.031 of the Election Code, the purpose of an expenditure means:

(1) A description of the category of goods, services, or other thing of value for which an expenditure is made. Examples of acceptable categories include:

(A) advertising expense;

(B) accounting/banking;

(C) consulting expense;

(D) contributions/donations made by candidate/officeholder/political committee;

(E) event expense;

(F) fees;

(G) food/beverage expense;

(H) gifts/awards/memorials expense;

(I) legal services;

(J) loan repayment/reimbursement;

(K) office overhead/rental expense;

(L) polling expense;

- (M) printing expense;
- (N) salaries/wages/contract labor;
- (O) solicitation/fundraising expense;
- (P) transportation equipment and related expense;
- (Q) travel in district;
- (R) travel out of district;
- (S) other political expenditures; and

(2) A brief statement or description of the candidate, officeholder, or political committee activity that is conducted by making the expenditure and an additional indication if the expenditure is an officeholder expenditure for living in Austin, Texas. The brief statement or description must include the item or service purchased and must be sufficiently specific, when considered within the context of the description of the category, to make the reason for the expenditure clear. Merely disclosing the category of goods, services, or other thing of value for which the expenditure is made does not adequately describe the purpose of an expenditure.

(b) The description of a political expenditure for travel outside of the state of Texas must provide the following:

- (1) The name of the person or persons traveling on whose behalf the expenditure was made;
- (2) The means of transportation;
- (3) The name of the departure city or the name of each departure location;
- (4) The name of the destination city or the name of each destination location;
- (5) The dates on which the travel occurred; and
- (6) The campaign or officeholder purpose of the travel, including the name of a conference, seminar, or other event.

(X) The description of a political expenditure made as an in-kind contribution to a candidate, officeholder, or political committee must provide the following:

- (1) the name of the candidate, officeholder, or political committee accepting the in-kind contribution; and

(2) if accepted by a candidate or officeholder, the office sought or office held by the candidate or officeholder.

~~[(e) Except as provided by subsection (d) of this section, this rule applies to expenditures made on or after July 1, 2010.]~~

~~[(d) The requirement to include an additional indication if an expenditure is an officeholder expenditure for living in Austin, Texas, applies to an expenditure made on or after July 1, 2014.]~~

(e) Comments:

The purpose of an expenditure must include both a description of the category of goods or services received in exchange for the expenditure and a brief statement or description of the candidate, officeholder, or political committee activity that is conducted by making the expenditure. A description of an expenditure that merely states the item or service purchased is not adequate because doing so does not allow a person reading the report to know the allowable activity for which an expenditure was made.

The following is a list of examples that describe how the purpose of an expenditure may be reported under section 20.61. This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting the purpose of an expenditure under this rule. However, it is not, and is not intended to be, an exhaustive or an exclusive list of how a filer may permissibly report the purpose of an expenditure under this rule. The rule does not require the candidate or officeholder to identify by name or affiliation an individual or group with whom the candidate or officeholder meets.

...

(22) Example: Candidate X is seeking the office of State Representative, District 2000. Political Committee Y, with the prior consent or approval of Candidate X, contracts with a newspaper to publish political advertising supporting Candidate X. The acceptable category for the expenditure made by Political Committee Y is “advertising expense” and an acceptable brief description is “in-kind contribution to support Candidate X for State Representative, District 2000.”

EXHIBIT A

Text of Proposed Rules

The proposed new language is indicated by underlined text.

Chapter 6. ORGANIZATION AND ADMINISTRATION

Subchapter A. GENERAL RULES

§6.1. Definitions.

The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise.

[...]

(20) Judicial office--The office of:

- (A) chief justice or justice, supreme court;
- (B) presiding judge or judge, court of criminal appeals;
- (C) chief justice or justice, court of appeals;
- (D) district judge;
- (E) judge, statutory county court; or
- (F) judge, statutory probate court.

(21) Non-judicial office--An elective public office and the secretary of state, but not including an office described by subsection (20) of this section.

Chapter 27. Judicial Campaign Fairness Act

Subchapter A. GENERAL RULES

§27.1. Applicability.

This chapter applies only to a candidate, officeholder, political committee, political contribution, or political expenditure to which the Judicial Campaign Fairness Act, Subchapter F, Chapter 253, Election Code, applies.

Subchapter C. GENERAL REPORTING RULES

§27.101. When a Declaration of Compliance or Declaration of Intent Is Required.

(a) "Declaration" means a declaration of compliance or declaration of intent required to be filed under section 253.164, Election Code.

(b) A person is required to file a declaration only when:

(1) the person becomes a candidate for a judicial office at a time when the person is not already a candidate for another judicial office, or

(2) the person changes their intent to comply or not comply with the voluntary expenditure limits as stated in their most recently filed declaration.

(c) A candidate for a judicial office who decides to seek a different judicial office that requires the candidate to transfer their campaign treasurer appointment to another filing authority under section 20.206 of this title shall also file with the other authority:

(1) a copy of the candidate's declaration certified by the authority with whom it was originally filed, or

(2) a new declaration, if the candidate changes their intent to comply or not comply with the voluntary expenditure limits as stated in their most recently filed declaration.

(d) A declaration remains in effect for the judicial office sought by a candidate at the time it is filed. If a candidate for a judicial office decides to seek a different judicial office, the declaration that is in effect remains in effect for the subsequent judicial office.

EXHIBIT A

Text of Proposed Rules

The proposed new language is indicated by underlined text.

Chapter 12. SWORN COMPLAINTS

Subchapter A. GENERAL PROVISIONS AND PROCEDURES

§12.31. Conduct and Decorum.

(a) Parties, representatives, and other participants at a hearing shall conduct themselves with dignity, show courtesy and respect for one another and for the commission, and follow any additional guidelines of decorum prescribed by the presiding officer, including adherence to the amount of time allotted for the hearing. Attorneys shall adhere to the standards of conduct in the Texas Lawyer's Creed promulgated by the Supreme Court of Texas and the Court of Criminal Appeals and the Texas Disciplinary Rules of Professional Conduct promulgated by the Supreme Court of Texas.

(b) Attorneys should advise their clients and witnesses of the applicable rules of conduct and decorum.

(c) All objections, arguments, and other comments by parties shall be directed to the commission and not to an opposing party.

(d) While another party is addressing the commission or questioning a witness, a party shall not interrupt for any purpose except to make a valid objection.

(e) Parties shall not approach the dais without leave of the presiding officer and must not lean on the dais.

(f) Parties shall remain seated at the counsel table at all times except:

(1) when the commission enters and leaves the hearing room;

(2) when addressing the commission; and

(3) whenever it may be proper to handle documents, exhibits, or other evidence.

(g) Parties must question witnesses and deliver arguments to the commission while seated at the counsel table or standing at the lectern. If a party seeks to question or argue from another location, leave of the presiding officer must be requested and granted.

(h) Parties must request leave of the presiding officer to conduct a demonstration.

(i) The presiding officer may take appropriate action to maintain and enforce proper conduct and decorum, including:

- (1) issuing a warning;
- (2) sanctioning a party pursuant to §12.33 of this chapter;
- (3) excluding persons from the proceeding;
- (4) recessing the proceeding; and
- (5) clearing the hearing room of persons causing a disruption.

§12.33. Sanctioning Authority.

(a) The presiding officer has the authority to impose appropriate sanctions against a party or its representative for:

(1) filing a motion or pleading that is deemed by the presiding officer to be groundless and brought:

(A) in bad faith;

(B) for the purpose of harassment; or

(C) for any other improper purpose, such as to cause unnecessary delay or needless increase in the cost of the proceeding;

(2) abuse of the discovery process in seeking, making, or resisting discovery;

(3) failure to comply with a commission order; or

(4) violating §12.31 of this chapter.

(b) The presiding officer may issue an order imposing sanctions when justified by party or representative behavior described in subsection (a) of this section and after notice and opportunity for hearing. Sanctions may include:

(1) disallowing or limiting further discovery by the offending party;

(2) charging all or part of the expenses of discovery against the offending party or its representatives;

(3) deeming designated facts be admitted for purposes of the proceeding;

(4) refusing to allow the offending party to support or oppose a claim or defense or prohibiting the party from introducing designated matters into the record;

(5) disallowing in whole or in part requests for relief by the offending party and excluding evidence in support of those requests; and

(6) striking motions or testimony in whole or in part.

EXHIBIT A

Text of Proposed Rules

The proposed new language is indicated by underlined text.

Chapter 16. FACIAL COMPLIANCE REVIEWS AND AUDITS

§ 16.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Deficiency—An error, omission, inaccuracy, or violation of a law or rule administered and enforced by the commission that is apparent on the face of a report or statement filed with the commission.

(2) Compliance review report—A report sent to a filer detailing deficiencies in a report that is the subject of a facial compliance review.

(3) Facial compliance review—A review conducted under section 571.069 of the Government Code of the information disclosed on a report or statement filed with the commission for facial completeness, accuracy, reliability, and compliance with the law.

§ 16.2. Corrected or Amended Report Filed During a Facial Compliance Review; Late Fines

(a) A statement or report that corrects or amends a statement or report that is subject to a facial compliance review shall be filed not later than the seventh business day after the date the person filing the statement or report receives a compliance review report. A statement or report that is timely corrected or amended is considered filed as of the date the statement or report was originally filed.

(b) A statement or report that corrects or amends a statement or report that is the subject of a facial compliance review is not subject to a late fine if:

(1) The report is filed not later than 14 business days after the date the filer receives the compliance review report; and

(2) The report complies with the law.

(c) A report that corrects the total amount of political contributions maintained disclosed in the report that was filed immediately prior to the report that is subject to the facial compliance review is not subject to a late fine if:

(1) The report is filed not later than 14 business days after the date the filer receives the compliance review report; and

(2) The report complies with the law.

(d) A statement or report filed to correct or amend a statement or report in accordance with this section will not be considered a prior late offense for purposes of determining the waiver or reduction of a fine under chapter 18 of this title.

§ 16.3. Additional Documents and Information Submitted in Response to a Facial Compliance Review; Timeliness

(a) The commission may request from a filer documentation and other information used by the filer to compile a report or statement that is subject to a facial compliance review.

(b) Documentation and other information requested by the commission is timely submitted if received by the commission not later than the seventh business day after the date the filer receives the request for additional documentation.

(c) Documentation or other information submitted by a filer to refute a deficiency cited in a compliance review report is timely submitted if received by the commission not later than the later of:

(1) the 14th day after the date the filer receives the compliance review report; or

(2) the 31st day after the date the statement or report subject to a facial compliance review was originally due.

§ 16.4. Commission Initiated Preliminary Review or Audit Resulting from a Facial Compliance Review

(a) By a vote of at least six commission members, the commission may initiate a preliminary review as authorized by section 571.124 of the Government Code or perform a complete audit of a statement or report that is subject to a facial compliance review under section 571.069 of the Government Code if:

(1) a corrected or amended report or statement is not resubmitted to the commission in accordance with section 16.2;

(2) documentation or other information requested by the commission during a facial compliance review is not submitted to the commission in accordance with section 16.3; or

(3) the commission has determined by a vote of at least six commission members that the corrected statement or report filed in response to a compliance review report, when considered with any additional documentation or information, does not comply with the law.

§ 16.5. Notice of Audit of Report or Statement

The commission shall notify a filer that the commission will perform a complete audit of a report or statement that is the subject of a facial compliance review not later than the fifth business day after the date the commission votes to initiate the audit.

§16.6. Supporting Documentation in Response to Audit; Timeliness

(a) A filer must submit to the commission supporting documentation containing information necessary for filing the statement or report that is subject to the audit, such as:

- (1) Bank statements;
- (2) Cancelled checks;
- (3) Receipts;
- (4) Credit card statements;
- (5) Invoices;
- (6) Loan documents;
- (7) Books or ledgers;
- (8) Employee timesheets and payroll records;
- (9) Certificates of formation or other business documents; and
- (10) Real property records.

(b) A filer must submit to the commission the supporting documentation in response to an audit not later than the 25th business day from the date the filer receives notice of the audit.

§ 16.7. Complete Audit Report

(a) Upon completion of an audit, the commission shall send to the filer a complete audit report that includes:

- (1) a notification that the commission has determined the report or statement that was subject to the audit complies with the law; or

(2) required corrective actions that the filer must take to cure any deficiency found in the report or statement that is subject to the audit.

(b) A filer must correct or amend a report or statement to correct all deficiencies identified in a complete audit report not later than the 30th business day from the date the filer receives the complete audit report.

(c) A filer may submit to the commission exceptions to any deficiency not corrected under subsection (b) or other information contained in the complete audit report not later than the 30th business day from the date the filer received the complete audit report.

§ 16.8. Representation by Attorney

(a) A filer has the right to be represented by an attorney retained by the filer during a facial compliance review or an audit initiated by the commission as a result of a facial compliance review.

(b) A letter of representation must be submitted to the commission if the filer is represented by an attorney.

§ 16.9. Authority of the Commission

This chapter may not be construed as limiting or affecting the commission's authority to, on the filing of a motion or receipt of a sworn complaint, review or investigate the sufficiency of a statement or report.

§ 16.10. Extension of Deadlines

The executive director may extend all deadlines related to this chapter except as provided by section 571.069(a) of the Government Code (relating to when a corrected or amended report is considered filed as of the date the report or statement was originally filed).

§ 16.11. Waiver of Delivery by Certified Mail

A filer may waive the right under section 571.032 of the Government Code to receive written notices related to a facial compliance review or audit by registered or certified mail, restricted delivery, return receipt requested, and may agree to receive written notices by first class mail, electronic mail, or other means.

EXHIBIT A

Text of Proposed Rule Amendment

The proposed new language is indicated by underlined text.

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

CHAPTER 20. REPORTING POLITICAL CONTRIBUTIONS AND EXPENDITURES

§ 20.5. Reports Filed with a County Filing Authority.

(a) The county clerk (or the county elections administrator or tax assessor-collector who is required to perform the functions of the county clerk as provided by §§ 31.043 or 31.071 of the Election Code [~~assessor-collector, as applicable in a particular county~~]) is the appropriate filing authority for reports filed by:

(1) a candidate for:

(A) a county office;

(B) a precinct office;

(C) a district office (except for an office in a multi-county district) [~~district~~];
or

(D) an office of a political subdivision other than a county if the political subdivision is within the boundaries of a single county and if the governing body of the political subdivision has not been formed;

(2) a person holding an office listed in paragraph (1) of this section;

(3) a specific-purpose committee supporting or opposing a candidate listed in paragraph (1) of this section or an office holder listed in paragraph (2) of this section;

(4) a specific-purpose committee supporting or opposing:

(A) a measure to be submitted to the voters of a single county; or

(B) a measure concerning a political subdivision other than a county when the governing body for the political subdivision has not been formed and no boundary of the political subdivision crosses a boundary of a county.

~~[(b) A report must be filed with both the county filing authority and the commission if the report is required to be filed by a candidate for or holder of a judicial district office filed~~

~~by voters of only one county, or by a specific purpose committee supporting, opposing, or assisting such a candidate or officeholder. However, the campaign treasurer appointment must be filed only with the commission.]~~

EXHIBIT A

Text of Proposed Rule Amendment

The proposed new language is indicated by underlined text.

The deleted language is indicated by [~~striketrough~~] text.

Chapter 20. REPORTING POLITICAL CONTRIBUTIONS AND EXPENDITURES

Subchapter A. GENERAL RULES

§ 20.33. Termination of Campaign Treasurer Appointment by Commission.

(a) The commission may terminate the campaign treasurer appointment of an inactive candidate or an inactive political committee.

(b) For purposes of subsection (a) of this section and Section 252.0131, Election Code, a candidate becomes “inactive” if the candidate files a campaign treasurer appointment with the commission and more than one year has lapsed since the candidate has filed any required campaign finance reports with the commission.

(c) For purposes of subsection (a) of this section and Section 252.0131, Election Code, a political committee becomes “inactive” if the political committee files a campaign treasurer appointment with the commission and more than one year has lapsed since the campaign treasurer of the political committee has filed any required campaign finance reports with the commission.

(d) This section does not apply to a candidate who holds [~~has been elected to~~] an office specified by Section 252.005(1) or (5), Election Code.