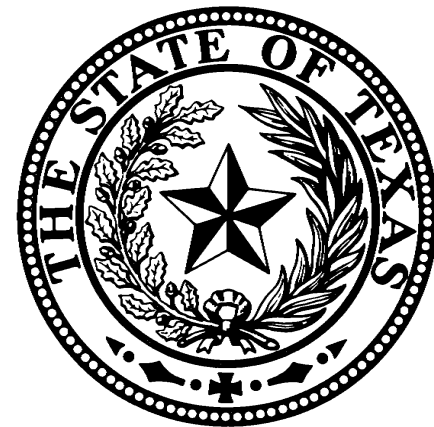


TEXAS ETHICS COMMISSION



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Visit us at <http://www.ethics.state.tx.us> on the Internet.

Effective September 1, 2003

TRAINING

The Ethics Commission provides, in cooperation with state agencies, a program of ethics training for state employees, and also provides training for members and members-elect of the Texas Legislature concerning compliance with laws administered by the Commission. The Commission also produces educational materials and provides training programs for other groups affected by laws administered by the Commission.

This pamphlet presents a brief overview of the Texas Ethics Commission. If you have a question about your own activities, we urge you to request an opinion from the Commission *before* engaging in the activity in question. Requests to the Commission for an advisory opinion must be in writing. You may also call the Commission's Legal Department at (512) 463-5800 for informal advice.

In compliance with the Americans With Disabilities Act, the publications of the Texas Ethics Commission are available by request in alternative formats. To request an accessible format, please contact our ADA Compliance Officer by telephone at (512) 463-5800, (800) 325-8506, or through RELAY Texas at (800) 735-2989; or by mail in care of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711.

The Texas Ethics Commission is an Equal Opportunity Employer and does not discriminate in providing services or employment.

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THE TEXAS ETHICS COMMISSION

SWORN COMPLAINTS

An individual may file a sworn complaint with the Ethics Commission alleging a violation of any of the laws it administers as well as Section 306.005, Government Code, concerning the use of legislatively produced audio or visual materials in political advertising, and Sections 334.025 and 335.055, Local Government Code, concerning false and misleading campaign material supporting or opposing the authorization of a sports or community venue project. The Commission does not have the authority to enforce the Penal Code.

A sworn complaint sets in motion a process that may include a preliminary review hearing and a formal hearing, and which permits resolution of the matter at several points in the process. The Commission may ultimately resolve a sworn complaint by dismissal, referral for criminal prosecution, or imposition of a civil penalty. A final decision of the Commission in a sworn complaint process may be appealed to a district court for a trial *de novo*. During most stages of the process the Commissioners and Commission staff members are required to keep the complaint confidential.

On November 5, 1991, Texas voters approved an amendment that added Article III, Section 24a, to the Texas Constitution. The constitutional amendment created the Texas Ethics Commission. The amendment set out the method by which the eight members of the Commission are to be appointed, with four of the Commissioners appointed by the Governor, two appointed by the Lieutenant Governor, and two appointed by the Speaker of the Texas House of Representatives. No more than four members may be from the same political party.

The constitutional provision established staggered four-year terms for Commissioners. Commissioners annually elect a chair and vice-chair from their membership.

CONSTITUTIONAL DUTIES

The Texas Constitution provides that the Ethics Commission may recommend the salary of members of the Legislature, the Lieutenant Governor, and the Speaker of the House of Representatives, subject to approval by the voters at the subsequent general election for state and county officers. Also, the Commission must set the *per diem* of members of the Legislature and of the Lieutenant Governor. The Legislature is to determine the other powers and duties of the Commission.

LAWS ADMINISTERED BY THE TEXAS ETHICS COMMISSION

Statutory duties of the Ethics Commission are in Chapter 571 of the Government Code. The agency is responsible for administering these laws: (1) Title 15, Election Code, concerning political contributions and expenditures, and political advertising; (2) Chapter 302, Government Code, concerning the election of the Speaker of the Texas House of Representatives; (3) Chapter 303, Government Code, concerning the governor for a day and speaker's reunion day ceremonies; (4) Chapter 305, Government Code, concerning lobbyist registration, reports, and activities; (5) Chapter 572, Government Code, concerning personal financial disclosure of state officers and conduct of state officers and employees; and (6) Chapter 2004, Government Code, concerning representation before state agencies; (7) Chapter 159, Local Government Code, concerning judges of statutory county courts or statutory probate courts who elect to file a financial statement with the Commission; (8) Government Code, Section 2152.064 (concerning Conflict of Interest in Certain Transactions involving the Texas Facilities Commission); and (9) Government Code, Section 2155.003 (concerning Conflict of Interest involving the Office of the Texas Comptroller of Public Accounts).

RULEMAKING

The Ethics Commission has rulemaking authority with respect to the laws it administers. Adoption of a rule requires an affirmative vote by six Commissioners.

ADVISORY OPINIONS

The Commission has the authority to issue an advisory opinion in response to a request from a person subject to any of the laws it administers, as well as Chapter 36, Penal Code, concerning bribery and corrupt influence, and Chapter 39, Penal Code, concerning abuse of office. It is a defense to prosecution or the imposition of a civil penalty under any of these laws that a person reasonably relied on an advisory opinion of the Commission. The name of a person requesting an advisory opinion must be kept confidential by the Commission.

FINANCIAL DISCLOSURE

The Ethics Commission serves as a repository of required disclosure statements for state officials, candidates, political committees, lobbyists, and certain district and county judicial officers.

ENFORCEMENT AND INVESTIGATIVE POWERS

The Ethics Commission is authorized to undertake civil enforcement actions on its own motion or in response to a sworn complaint, hold enforcement hearings, issue orders, and impose civil penalties.