STATE BAR OF TEXAS - LEGISLATIVE & CAMPAIGN LAW SECTION

CAMPAIGN FINANCE & ETHICS 101



Navigating the Landscape

Public Office Sought	U.S. Citizen	Texas Resident	District Resident	Registered to Vote in Area of Office Sought	Minimum Age	Practicing Lawyer or Judge	Source Law	Term of Office
President	Yes; Natural Born	-	-	not req'd	35	-	US Const. Art. II, § 1	4 yrs.
United States Senator	9 yrs.	Yes[a]	not req'd	not req'd	30[b]	-	US Const. Art. I, § 3	6 yrs.
United States Representative	7 yrs.	Yes[a]	not req'd	not req'd	25[b]	-	US Const. Art. I, § 2	2 yrs.
Governor	Yes	5 yrs.	-	not req'd	30[b]	-	TX Const. Art. IV, § 4	4 yrs.
Lieutenant Governor	Yes	5 yrs.	-	not req'd	30[b]	-	TX Const. Art. IV § 16	4 yrs.
Attorney General	Yes	12 mo.[c]	-	Yes[c]	18[h]	not req'd	TX Const. Art. IV, § 22	4 yrs.
Comptroller of Public Accounts	Yes	12 mo.[c]	-	Yes[c]	18[h]	-	TX Const. Art. IV, § 23	4 yrs.

Commissioner of General Land Office	Yes	12 mo.[c]	-	Yes[c]	18[h]	-	TX Const. Art. IV, § 23	4 yrs.
Commissioner of Agriculture	Yes	12 mo.[c]	-	Yes[c]	18[h]	-	TX Const. Art. IV, § 23	4 yrs.
Railroad Commissioner	Yes	12 mo.[c]	-	Yes[c]	25[h]	-	Nat. Res. Code §§ 81.01003, 81.01004	6 yrs.
Chief Justice & Justice, Supreme Court	Yes	12 mo.[c]	-	Yes[c]	35[b]	10 yrs.[b i j]	TX Const. Art. V, § 2	6 yrs.
Presiding Judge and Judge, Court of Criminal Appeals	Yes	12 mo.[c]	-	Yes[c]	35[b]	10 yrs.[b i j]	TX Const. Art. V, § 4	6 yrs.
State Senator	Yes	5 yrs.[b]	12 mo.[b]	not req'd[d]	26[b]	-	TX Const. Art. III, § 6	4 yrs.
State Representative	Yes	2 yrs.[b]	12 mo.[b]	not req'd[d]	21[b]	-	TX Const. Art. III, § 7	2 yrs.

FILING REQUIREMENTS

Campaign Treasurer Appointment

- Must file CTA before accepting ANY money or making ANY expenditures
- This includes paying filing fees to get on the ballot

Ballot Application

- File with state party or county chair
- Filing period is between Nov. and Dec. of odd year prior to primary for state races



Personal Financial Statement

- All elected and appointed state officers and candidates must file

- Details your personal finances and all business interests for you and your family

- Must be filed by Feb 12th – all C/OH other than state/county chair candidates



Setting up your campaign

- Request access to your party's voter database
  - Dems – Voter Activation Network (VAN)
  - GOP – Optimal Voter Strength (OVS)
- Establish an online presence – website, socials
- Start working local party groups
- Hire staff – campaign manager first
- Fundraise like your life depends on it



SPACs

Specific Purpose Political Action Committee

- Texans for Andrew Cates
- Friends of Andy Cates Campaign

Separate campaign treasurer appointment and ongoing filing requirements



Contribution Limits

Judicial – yes, limits vary based on size of judicial district

City – varies by jurisdiction

- Austin - $350 per person
- Houston - $5,000 per person, $10,000 per PAC
- Pearland - none

Statewide Offices - No limit



Contribution Do’s and Don’ts

Must collect certain information from every contributor

- Name,
- Address,
- Date of contribution,
- Amount of contribution,
- Occupation,
- Employer



Contribution Do's and Don'ts

- Must keep all campaign $$ separate from personal (set up new bank acct)
- Some caps on how much you can reimburse yourself if you pay for political expenditures with personal funds



Contribution Do's and Don'ts

- No contributions from corporations or labor unions
- No contributions from foreign nationals
- No contributions in capitol or any courthouse – usually not in city hall either
- No anonymous contributions
- No more than $100 in cash per contributor
- Cannot use political contributions to purchase real property
- Cannot use contributions for personal use



Personal Use of Contributions

- Family members working on campaign
- Family attendance at events
- Campaign car
- Campaign using candidate personal items
- Professional clothes
- Childcare expenses
- Home security system



Reporting Requirements

Reporting Requirements

- Must report ALL money in and out + in-kind contributions
- Semiannual reports – January 15 and July 15
- Pre-Election reports – 30 day, 8 day, Daily
- State candidates – report to TX Ethics Commission
- Local candidates – report to City Clerk or County Clerk

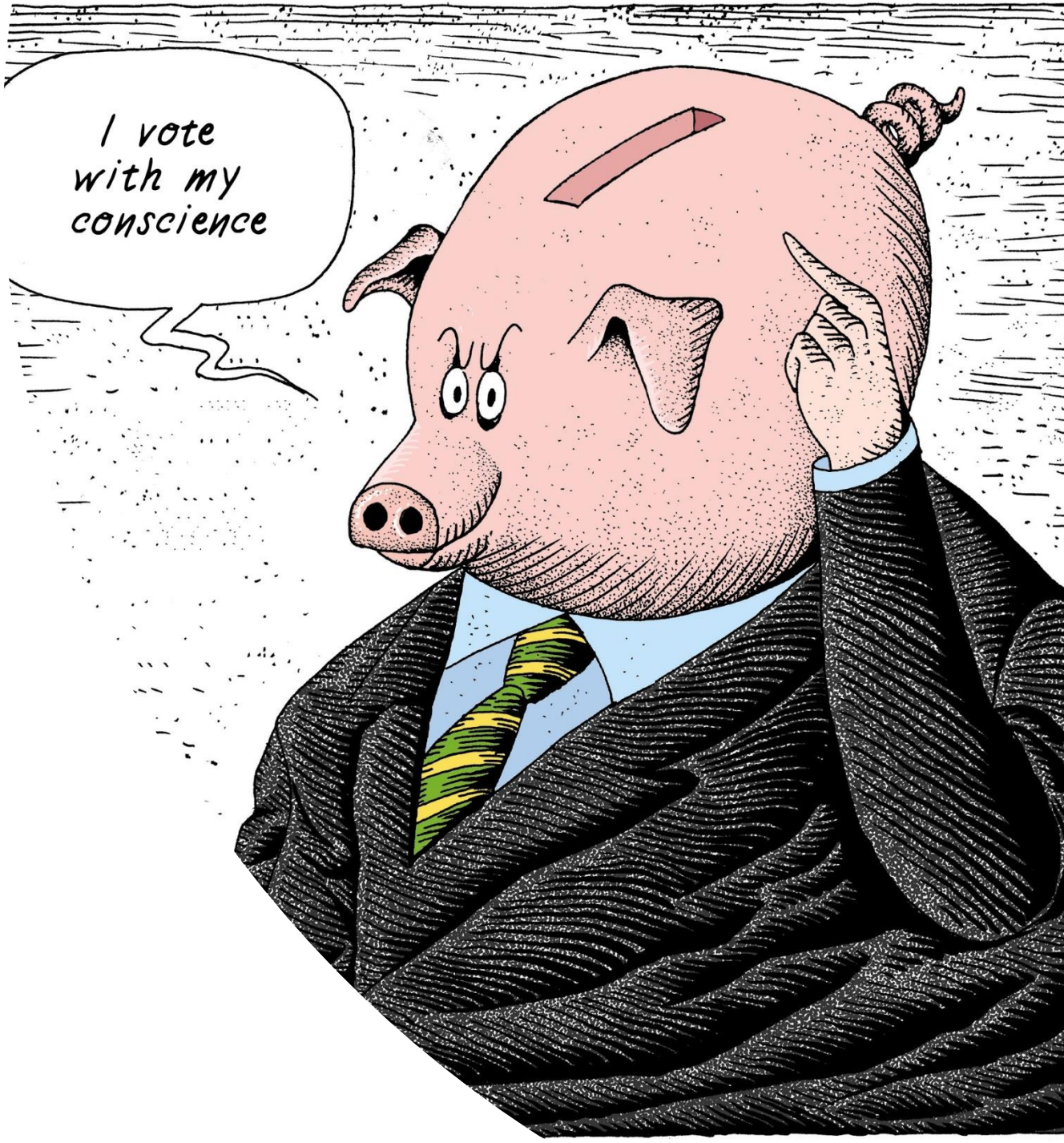


Gifts

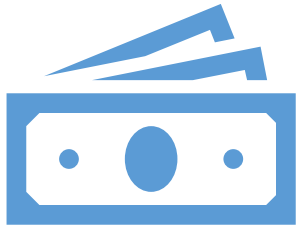
Two main rules

1. Don’t take bribes
   - vote, recommendation, discretion, etc…

2. Do not accept an honorarium
   - “But for” test – official status
   - Meals, transportation, lodging for speech okay



Gifts From Non-Lobbyists



May accept gifts under $50 in value only



May accept as guest ONLY if the donor is present:

Food

Beverage

Transportation

Lodging

Entertainment

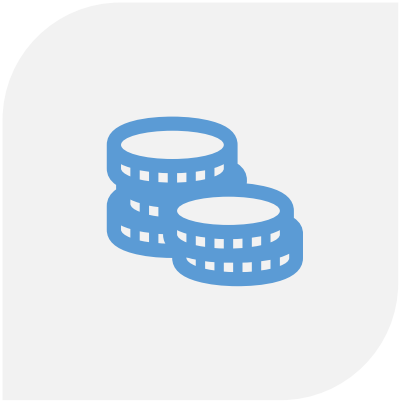
Gifts From Lobbyists



DO NOT ACCEPT CASH OR LOANS



CAN ACCEPT GIFTS – MUST BE REPORTED



NO MORE THAN $500 IN ENTERTAINMENT, GIFTS, AWARDS, MEMENTOS PER YEAR

Political Advertising

Political Advertising

Must say
“political advertising by_____”
“political advertising approved by _____”

Do NOT need campaign treasurer name or address

If online or in a place where space is an issue:
“Pol. Ad. By_____”

Can also link to a page where it is prominently displayed



Judicial Specifics

Judicial Campaign Fairness Act

Contribution Moratorium

- Narrow window – 7 months before ballot filing, 4 months after election

~~Voluntary expenditure limits (between $100,000 and $2,000,000 depending on the size of the judicial district).~~



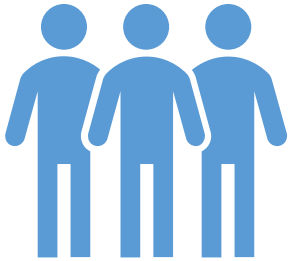
Common Mistakes

Fundraising

- NO RAFFLES
- No contributions from corporations or labor unions
- No anonymous contributions
- Silent auctions okay
  - Anything donated for auction items are in-kind contributions – must be individuals, partnerships or LLC’s
- No contributions from foreign nationals



Social Media



Don’t block people

NYC case vs. Pres. Trump &
case against AG Paxton



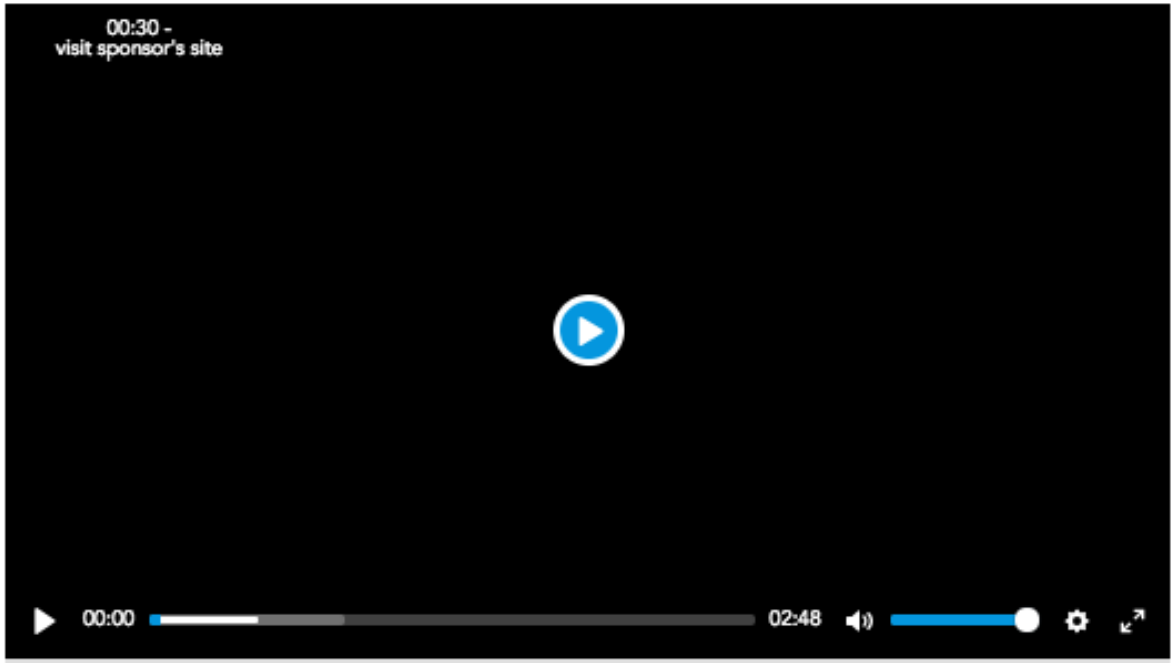
Scrub EVERYTHING

Twitter – private to friends only,
but beware fakes

Staff/Volunteers

- Remember that the people who work for your campaign, even if only as volunteers, reflect on you
- Even well after they leave your orbit, their actions will forever be tied to you.
- Vet your people well

Former staffer for Houston-area senator arrested in Austin for shooting rampage



EMBED </> MORE VIDEOS

Man accused in Austin shooting worked for Senator Joan Huffman, Miya Shay reports.

By Miya Shay

Thursday, July 12, 2018

HOUSTON, Texas (KTRK) -- A former staffer for Houston-area State Senator Joan Huffman is under arrest in Austin for going on a shooting rampage that left one man dead and several people injured.

Police say on Monday, Charles Curry, 29, shot and killed Christen Meroney, who lived in the same apartment complex as Curry. They allege that Curry then went on a shooting spree on Wednesday, injuring two people. He was arrested Wednesday night at the Post South Lamar Apartments, where he lived.

Forgetting to File Reports



$500 FINE + $100 PER DAY



STILL HAVE TO FILE AFTER WIN/LOSS

Complaints

Complaints



Complaints can be filed by anyone to the Texas Ethics Commission for candidates that report to the TEC



Complaint processes for city/county races vary by jurisdiction



Facts, conclusions of law and discipline/fines are public record

Facts are not public record for dismissals

Resources

Available on Amazon and at www.andrewcates.com/shop

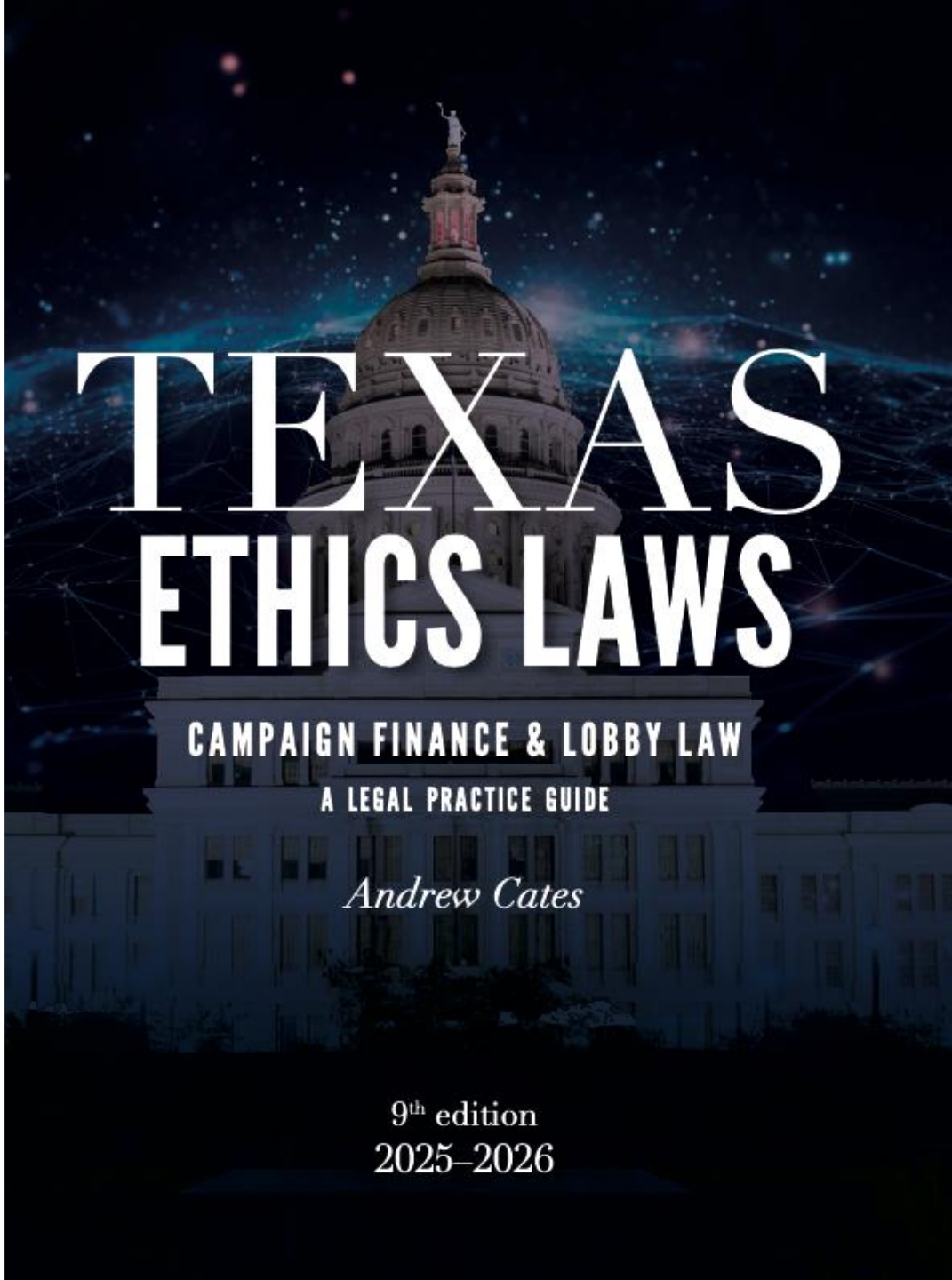
Additional Resources:

Texas Ethics Commission

https://www.ethics.state.tx.us/guides/coh_state_guide.pdf
https://www.ethics.state.tx.us/guides/coh_local_guide.pdf
https://www.ethics.state.tx.us/whatsnew/Most_Common_Sworn_Complaint_Violations.pdf

Texas Secretary of State

https://www.sos.state.tx.us/elections/candidates/index.shtml



CATES
LEGAL GROUP

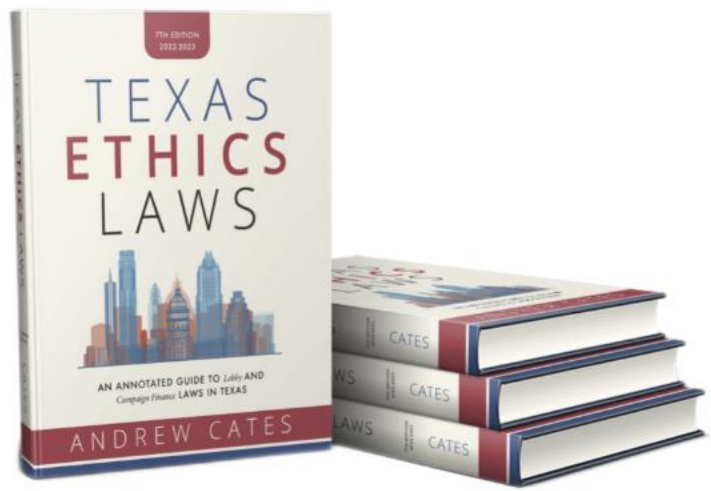


BOARD CERTIFIED®
Texas Board of Legal Specialization
LEGISLATIVE AND CAMPAIGN LAW

Andrew Cates, Cates Legal Group, PLLC

512-426-4593

Andrew@AndrewCates.com



TEXAS LAWYER
TEXAS LEGAL AWARDS
2022
PROFESSIONAL EXCELLENCE