

## Resolution to Rein in the Abuses of the Texas Ethics Commission

WHEREAS, the Texas Ethics Commission (TEC) is currently under review for the first time in 12 years by the Texas Sunset Advisory Commission, creating a critical opportunity to address longstanding concerns about the TEC's overreach and abuse of authority; and

WHEREAS, when the TEC last underwent sunset review in 2013, TEC Chairman Paul Hobby confessed the agency had been weaponized against citizens:

*“You ought to see these people who leave our meetings in tears, these sweet, simple people who missed a box, missed a deadline. They get a letter and they can't sleep at night, they hire a lawyer they can't afford. There's no moral sanction here, they're not convicted felons. But these people swear, they promise, 'I'll never participate in the process again.'”*; and

WHEREAS, TEC enforcement practices have been widely criticized for punishing those who attempt to comply with its complex speech regulations, as TEC Chairman Jim Clancy confessed: [T]hose people who try to comply are punished for doing so”; and

WHEREAS, in the last 12 years, the TEC has gotten even worse: it has expanded its focus from ensuring transparency among public officials to penalizing private citizens and grassroots organizations, imposing disproportionate fines, such as \$17,500 against an elderly woman for minor campaign finance paperwork errors in 2023; and

WHEREAS, the TEC's blended civil/criminal sworn complaint process violates the right to due process; investigations are initiated by hostile political rivals, take place behind closed doors in the Capitol in Austin, Texans are compelled to testify and give evidence against themselves, and face fines of up to \$5,000 if the TEC deems their cooperation lacking, all at the risk of either civil penalties or a referral by the TEC for criminal prosecution; and

WHEREAS, the Sunset Advisory Commission staff report on the TEC identified significant issues with the agency's enforcement practices, including its punitive approach and lack of transparency, but nonetheless recommended eliminating de novo judicial review of TEC decisions, which would strip Texans entirely of their right to a fair trial; and

WHEREAS, the TEC is now calling for expanded powers and less accountability, such as the power to hire outside legal counsel without the approval of the Attorney General and the power to deny drivers' and occupational licenses to individuals unable to pay TEC-imposed fines; and

WHEREAS, the TEC has taken aim at the Republican Party itself, ruling in September that the Republican Party's voter registration, transportation, and information efforts must be “provided equally to people who support *and oppose* the party's candidates,” infringing on the Republican Party's constitutional right to support our Republican candidates; and

WHEREAS, at its December meeting, the TEC recently determined that Texas nonprofit organizations can be morphed into Political Committees, thus compelling them to disclose the privacy of their donors; and

WHEREAS, the TEC is a bipartisan commission of legislative appointees, half composed of Democrats, despite no Democrat being elected statewide in Texas for over 30 years, and wields enforcement powers despite being totally unaccountable to voters or elected officials; and

WHEREAS, the TEC violates the separation of powers by acting as a legislative agency with executive enforcement powers, with the recent *In re Charette* decision by the Texas Court of Criminal Appeals making this even worse by granting the TEC the judicial authority of a criminal court, consolidating its unchecked power spanning all three branches of government; and

WHEREAS, Plank 181 of the 2024 Republican Party of Texas Platform affirms our commitment to First Amendment rights to free speech and association, opposing government interference in these unalienable rights; now

THEREFORE, BE IT RESOLVED that the Republican Party of Texas calls on the Texas Legislature to reject the TEC's requests for expanded power, including the authority to hire outside counsel without review, the power to deny drivers' and occupational licenses, and instead to rein in the TEC's overreach and punitive practices; and

BE IT FURTHER RESOLVED that the Republican Party of Texas specifically opposes any efforts to eliminate de novo judicial review of TEC decisions; and

BE IT FURTHER RESOLVED, that a copy of this resolution be delivered to the Governor, Lieutenant Governor, members of the Texas Legislature, and members of the Texas Sunset Advisory Commission.

Respectfully submitted,  
Resolutions Committee