



# Commission Update

Promoting Public Confidence in Government

TEXAS ETHICS  
COMMISSION

# What's New?

## Rules/Advisory Opinions

- Comprehensive rule review continues
- New sworn complaint rules in place

## Personnel

- New Commissioners
- New Executive Staff

## Legislative Update

- Foreign Adversary Disclosures and lobby rules
- Payee home addresses redacted
- Pension adjustments delegated to TEC
- Sunset Bill did not pass

## Case Law Update

- *Ex Parte Charette*
- *Ex Parte Stafford*
- *TEC v. Sullivan*

# Personnel Update

## New Commissioners

- Geannie Morrison replaces Katie Kennedy
- Mark Strama replaces Steve Wolens
- Chris Flood elected chair
- Pat Mizell elected vice-chair

## New Executive Staff

- Marie Primm joins as Director of Enforcement
- Amanda Arriaga joins as General Counsel
- Jim Tinley appointed Executive Director

## New Positions

- Two new attorney positions
- New project manager positions

# Rules

Comprehensive rule review, plus more

## Rule Review Guideposts

- Simplify and clarify
- Sync with statute, practice
- Seek public engagement

## Comprehensive Review Continues

- Disclosure of Interested Parties (Chapter 46)
- Conflicts of Interest (Chapter 45)
- Political and Legislative Advertising (Chapter 26)

## Lobby Rules

- No major changes proposed

## Sworn Complaint Rules

- Discovery Control Plans
  - Limits durations and number of discovery requests
  - SB 869
- Settlement offers made earlier
- Preliminary review hearings set earlier



# Advisory Opinions

Comprehensive rule review, plus more

## EAO 620

- The requestor or the requestor's corporation may grant the use of the aircraft to legislators as long as it is used to transport the legislators to a conference or similar event where they provide a service.
- However, providing the aircraft appears to be a lobby expenditure that will likely trigger lobby registration and reporting obligations for the person providing the use of the aircraft.

## EAO 616

- The generally applicable lobby registration and disclosure requirements apply to a person who lobbies on behalf of a tribal nation.

## EAO 622

- A legislative staff member may not accept outside employment assisting a registered lobbyist because such a dual role would put the legislative employee in a situation where he may reasonably be required or induced to disclose confidential information or where his official independence and judgement may be reasonably expected to be impaired.

# Legislative Update

Sunset bill fails, new disclosure rules, pensions get adjustments

## Reporting Changes

- HB 551 (Swanson): Payee home address redacted
- HB 3575 (Noble): appraisal district candidates file CFRs with county not the appraisal district

## “Elected Class” Pensions

- SB 293 (Huffman): TEC must adjust pension formula every 5 years for the “elected class”

## Sworn Complaints

- SB 1220 (Hughes) courts must not imply an exhaustion requirement for
- SB 2781 (Birdwell) Limits civil penalty lobbying during two-year waiting period.
- SB 869 (Birdwell) Limits when TEC can toll sworn complaint deadline.

## Foreign Adversaries

- HB 119 (Gerdes): Major restrictions on lobbying for a “foreign adversary”
  - No compensations threshold for registration
  - Cannot accept lobby compensation from foreign adversary
- SB 2514 (Hughes): All government employees and volunteers must report contacts with foreign adversaries

**REPORT OF FOREIGN ADVERSARY CONTACT****FORM RFAC**

**INSTRUCTIONS:** Per Tex. Gov't Code § 572.070, an employee or volunteer of a state agency or a political subdivision of this state shall report to the Texas Ethics Commission each interaction, communication, or meeting the employee or volunteer has with a person acting on behalf of a foreign adversary not later than the 30th day after the date of the interaction, communication, or meeting. A foreign adversary means a country: (1) identified by the United States Director of National Intelligence as a country that poses a risk to the national security of the United States in at least one of the three most recent Annual Threat Assessments of the U.S. Intelligence Community issued pursuant to Section 108B, National Security Act of 1947 (50 U.S.C. § 3043b); or (2) designated by the governor after consultation with the public safety director of the Department of Public Safety. As of August 2025, foreign adversaries include the People's Republic of China (PRC), the Islamic Republic of Iran (Iran), the Russian Federation (Russia), and the Democratic People's Republic of North Korea (North Korea).

Please fill out this form with as much detail as possible. Although you may not know all the information requested on the foreign adversary in question, please complete the fields to the best of your ability.

**EMPLOYEE INFORMATION**

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_ MI: \_\_\_\_\_  
TITLE: \_\_\_\_\_ ORGANIZATION: \_\_\_\_\_  
EMAIL ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_  
DUTIES INVOLVE OFFICIAL CONTACT WITH FOREIGN ADVERSARIES: \_\_\_\_\_

**FOREIGN ADVERSARY CONTACT INFORMATION**

NAME: \_\_\_\_\_ ALIAS: \_\_\_\_\_  
GENDER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_ AGE: \_\_\_\_\_  
CITY AND COUNTRY OF ORIGIN: \_\_\_\_\_  
CITY AND COUNTRY OF RESIDENCE: \_\_\_\_\_  
COUNTRY OF CITIZENSHIP: \_\_\_\_\_  
DUAL CITIZENSHIP: \_\_\_\_\_ LEGAL PERMANENT RESIDENT: \_\_\_\_\_

**FOREIGN ADVERSARY CONTACT EMPLOYER INFORMATION**

CURRENT EMPLOYER (COUNTRY OR COMPANY): \_\_\_\_\_  
TYPE OF BUSINESS OR ORGANIZATION: \_\_\_\_\_  
JOB TITLE OR POSITION: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_  
EMPLOYER PHONE: \_\_\_\_\_ CONTACT NUMBER: \_\_\_\_\_  
CURRENT EMPLOYER ADDRESS (street, city, state, zip code, country): \_\_\_\_\_  
GOVERNMENT OWNED BUSINESS: \_\_\_\_\_

**CONTACT DETAILS**

DATE OF CONTACT: \_\_\_\_\_ CLOSE/CONTINUING CONTACT: \_\_\_\_\_  
TYPE OF RELATIONSHIP: \_\_\_\_\_ CONTACT KNOWN SINCE: \_\_\_\_\_  
LOCATION OF CONTACT: \_\_\_\_\_ WAS THIS THE FIRST CONTACT: \_\_\_\_\_  
CONTACT METHOD: \_\_\_\_\_ IF NOT, PREVIOUS DATE(S) OF CONTACT: \_\_\_\_\_

PURPOSE OF CONTACT: \_\_\_\_\_

DID THE FOREIGN CONTACT OFFER A GIFT OR ITEM OF VALUE, OR OFFER PAYMENT FOR TRAVEL TO OR LOGGING IN A FOREIGN ADVERSARY COUNTRY: \_\_\_\_\_

DO YOU ANTICIPATE FUTURE CONTACT: \_\_\_\_\_ IF YES, WHEN: \_\_\_\_\_

NARRATIVE:

ATTACH ADDITIONAL PAGES AS NECESSARY

Send this form to the TEC electronically to [affidavits@ethics.state.tx.us](mailto:affidavits@ethics.state.tx.us)

or mail to  
Texas Ethics Commission  
P.O. Box 12070  
Austin, TX 78711-2070

or hand deliver to  
Texas Ethics Commission  
201 E. 14<sup>th</sup> Street  
10<sup>th</sup> Floor  
Austin, TX 78701

# Caselaw Update

Ex parte Charette reversed, Ex parte Stafford affirmed



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0522-21, 0523-24,  
0524-21, 0525-21

EX PARTE ROBBIE GAIL CHARETTE, Appellant

On State's Motion for Rehearing After Opinion on Appellant's Petition  
for Discretionary Review from the Fourteenth Court of Appeals  
Washington County

SCHENCK, P.J., delivered the opinion in which YEARY, KEEL,  
FINLEY, and PARKER, JJ., joined. RICHARDSON, J., filed a concurring  
opinion in which NEWELL, J., joined. NEWELL and MCCLURE, JJ.,  
concurred. WALKER, J., dissented.

### OPINION

This matter is before us on rehearing. In our original opinion, the Court agreed

- CCA originally finds a referral from TEC is a prerequisite for filing criminal charges for an offense of a law the TEC enforces.
- On rehearing, CCA reverses itself.
- Concurrence stands by original opinion but would reverse because of change in law.



# Caselaw Update

Ex parte Charette reversed, Ex parte Stafford affirmed



IN THE COURT OF CRIMINAL APPEALS  
OF TEXAS

NOS. PD-0522-21, PD-0523-21, PD-0524-21, & PD-0525-21

EX PARTE ROBBIE GAIL CHARETTE

ON STATE'S MOTION FOR REHEARING AFTER OPINION  
ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW  
FROM THE FOURTEENTH COURT OF APPEALS  
WASHINGTON COUNTY

RICHARDSON, J., filed a concurring opinion in which NEWELL, J., joined.

## CONCURRING OPINION

Upon the State's motion for rehearing, the majority withdraws and reverses our prior opinion in this case. I respectfully concur only in the result because the Legislature has since amended the statutes relevant to the controversy and applied them retroactively.

(Jan. 15., 2025).<sup>1</sup> Furthermore, we held that Government Code Chapter 571 (regulating election code violations), consistent with the Texas Constitution, was a “pervasive regulatory scheme” designed, in part, to prevent any partisan temptation to exercise prosecutorial discretion for political purposes. *Id.* at \*10-11. Adhering to the Legislature’s design, we correctly required that complaints regarding the conduct of elected officials and candidates for public office either first be procedurally exhausted at the TEC or referred by the TEC before any potential criminal charges could be filed.<sup>2</sup>

Today, the majority withdraws this decision even though the TEC’s mission to prevent partisan “lawfare” by political opponents remains the same. Nevertheless, the Legislature has since amended the Government Code via Section 23.002, which states:

# Caselaw Update

Ex parte Charette reversed, Ex parte Stafford affirmed



IN THE COURT OF CRIMINAL APPEALS  
OF TEXAS

NO. PD-0310-23

EX PARTE JOHN MORGAN STAFFORD, Appellant

ON STATE'S PETITION FOR DISCRETIONARY REVIEW  
FROM THE FIFTH COURT OF APPEALS  
COLLIN COUNTY

MCCLURE, J., delivered the opinion of the Court in which HERVEY, RICHARDSON, NEWELL, WALKER and SLAUGHTER, JJ., joined. KELLER, P.J., filed a concurring opinion in which RICHARDSON, NEWELL, and SLAUGHTER, JJ., joined. KEEL, J., concurred. YEARY, J., filed a dissenting opinion.

## OPINION

The State of Texas has an interest in regulating campaign elections to protect the rights of Texans to cast a meaningful vote. One such effort made by the Texas Legislature has been to adopt laws requiring disclosure to be made in political advertisements. Under Election Code § 255.004(b), a person commits an offense if, “with intent to injure a candidate or influence the result of an election, the person knowingly represents in a

While the government’s interest to protect voters from confusion, fraud, and undue influence by preventing misleading communications is certainly compelling, we agree with the court of appeals that 255.004(b) encompasses communications that are not arguably false or misleading and it is not narrowly tailored to achieve the interests advanced by the State.

# Avoiding Common Filing Errors

Dave Guilianelli

Director of Disclosure Filings

# Lobby Registration

The screenshot shows a web browser window with the address bar displaying `prd.tecprd.ethicsefile.com/TECFilerWeb/pages/filer/landing.jsf`. The browser tabs include "TEC Filer", "TEC FAM", and "Texas Ethics Commi...". The page header features the "TEXAS ETHICS COMMISSION" logo on the left and a navigation menu with "Home", "Profile", "Reports", "Fees", and "Messages" on the right. A status bar indicates the user is "Logged in as LOBB Filer : Guilianelli - Test Account, David (00049129) | Logout".

The main content area is titled "What do you want to DO TODAY?" and contains three large buttons: "Manage My Reports" (with a document icon), "Manage My Profile" (with a person icon), and "Manage My Fees" (with a dollar sign icon). Below these buttons, a message states: "Pay your fees through this online service. This will automatically update TEC's records."

On the right side, there is a "Public Notices" and "Messages" section. The "Messages" tab is active, showing "No Notices" and a "View All..." link.

# Lobby Registration

★ TEC Filer

prdt.tecprd.ethicsefile.com/TECFilerWeb/pages/filer/epaymentPage.jsf

★ TEC FAM Texas Ethics Commi...

Build Number: V4.1.0.f10d0fd8 (07/01/2025)Logged in as LOBB Filer : Guillianelli - Test Account, David (00049129) | Logout

TEXAS ETHICS COMMISSION

HomeProfileReportsFeesMessages

Registration

Please select the items from the list and click Pay Now button

Select Payment Method \*Credit card

Fines

	Description	Amount Owed	Assessed Date	Report Due Date
<input type="checkbox"/>	Feature not available; please contact TEC if you need to discuss fines.			

(1 of 1)10

Pay Now

Registration Fees

<input checked="" type="checkbox"/>	Description	Amount Owed	Assessed Date	Report Due Date	Actions
<input checked="" type="checkbox"/>	Lobby Regular Registration Fee for Regular Lobby Registration Report (Monthly Reporting Schedule) : Period 01/01/2025 through 12/31/2025 Registration Year: 2025	750.00	11/20/2025		<a href="#">View PDF copy of Invoice</a>

(1 of 1)1

Pay Now



# Lobby Registration

★ TEC Filer

+

← → ↻

prd.tecprd.ethicsefile.com/TECFilerWeb/pages/filer/epaymentPage.jsf

☆

🔍

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⋮

★ TEC FAM

🔗 Texas Ethics Commi...

Build Number: V4.1.0.f10d0fd8 (07/01/2025)

Logged in as LOBB Filer : Guilianelli - Test Account, David (00049129) | Logout

TEXAS ETHICS COMMISSION

Home Profile Reports Fees Messages

Registration

Lobby Regular Registration Fee	\$750.00
Texas.gov Price *	\$767.13

Pay Now 🛒

Return To Fees ↩

\* This service is provided by Texas.gov, the official website of Texas. The price of this service includes funds that support the ongoing operations and enhancements of Texas.gov, which is provided by a third party in partnership with the State.

# The Texas Ethics Commission – Disclosure Filings

## Common Errors

Filing a registration for the wrong year

Paying a Registration at the end of the month

Filing a report late

Having no activity does not mean no report

Reporting with wrong dates for a given report

Administrative Process – Statement of Defense

# The Texas Ethics Commission – Disclosure Filings

## Common Errors

★ TEC Filer x Lobby Registration Invoice 101 x +

← → ↻ prd.tecprd.ethicsefile.com/TECFilerWeb/pages/lobby/lobbyReportListPage.jsf ☆ 🔍 ⬇️ ⚙️ ⋮

★ TEC FAM Texas Ethics Commi...

Build Number: V4.1.0.f10d0f08 (07/01/2025) Logged in as LOBB Filer : Guilianelli - Test Account, David (00049129) | Logout

**TEXAS ETHICS COMMISSION** Home Profile Reports Fees Messages

Page Help

Start New Registration

Start an Activity Report [What is this?](#)

### In-Progress Reports [What is this?](#)

Report ▾	Report Type ▾	Period Covered/Year ▾	Due Date ▾	Action
101022772	LOBBYACTNOV	10/01/2025 - 10/31/2025	11/10/2025	Continue Working 📄 Delete 🗑️ Print 🖨️

(1 of 1) ⏪ ⏩ 1 ⏴ ⏵ 10 ▾

### Missing/Late Reports [What is this?](#)

Report Type ▾	Period Covered/Year ▾	Due Date ▾	Action
LOBBYACTNOV	10/01/2025 - 10/31/2025	11/10/2025	Start Report ✍️

(1 of 1) ⏪ ⏩ 1 ⏴ ⏵ 10 ▾

### Filed Reports [What is this?](#)

Report ▾	Report Type ▾	Period Covered/Year ▾	Due Date ▾	Filed Date ▾	Paid ▾	Action
101022728	Reg	2025	11/20/2025	11/20/2025	UNPAID	Amend 📄 Print 🖨️ Correct 🗑️

(1 of 1) ⏪ ⏩ 1 ⏴ ⏵ 5 ▾