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The Honorable John Cornyn
Attorney General
209 West 14th Street
Austin, Texas 78711-2548

Dear General Cornyn:

As the Executive Director of the Texas Ethics Commission, I am writing to request a written opinion on the interpretation of a law recently enacted by the Texas Legislature concerning the electronic filing of campaign finance reports. The provision at issue concerns the deletion of contributor addresses from certain information made available to the public.

By way of background, the 76th Legislature passed HB 2611, which took effect September 1, 1999. It requires the electronic filing of campaign finance reports by candidates, officeholders, and political committees that file with the Texas Ethics Commission, subject to certain exceptions. A copy of the bill is attached. The Ethics Commission has awarded a contract to an outside party to assist the commission in developing the software necessary for this project. The July 2000 semiannual reports are the first reports that will be required to be filed electronically.

Section 254.036(b), Election Code, as amended by the bill, requires campaign finance reports to be filed "by computer diskette, modem, or other means of electronic transfer." The Ethics Commission is required to make each of those reports available to the public on the Internet. (Section 254.0401(a), Election Code.) Before doing so, however, it is clear that the Ethics Commission must remove the address of each contributor, other than his or her city, state, and zip code. (Section 254.0401(e).) Copies of electronically-filed reports would also be available to the public on computer diskette for purchase at a reasonable price, and the Ethics Commission is specifically required to make report information available by that electronic medium. (Section 254.0402(b).) What is not clear is whether the contributor addresses must be removed from those computer diskettes made available to the public.

The provision of law at issue reads as follows:

"(e) Before making a report filed under Section 254.036(b) available on the Internet, the commission shall remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report. The address information

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removed must remain available on the report maintained in the commission's office but may not be available electronically at that office."

We are seeking your assistance in interpreting the second sentence of Section 254.0401(e). Specifically, when the law provides that deleted address information "may not be available electronically at [the commission's] office," does this mean that the commission may not make contributor addresses available on diskettes provided by our office?

As we are in the process of developing our computer software in compliance with the requirements of HB 2611, we greatly appreciate your prompt response. Please let me know if you have any questions about this opinion request.

Sincerely,



Tom Harrison
Executive Director

Enclosure: HB 2611

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