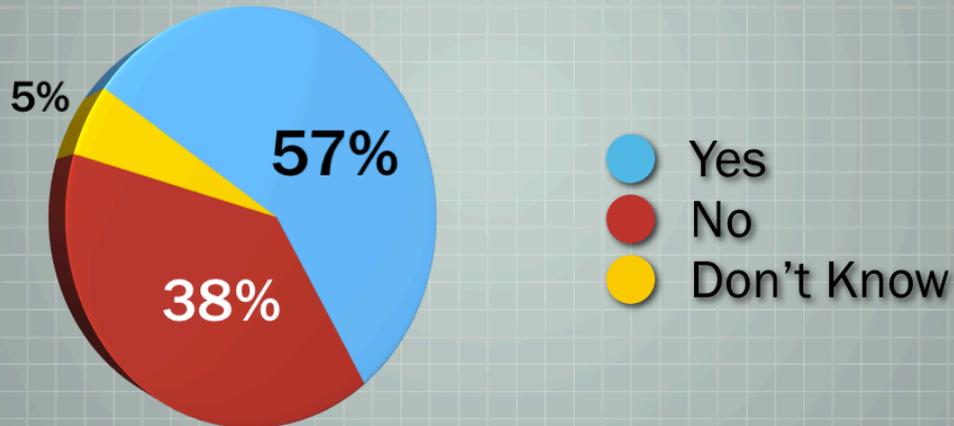


“INSIDE” INTELLIGENCE

*The Texas Weekly/Texas Tribune insider poll
for the week of April 16*

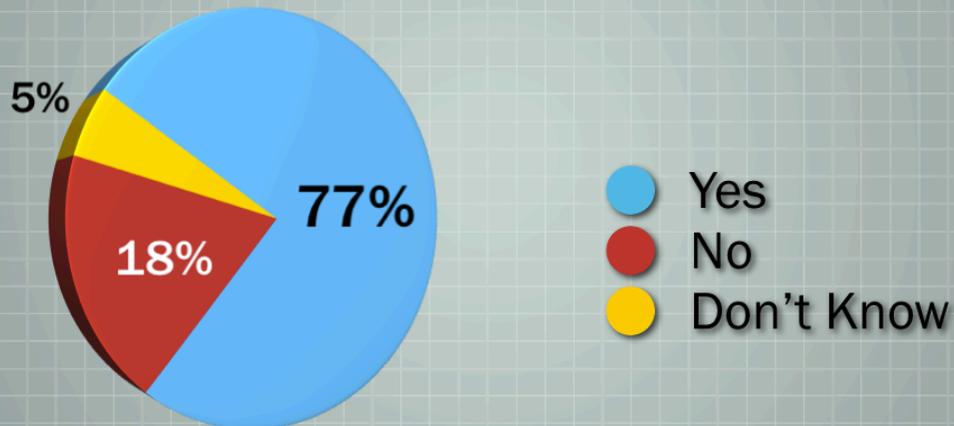
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More Power for the Texas Ethics Commission?



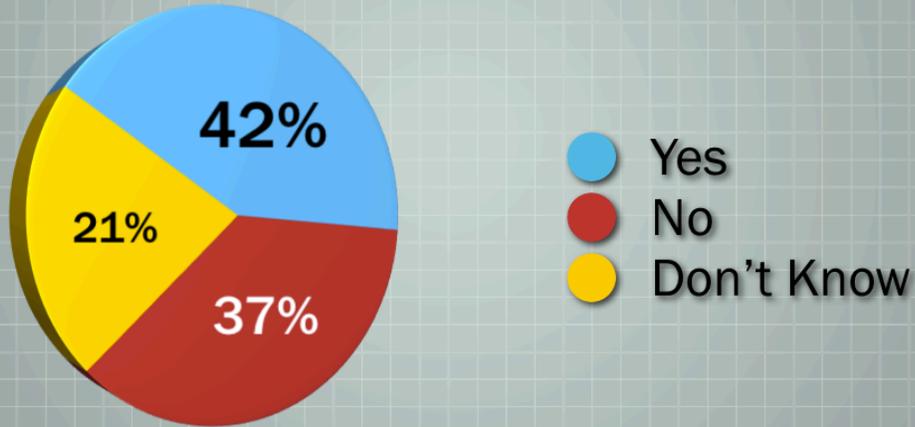
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Stronger Penalties for Lobby Violations?



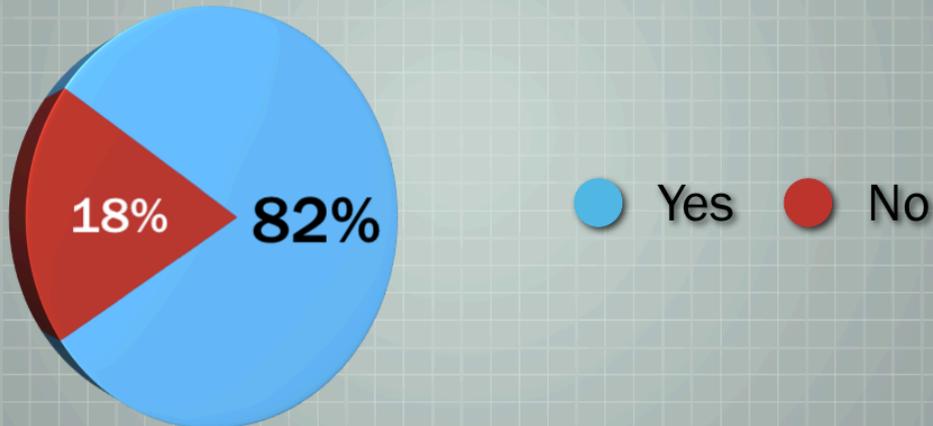
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Should Ethics Violations Cost Lawmakers Their Pensions?



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Should Third-Party Groups Report As Political Campaigns Do?



Should the Texas Ethics Commission have greater regulatory and enforcement powers?"

- "FYI: The provision set by statute that the commission has yet to act on is recommending the salary of members of the Legislature, the Lt Gov and the Speaker; some believe addressing that issue is more relevant to the operations of the Commission."
- "Not unless the commission had greater autonomy."
- "MQS case underscores its essential toothlessness."
- "Of course they should have more enforcement authority...but they should also have the power to dismiss 'petty' complaints."
- "Improving technology will help reduce minor infractions, which will free up staff time to pursue larger ethics violations - if the Lege grants the Commission those powers."
- "It is currently a tiger with no teeth."
- "There is no deterrent factor under current statutes."
- "Either that or just make it the Wild West ... like America!!"
- "How about it consistently enforce current regulations before granting it additional powers."
- "Trick question? Why would anyone with a functioning brain ask that question? Oh wait..."
- "Too much politics involved to give them more power."
- "They should enforce what is already under their purview. Also, Ethics Commission needs to be funded to upgrade their technology to allow greater transparency and ease of review. The agency needs the right tools and staff to handle their current responsibilities."
- "The present system is largely complaint driven. It would be nice for the sheriff to act before he got a call from the posse."
- "They also need to be independent and free of partisan control."
- "Not unless they start showing more gumption."
- "Yes. Otherwise, what's the point? Why have laws against murder if you aren't going to put them in jail."
- "No teeth, no bite!"
- "The real question is whether they will actually use the powers they have."
- "TEC has enough power to do its job; it is not intended to be the lobby police."
- "Their actions, when challenged in court, are consistently overturned. Why give them more authority if they can't do what they have now correctly?"
- "People are quick to say 'more rules, harsher penalties' when they think the changes would create some immediate pain for their current

enemies, but - as the old saying goes - be careful what you ask for."

- "The Ethics Commission has the horrible job of trying to regulate political speech. To give them more power to do so would be idiotic. Why the left feels the need to regulate the first amendment is a 'mind boggling thing'"

- "Funny how human nature works. The more we regulate, the better we become at skirting them."

- "Current authority is sufficient but should be consistently exercised and publicized to serve as a deterrent."

- "TEC can't be both an advisor and an enforcer. It just doesn't work. We already have the Travis DA's office for the latter, let TEC focus on recordkeeping and assistance."

- "At times, it seems that some of the violations that are reported and big fines levied are for minor mistakes. Yet, double dipping and other violations that the public would find to be major get a slap on the wrist. It's hard to say whether the Commission should have more powers, but maybe more balance."

- "The TEC has been a dismal failure. They don't pursue meaningful enforcement on the true bad actors yet they levy big fines for petty technical violations."

- "The Commission should have greater authority. However, those purchasing lobbying services need to ask tougher questions about conflicts of interest among and between clients."

- "But if the Ethics Commission gets enforcement powers, it'll just want to use them. Total buzz kill."

Should there be stronger penalties for lobbyists who fail to register or make required disclosures?

- "Depends on the type and degree of the non-compliance."

- "Not unless the code was updated."

- "See previous comment"

- "Absolutely.... we all live by the same rules."

- "Yes, with a caveat. The commission should not impose fines on someone who corrects a disclosure filing on their own. The current policy is to fine folks who self report errors in their

filings. So, who on earth would ever correct a filing?"

- "But not for small or technical violations. Forgetting to report one dinner, no. But large sums + intent to conceal, yes."

- "The rules are in place for transparency and full disclosure."

- "These laws are so ambiguous, they are impossible to enforce. Higher penalties would just make them more of a farce."

- "Conflicts of interest are currently ignored and mean nothing!"
- "Give us reasonable rules and attainable standards, and the vast majority of lobbyists will gladly comply. Skirting the registration requirements is not acceptable behavior."
- "Shouldn't just be a revenue source as it is now."
- "Including not properly adhering to the conflict of interest disclosure requirement."
- "For material non-compliance, not minor technical errors."
- "See #1, supra"
- "Depends on the infraction."
- "Not unless there is some documented evidence of widespread failure to register or disclose."
- "Especially those that don't register. Lobbyists that are lawyers are making a mockery of the system. They are doing 'legal work' and therefore don't report."
- "Those failing to file or report are not running much risk of subsequent enforcement"
- "Mistakes: No. Intentionally not filing or avoiding disclosure? Yes."
- "Absolutely."
- "Far too many people operating on the fringes of the law."
- "The penalties are already pretty tough, but they're simply not enforced."
- "Just like you have to document an exemption to avoid paying taxes, require EVERY person who goes into a legislator's office to have a TEC card showing either that they are exempt or that they have paid the fee. Short of this universal rule, no amount of penalties will fix this situation."
- "Maybe the media can do a better job of exposing abuse. That'd be a bigger club than a new rule."
- "Again, penalties are sufficient but better enforcement will serve as a deterrent."
- "The problem, as I see it, is that no one can make an anonymous complaint about a lobbyist not registering. This is a huge deterrent in having others assist the Ethics Commission in doing their job adequately. There's no way they could possibly find out every person doing work as a lobbyist and not registering, but there are many out there and only those who work around the legislative process could possibly see them."
- "Failure to register YES. They already slap you with a \$500 fine for filing your report a day late. That's enough."
- "Failure to register for sure. How about penalties for state agencies that lobby?"
- "If there are stronger penalties, the rules should be crystal clear on who must register. I know at least three people who don't think they need to register - but they actually should."

- "Reporting loopholes that allow membership organizations to skip reporting expenses (because lobbying costs are spread out over large membership lists) should be closed."

- "Lobbyists who opt out of abiding by existing rules have an unfair 'market advantage'. It's in the best interests of all lobbyists to weed them out of the Capitol."

Should legislators who violate state ethics laws be stripped of their state pensions?

- "Depends on the extent of the violation"

elsewhere in the public sector). That's the real rip-off to taxpayers."

- "Not until there is better distinction between true violations and lesser penalties."

- "Only if found guilty in court."

- "Perhaps for an aggravated offense, but not for a technical or inadvertent one."

- "Depends on the nature of the violation"

- "35 House members - Democrats and Republicans - signed onto this bill last session, but it got stuck in Calendars. Time to make it happen."

- "That's kind of a one-size-fits all penalty. Really depends on the extent of the violation."

- "It depends on the violation."

- "Depends upon severity. Oversight? Good faith attempt that came up short? Blatant disregard? It's all relative."

- "Depends on circumstances"

- "Only, I think, if the violations were most serious and were sustained over a long period."

- "But only in severe cases. The reporting laws are tricky and mistakes are made. But if there is an intent to conceal and a large sum involved, then pensions should be lost. E.g., Joe Driver"

- "Kinda depends on the specific facts, no? Which state ethics laws? Intent to violate or inadvertently did so? Multiple offender / violator? If we do go along this, it shouldn't be limited to legislators. Executive branch officials should play by these rules, too. As should executive and legislative staffers."

- "Perhaps stronger fines."

- "Pension eligibility should mirror requirements for corporate pension plans, even though the pensions offered to lawmakers in no way reflect pensions pension accumulation ratios offered in the private sector (or

- "Not generally. But, the penalty should be calibrated to the violation. Major violations, such as bribery, should result in loss of pension upon final conviction."

- "I tire"
- "Depends on the infraction."
- "The Ethics laws are spread over various statutes and regs- seems like clarifying some points of the law first would be in order."
- "Depends on the nature and severity of the offense obviously."
- "That might be an appropriate remedy for some offenses but certainly not all."
- "Depends on the violation."
- "Depends on the circumstances."
- "Not all state ethics laws are equal, so the severity of the penalty should mirror the severity of the violation. But certainly a double-dipping violation like Joe Driver's should meet the minimum threshold for losing or reducing the amount of the legislator's state pension."
- "Depends on the severity."
- "Do you honestly believe the Leg would penalize themselves?"
- "This is the real leverage. For major offenses that are unworthy of the office, you should lose the privileges of the office. Eric Johnson has shown political courage in bringing this issue to the forefront."
- "It would depend on the severity of the offense. Making minor errors on a campaign finance report is not the same thing as double-dipping."
- "Use the three strikes method."
- "Depends on the gravity of the violation. Ethics Commission should have an adjudicatory role."
- "'State ethics laws' is way too broad. Some of those laws are technicalities that mean nothing (that's what most campaign finance laws are). Some are big (think bribery). So not all violations should carry such big penalties."
- "For serious offenses."
- "Personal experience with TEC shows that they are quick to bring down the hammer on tiny (but indisputable) technical violations while doing little or nothing about matters of substance. I would hate to see someone stripped of her pension for being 2 days late on a filing, or for putting the information in the wrong box."
- "The entire family 'earns' that pension and should not be punished because of the legislator's bad actions."
- "Not for ethics violations, because some of those are so ticky-tack, but how about for committing felony offenses while in office?? That's a no-brainer."
- "NO. The enforcement is too arbitrary. You should, however, lose your pension if you are convicted of a felony."
- "For major breaches."
- "Stripping a pension should be for well-defined, egregious violations. Not for a late filing or something minor."

- "Only if violation is extreme."
- "Not if it is not a felony"
- "Depends on the violation"
- "Depends on the violation."
- "They should literally be stripped and paraded through the streets past a taunting populace, but I'll settle for their pensions."

Should third parties doing 'educational' campaigns during election season have the same reporting requirements as candidates and other campaigns?

- "While I don't think it would make a difference in the outcome of elections, I think it would lead to better policy because Legislators would have 'enemy lists'."
- "Again, the code needs revision. But under current scheme it's not worth it."
- "Everything should be transparent and reported."
- "Disclosure is always best."
- "Sunshine should fall on everyone."
- "We should always know where our 'education' is coming from and who is paying for it."
- "These organizations should have to report how their money is spent, who the contributors are and who is being paid to run this effort!!"
- "Just report what you spend and on whom!"
- "I sure think so . . ."
- "Absolutely!"
- "I'm sure unions and trial lawyers who 'educate' the electorate would like to have the same reporting requirements as candidates and other campaigns."
- "If they spend money campaigning for or against candidates/elected officials/issues -- like MQS and the Koch brothers' groups -- while claiming to be non-profits, not only should they have to register and report, they should be prosecuted criminally when they violate the law."
- "That is an awfully broad descriptor."
- "Grass roots lobbying is not presently covered. The state would be well served by a limited organizational disclosure of the existence and purpose of these organizations and who runs them."
- "If the third party includes the name of a candidate in its educational campaign, then it should be subject to reporting requirements. Heck, I would go further and say third party 'educational' campaigns that include the names of candidates in its 'educational' activities should not be eligible for tax exemptions."
- "No the right to petition the government and engage in political

speech should not be burdened by reporting requirements."

- "The NAACP conducted "educational campaigns" and the powers that be in Alabama demanded that they disclose their membership lists. The NAACP refused, and the Supreme Court correctly recognized that citizens have a right to associate free from intimidation and reprisal. See NAACP v. Alabama (357 U.S. 449). Should Hamilton, Madison, and Jay have been forced to submit to 'reporting requirements' when writing the Federalist Papers?"

- "This is a loaded question. It needs to be detailed as to what you mean by 'third party' and 'educational' campaign."

- "'Educational' campaigns mask partisan and ideological political campaigns."

- "They should, but they don't. The good ole First Amendment, combined with vague campaign finance laws, guarantees that."

- "This is a GREAT idea, since I was kind of tired of that stuffy 1st Amendment thing anyway."

- "Voters want to know who is BUYING favor."

- "Our system benefits from transparency, including full disclosure of who's behind a measure, and accountability."

- "But why the quote marks around the word educational? If third party groups are discussing, debating, dissecting and distributing a public officials' record then it is educational in a political context. Transparency is good, and that goes for disclosing pertinent organizational information as well as a public official's record."

- "MQS is scum!"

- "Full disclosure with no giving limits or use of money is the best approach. If everyone knows who is giving what to whom then there it is out in the open. It needs to be the same for business, nonprofits, unions etc. Everyone lives by the same rules. No exceptions."

Our thanks to this week's participants: Keir Murray, Craig Murphy, Steve Murdock, Bee Moorhead, Robert Miller, Kathy Miller, Mike McKinney, Parker McCollough, Dan McClung, Bryan Mayes, Phillip Martin, Luke Marchant, Matt Mackowiak, Vilma Luna, Homero Lucero, Ruben Longoria, Leslie Lemon, Luke Legate, Donald Lee, Pete Laney, Sandy Kress, Tom Kleinworth, Richard Khouri, Robert Kepple, Mark Jones, Cal Jillson, Deborah Ingersoll, Shanna Igo, Ken Hodges, Jim Henson, John Heasley, Susan Hays, Adam Haynes, Albert Hawkins, Bill Hammond, Wayne Hamilton, Clint Hackney, John Greytok, Daniel Gonzalez, Eric Glenn, Bruce Gibson, Dominic Giarratani, Norman Garza, Wil Galloway, Alan Erwin, Jack Erskine, Jeff Eller, Richard Dyer, David Dunn, June Deadrick, Hector De Leon, Randy Cubriel, Harold Cook, John Colyandro, Lawrence Collins, Rick Cofer, George Cofer, Elna Christopher, William Chapman, Corbin Casteel, Tris Castaneda, Thure Cannon, Marc Campos, Jay Brown, Andy Brown, Chris Britton, Steve Bresnen, Hugh Brady, Tom Blanton,

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