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July 20, 1983

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Mr. Marshall T. Steves, Jr.
Matthews and Branscomb
One Alamo Center
106 South St. Mary's Street
San Antonio, Texas 78205-3603

Election Law Opinion JWF-14
Re: Place of filing Chapter
14 reports disclosing
activity in a regional
transportation authority
confirmation election
under Tex. Rev. Civ.
Stat. Ann., art. 1118y.

Dear Mr. Steves:

In your letter of June 24, 1983, you informed this office that the interim executive committee of the Dallas Area Rapid Transit Authority has scheduled a confirmation election under article 1118y, Tex. Rev. Civ. Stat. Ann. You ask the authority with which specific purpose political committees organized to support or oppose this election measure should file their designation forms and campaign disclosure reports as required by Chapter 14 of the Election Code.

This official election law opinion is rendered by me as chief election officer of the state in accordance with Tex. Elec. Code Ann., art. 1.03, subd. 1.

Article 14.02 of the Election Code specifies the authority with which a specific purpose political committee should file its designation of campaign treasurer and states in pertinent part:

(B) . . . every specific purpose political committee . . . in an election involving a

statewide or district measure . . . shall designate a campaign treasurer by written appointment filed with the Secretary of State.

(C) . . . every specific purpose political committee . . . in an election involving a county measure shall designate a campaign treasurer by written appointment to be filed with the county clerk of such county.

(D) . . . every specific purpose political committee . . . in an election involving a measure of a municipality or political subdivision shall designate a campaign treasurer by written appointment to be filed with the clerk or secretary of the municipality or political subdivision. . . .

Article 14.02 (F)(1) further provides that "[i]f it is not otherwise possible for a . . . specific purpose political committee to determine which authority is appropriate for the filing of campaign treasurer designation, then a filing with the Secretary of State shall be sufficient. . . ."

Thus, the type of election measure which is the object of the political activity determines where the committee files its designation of campaign treasurer. Similarly, article 14.07(F) requires that the committee file periodic sworn statements reporting contributions and expenditures with the political body that calls the election, as follows:

for . . . a measure submitted at an election called by a county, with the county clerk of the county; for a . . . statewide measure . . . , with the secretary of state; for . . . a measure submitted at an election called by a municipality, with the city secretary or city clerk of the municipality; and for . . . a measure submitted at an election called by a political subdivision other than a county or municipality, with the secretary of the governing body of the political subdivision.

Tex. Rev. Civ. Stat. Ann., article 1118y (Vernon Supp. 1982-1983) governs the procedure for establishing a regional transportation authority in a metropolitan area. Under the Act, a city having a population of at least 300,000 and/or the county of that city may initiate the creation process and authorize the appointment of interim subregional boards and an interim executive committee to guide the

establishment of a permanent authority. The interim executive committee orders a confirmation election and submits this issue to the voters of each participating city and unincorporated area located within the boundaries of the proposed authority. Tex. Rev. Civ. Stat. Ann., art. 1118y, §9 (Vernon Supp. 1982-1983). The statute specifically provides that the authority does not constitute a public body politic, and therefore a political subdivision under Chapter 14, until confirmed by a majority of the qualified voters in at least one of these election units. Tex. Rev. Civ. Stat. Ann., art. 1118y, §10(a); Tex. Elec. Code Ann., art. 14.01(L) (Vernon Supp. 1982-1983). Once the electorate approves the existence of the authority, the operation of the regional transportation authority vests in an executive committee, which serves as the governing body of the authority. Tex. Rev. Civ. Stat. Ann., art. 1118y, §§ 9(i), 2(4) (Vernon Supp. 1982-1983). If the voters of each election unit refuse to confirm the creation of the authority, it will cease to exist in its entirety. The authority also dissolves if a confirmation election is not held within three years from the date of initial creation. Tex. Rev. Civ. Stat. Ann., art. 1118y, §9(j).

It is clear that every specific purpose political committee involved in an election on a measure must disclose its political activity under Chapter 14, including a political committee involved in a regional confirmation election. However, the legislature failed to specify in articles 14.02 and 14.07 the office with which a specific purpose political committee must file disclosure reports when the election is called by an interim body that is not yet a political subdivision under law.

The purpose of Chapter 14 is to supply the public with full information of political funding activities surrounding an election. The legislature sought to locate this information in a centralized site that would both facilitate public access to this information and encourage compliance with the law.

Since the interim organizations under Tex. Rev. Civ. Stat. Ann., art. 1118y exist only on a temporary and nominal basis before the transit authority is confirmed, and in fact may be dissolved as a result of the confirmation election, it would be impractical to require a political committee to file its reports with the interim body. Until it becomes a political subdivision, there is no permanent central office that would provide ongoing public access to these records. However, requiring a committee to file duplicate reports with each city and county which participates in the regional election would place an unreasonable burden on the committee

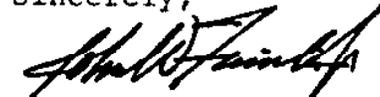
that was not contemplated by the legislature. For these reasons, it is my opinion that a specific purpose political committee involved in a regional confirmation election under Tex. Rev. Civ. Stat. Ann., art. 1118y should file its designation of campaign treasurer and sworn statements with the Secretary of State.

Once the regional transportation authority becomes a political subdivision and an executive committee is established as its governing board, a specific purpose political committee involved in subsequent elections called by the authority will file the required forms with the executive committee as provided by Tex. Elec. Code Ann., arts. 14.02 and 14.07.

SUMMARY

A specific purpose political committee involved in an election to confirm the existence of a regional transportation authority under Tex. Rev. Civ. Stat. Ann., art. 1118y, should file its designation of campaign treasurer and its periodic sworn statements with the Secretary of State.

Sincerely,



John W. Fainter, Jr.
Secretary of State

Ward Allen White III
Counsel to the Secretary of State

Prepared by Rebecca L. Payne
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