

Appendix II

Electronic Filing

The following information concerning the electronic filing project under HB 2611 is submitted by the Texas Ethics Commission (TEC) to the Senate State Affairs Committee per your request of June 6, 2000:

1. Description of the parties affected by the new legislation.

Unless an exception applies, candidates for and holders of the following offices will be required to file electronically: Governor, Lieutenant Governor, Attorney General, Comptroller, Agriculture Commissioner, Land Office Commissioner, Railroad Commissioner, member of the Legislature, Justice of the Supreme Court, Judge of the Court of Criminal Appeals, Justice of a Court of Appeals, and member of the State Board of Education.

Additionally, unless an exception applies, the electronic filing requirement will also apply to the Secretary of State, legislative caucuses, all general-purpose political committees, and any specific-purpose political committees connected with candidates for or holders of the offices listed above.

There is an exception to the electronic filing requirement for a candidate, officeholder, or political committee that files an affidavit stating that neither the filer nor a person acting on the filer's behalf uses computer equipment to keep the current records of political contributions, expenditures, or donors.

There is also an exception for a candidate, officeholder, or political committee (other than a candidate for or holder of a statewide office or a committee connected with a candidate for or holder of a statewide office) that does not accept or spend more than \$20,000 in a calendar year.

2. A description of the new requirements for filing compared to the old requirements.

As described above, certain candidates, officeholders, and political committees will be required to file campaign finance reports electronically. The requirement to file reports electronically for affected parties begins July 1, 2000. There will be several ways to accomplish filing a report electronically. (The electronic filing program developed by the TEC staff and utilized since 1994 by numerous TEC filers was voluntary and allowed filing by diskette only.)

a. Ethics Commission software - A free copy of the electronic filing software will be provided by the TEC. This software will allow entry of any information required on a report and will maintain a database of that information. A filer may submit a report generated by the software either by sending or delivering a diskette to the Ethics Commission or by using the Internet or a modem to transmit a report to the Ethics Commission.

b. Combination of Ethics Commission software and separate spreadsheet software - Contributor and expenditure information may be maintained in a common off-the-shelf

software application such as Word, Excel, Lotus, or Access. In order to file electronically, a filer will need to obtain a free copy of the electronic filing software provided by the TEC, then convert and import the spreadsheet information into the TEC electronic filing software. In addition, a filer will need to manually enter into the TEC electronic filing software any other information required to file a report, such as cover sheet information.

c. Campaign finance management software from a third-party vendor – A filer may maintain campaign finance information using software from a third-party vendor. (Some common vendors are Aristotle, VOCUS, and GNOSSOS.) The vendor's software must be in a specific format in order to be able to submit a report electronically to the TEC. Additionally, another piece of software that will validate a report and create the necessary security for filing electronically will be needed. A copy of the file format and the additional software will be provided by the TEC at no cost. A filer may submit a report generated by third-party vendor software either by sending or delivering a diskette to the Ethics Commission or by using the Internet or a modem to transmit a report to the Ethics Commission.

d. Ethics Commission web filer application – A filer may file electronically using the TEC web filer application. Access to the Internet is necessary. The TEC web filer application does not allow a filer to save any report information; however, the ability to print the report is possible - if a printer is available. This method will be most useful for filers who have very little information to report and who do not wish to develop a database of information.

3. Explanation of the process of implementation of the legislation by the Ethics Commission.

a. The Commission issued a Request For Offers document on August 22, 1999. We had fourteen (14) vendors file Intents to Respond and eleven (11) appear at the Mandatory Bidders' Conference on September 16, 1999. On September 2, 1999, we held a public hearing concerning the specifications for computer software to be used for filing campaign finance reports as mandated by HB 2611 in Sec. 254.036, Texas Election Code. Four (4) bidders submitted bids by October 1, 1999. All four bidders made presentations to TEC staff with DIR representatives attending the presentations. On November 3, 1999, TEC awarded the bid to SDR Technologies, Inc. Beginning in December, 1999, we held monthly public briefings on the status of the project and also have briefed our Commissioners each month in their public meetings.

b. The compatibility and working of the computer program seems to be excellent at this point. To date the people who have installed the program on their personal computer for testing have submitted very positive responses.

c. Training sessions for the electronic filing software have been held around the state in Austin, Houston, Arlington, San Antonio, Corpus Christi, Nacogdoches, Lubbock, Midland/Odessa, and El Paso. Attendees have passed on very favorable comments regarding both the training and the software. Sessions included an hour presentation about the software

and a subsequent period for working through an exercise using the software on individual computer terminals. By the end of the training sessions (June 15), we anticipate having trained over 500 individuals.

4. Dates the new requirements will take effect. Identify any delays.

The new requirements will take effect July 1, 2000. The deadline for the filing of the reports is July 17, 2000 (as July 15 is a Saturday). On July 1, filers may begin filing electronically and the reports will be posted on the TEC web page.

We have stayed on schedule for 99% of the project. Many individuals, including members of the media, have remarked that they found it phenomenal that we will complete the project by July 1, 2000. The only delay will be for users of MAC's. Any MAC user will be able to file electronically by using a diskette as of July 1, 2000. However, due to a technical problem that is unique to MAC's, the development of the system for MAC users to file over the Internet is requiring additional time. We anticipate having the system developed for MAC users to file over the Internet by September of this year.

5. Results of any electronic filing to date. Include any criticisms as well as accolades.

There will be no electronic filings until July 1, 2000, as the period for the reports does not end until June 30, 2000.

We have received no criticisms to date. The comments from testers and trainees have been most favorable mentioning the simplicity of the system and how extremely user friendly it is.

TEXAS ETHICS COMMISSION

P.O. Box 12070, Capitol Station
Austin, Texas 78711-2070

Jerome W. Johnson
Chairman

Lem B. Allen
Vice Chairman

Tom Harrison
Executive Director



Commissioners

John E. Clark
Ernestine Glossbrenner
Norman Lyons
Wales H. Madden III
Richard Slack
Louis E. Sturns

MEMORANDUM

**TO: The Honorable Florence Shapiro
State Senator, District 8
Chair, Senate State Affairs Committee**

**FROM: Tom Harrison
Executive Director**

DATE: July 7, 2000

**RE: Update on Implementation of HB 2611, Electronic Filing of Campaign
Finance Reports**

The system developed by this agency and the selected vendor, SDR Technologies, for the electronic filing of campaign finance reports in accordance with HB 2611, 76th Legislature, Regular Session, "went live" on July 1, 2000. That date was the beginning of the filing period for the July Semiannual Report due no later than July 17, 2000. Thus far, the system is working well with a few loose ends being tied up here and there. In a project of this size and scope, there will always be problems when "going live", but the hard work of this staff and the vendor over the last eight months kept any of the problems from being major. The only part of the system that is not yet functional is the part that allows Macintosh (Mac) users to file over the Internet. We do have software available for Mac users to file by diskette but not over the Internet at this time. We will have that part of the system available by September of this year in time for the preparation and filing of the 30 day before the General Election report due on October 10, 2000. Texas is the only State that requires an electronic filing system for both IBM PC's and Mac's. Even the FEC does not accommodate Mac users. That mandate in the law puts Texas in the forefront of States requiring electronic filing of campaign finance reports but also restricted the features available on the system and necessitated the use of a computer language ("Java") which requires filers to have

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at least 64Mb. of memory on the computer for minimum processing time. Some filers have had to upgrade their computer's memory.

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Memo.2611 Update

7/6/00

The following data is provided as of the close of business on July 6, 2000:

- (1) Total persons trained at the 15 training sessions conducted by agency staff: 427
- (2) Total Requests for Software: 865
- (3) Total Requests for Software for use on Mac's: 8
- (4) Total Reports filed Electronically: 60
- (5) Total Reports filed by Diskette: 55.

July 5, 2000, was the filing deadline for MPAC's (Political Action Committees filing Monthly). Of the some 260 MPAC reports that were due on July 5, there were some 105 reports filed electronically (40%). We are still receiving diskettes of MPAC reports in the mail, which means that percentage will increase.

All the reports filed electronically are ready to be posted on the agency website. However, in testing the posting to the website with a "real" report, we discovered that the addresses of contributors were being displayed. We have talked to the vendor about the problem and they are working to resolve it. The reports should be posted in a searchable database on the agency website by the first of next week.

We experienced some problems beyond our control. The General Services Commission is replacing a generator in the Sam Houston Building and had planned power outages for July 1, 2, 8, and 15. We mailed a card to all filers who had requested software to alert them to the power outages in the event the filer attempted to file a report over the Internet when the power was down. We also posted the power outage information on our website. As mentioned earlier, July 5 was a filing deadline for MPAC's. The telephone system in our office was out most of the day due to a circuit problem in the Telecommunications Division of the General Services Commission. We were able to receive some incoming calls during the day, but we could not call out. We used cell phones and phones connected to modem lines to return as many calls as we could.

Overall, we feel the project has been a huge success. Just as Microsoft experienced problems in the release of both WINDOWS '95 and WINDOWS '98, we are experiencing minor problems which will be resolved ASAP. Most revisions to the first version of the software are planned after the July 17th deadline for the July Semiannual Report.

Please give our Project Manager, Kristin Newkirk, our General Counsel, Karen Lundquist, or me a call if you have any questions or wish any additional information.

TEXAS ETHICS COMMISSION

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MEMORANDUM

TO: The Honorable Florence Shapiro
State Senator, District 8
Chair, Senate State Affairs Committee

FROM: Tom Harrison
Executive Director

DATE: September 6, 2000

RE: Update on Implementation of HB 2611, Electronic Filing of Campaign
Finance Reports

This memorandum is submitted as an update to the prior memo of July 7, 2000. (Copy attached.)

The new system went "live" on July 1, 2000, with the first filings being made by MPAC's (Political Action Committees filing Monthly) with a due date of July 5. Of the 261 reports that were due, some 143 (55%) were filed electronically. The first major filing deadline under the new system for Candidate/Officeholders, Specific Purpose Political Action Committee (SPAC's), and General Purpose Political Action Committees (GPAC's) was July 17. Of the 2,128 reports due on July 17, some 627 (29%) were filed electronically. The August 7 filing

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deadline for MPAC's saw an increase to 57% in the percentage of MPAC reports filed electronically.

The new software was requested by 1,052 filers: 1,042 for IBM's and 10 for Mac's. Combining the July 5 and July 17 totals for electronic filings shows that 73% of the July filers who requested the software filed their reports electronically. Of the ten (10) Mac users requesting the software, four (4) filed electronically. (As I mentioned in the prior memo, Texas is the only State with software that accommodates both IBM and Mac users.)

We have been working with the vendor since the July 1 release to "clean up the bugs" in the software and to add some enhancements. This week we are mailing new User's Guides and a new release of the software to over 1,000 filers. The major enhancements in this release are:

- (1) An "auto-save" which allows the filer to set a time for the software to automatically save any data entered without the filer having to do so manually,
- (2) A new conversion utility for filers who had used the old DOS version of the agency's software to allow conversion of all data entered in the "old" database, and
- (3) An expanded name search capability.

We plan to review the software on an annual basis for possible revisions. Of course, any changes in the laws dealing with campaign finance will also cause the agency to revise the software.

A few problems were encountered after we went "live" on July 1 and the major ones were mentioned in the prior memo. The problem with the addresses of contributors being displayed on the web site was resolved by the vendor within a brief period of time after notification. The addresses were only viewable for some 5 minutes before the problem was corrected. We are concerned about power outages in the future – whether planned or unplanned. In our Legislative Appropriation Request, we have stated the need for a "mirror site" for the electronic filing system and have requested some \$102,000 to obtain such a site for the next biennium.

Overall, the Commission still feels the project was a huge success. Two of our staff members recently attended a meeting of various States with systems for the electronic filing of campaign finance reports and left with the distinct impression that Texas has the most advanced system today.



March 17, 2000

Mr. Tom Harrison
Executive Director
Texas Ethics Commission
201 East 14th
Sam Houston Building, 10th Floor
Austin, Texas 78701

Opinion No. JC-0198

Re: Whether section 254.0401(e) of the Election Code precludes the Texas Ethics Commission from making certain contributor address information available on computer diskettes (RQ-0155-JC)

Dear Mr. Harrison:

On behalf of the Texas Ethics Commission (the "Commission"), you ask whether a recently enacted provision, subsection (e) of section 254.0401 of the Election Code, precludes the Commission from making certain contributor address information available on computer diskettes. This provision prohibits the Commission from making certain contributor address information available on the Internet and also states that, while the information must remain available on the report maintained at the Commission's office, it "*may not be available electronically at that office.*" TEX. ELEC. CODE ANN. § 254.0401(e) (Vernon Supp. 2000) (emphasis added). Construing this language by reference to section 254.0402(b), which was enacted in the same legislation and requires the Commission to make report information available by "electronic means," we conclude that the language at issue precludes the Commission from making the address information available by any electronic means, including computer diskette, as well as computer terminals at the Commission's office and computer modem.

We begin with a brief review of the statutory framework. Subchapter B of chapter 254 of the Election Code requires candidates for office and officeholders, as well as certain other persons and entities, to file with the Commission reports containing information about political contributions and expenditures, including "the amount of political contributions from each person . . . , the full name and address of the person making the contributions, and the dates of the contributions." *Id.* § 254.031(a)(1); *see also id.* §§ 254.001 (establishing who must maintain record of all reportable activity), 254.031 (listing information that reports must contain), 254.0311 (requiring legislative caucus to file report), 254.036 (establishing requirements for filing reports with the Commission). In the last legislative session, the Seventy-sixth Legislature extensively amended subchapter B in

House Bill 2611 to provide for electronic filing of and access to these reports.¹ As a bill analysis explains:

Prior to the 76th Texas Legislature, paper reports could be filed with the Ethics Commission. Interested parties could only access the reports by traveling to the Ethics Commission office in Austin. H.B. 2611 requires candidates and officeholders to file reports with the Ethics Commission electronically rather than on paper. H.B. 2611 requires the Ethics Commission to post electronically filed reports on the Internet, thereby making them accessible to all interested parties without unusual expense.

HOUSE COMM. ON ELECTIONS, BILL ANALYSIS, Tex. H.B. 2611, 76th Leg., R.S. (Aug. 2, 1999); *see also* SENATE COMM. ON STATE AFFAIRS, BILL ANALYSIS, Tex. H.B. 2611, 76th Leg., R.S. (May 13, 1999), HOUSE COMM. ON ELECTIONS, BILL ANALYSIS, Tex. H.B. 2611, 76th Leg., R.S. (Apr. 23, 1999), HOUSE COMM. ON ELECTIONS, BILL ANALYSIS, Tex. H.B. 2611, 76th Leg., R.S. (Mar. 29, 1999).

With certain exceptions, section 254.036 of the Election Code now requires candidates, officeholders, and political committees to file political contribution and expenditure reports "by computer diskette, modem, or other means of electronic transfer." TEX. ELEC. CODE ANN. § 254.036(b) (Vernon Supp. 2000). Sections 254.0401 and 254.0402, both of which were added to the Election Code by House Bill 2611,² require the Commission to make these electronically filed reports available to the public. Section 254.0401 provides as follows:

Section 254.0401 Availability of Electronic Reports on Internet

(a) Except as provided by Subsection (b), the commission shall make each report filed with the commission under Section 254.036(b) available to the public on the Internet not later than the second business day after the date the report is filed.

(b) Except as otherwise provided by this subsection, the commission may not make a report filed with the commission under Section 254.036(b) for a reporting deadline by any candidate for a particular office or by a specific-purpose committee for supporting or opposing only one candidate for a particular office available to the public on the Internet until each candidate for that office and each specific-purpose committee for supporting or opposing only one

¹See Act of May 30, 1999, 76th Leg., R.S., ch. 1434, §§ 1-4, 1999 Tex. Gen. Laws 4881, 4881-84.

²See *id.* § 3 at 4884.

candidate for that office, other than a candidate or committee to which Section 254.036(c) or (d) applies, has filed a report for that reporting deadline. Regardless of whether each candidate for a particular office and each specific-purpose committee for supporting or opposing only one candidate for that office has filed a report for a filing deadline, the commission shall make each report in connection with that office *available on the Internet and by any other electronic means* on:

(1) the 21st day after the date of the filing deadline, for a report other than a report required to be filed under Section 254.064(c); or

(2) the fourth day after the date of the filing deadline, for a report required to be filed under Section 254.064(c).

(c) Subsection (b) does not apply to a report filed under Section 254.038.

(d) *The access allowed by this section to reports is in addition to the public's access to the information through other electronic or print distribution of the information.*

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

Id. § 254.0401 (emphasis added).

Section 254.0402, which immediately follows section 254.0401 and charges the Commission with making information from these reports available by electronic means, provides:

Section 254.0402 Public Inspection of Reports

(a) Notwithstanding Section 552.222(a), Government Code, the authority with whom a report is filed under this chapter may not require a person examining the report to provide any information or identification.

(b) The commission shall make information from reports filed with the commission under Section 254.036(b) available by *electronic means*, including:

(1) providing access to computer terminals at the commission's office;

(2) providing information on computer diskette for purchase at a reasonable cost; and

(3) providing modem or other electronic access to the information.

Id. § 254.0402(b) (emphasis added).

As you note, subsection (a) of section 254.0401 requires the Commission to make reports filed with the Commission by electronic means available to the public on the Internet. *See id.* § 254.0401(a). Subsection (d) of section 254.0401 makes it clear that Internet access to the reports is in addition to the public's access "to the information through other electronic or print distribution of the information." *Id.* § 254.0401(d). Furthermore, section 254.0402 requires the Commission to make information from reports filed with the Commission under section 254.036(b) available by electronic means, including providing access to computer terminals at the Commission's office, providing information on computer diskette for purchase at a reasonable cost, and providing modem or other electronic access to the information. *See id.* § 254.0402(b).

While the provisions discussed above provide for extensive access to information in the reports, subsection (e) of section 254.0401 restricts access to a limited subset of information in these reports – namely certain contributor address information. It provides:

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

Id. § 254.0401(e). The first sentence of subsection (e) clearly charges the Commission with removing a subset of contributor information, *i.e.*, each contributor's street or post office box address, before making a report available on the Internet. The first part of the second sentence clearly charges the Commission with making this address information available on the report maintained in the Commission's office. As you note, however, the meaning of second part of the second sentence of subsection (e) is less evident: "What is not clear is whether the contributor

addresses must be removed from those computer diskettes made available to the public. . . . 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?" Letter from Mr. Tom Harrison, Executive Director, Texas Ethics Commission, to Honorable John Cornyn, Texas Attorney General, at 1-2 (Nov. 30, 1999) (on file with Opinion Committee). Thus, you ask whether subsection (e) precludes the Commission from providing the address information on computer diskettes, which the Commission is required to make available for purchase pursuant to section 254.0402(b)(2).

To answer your query regarding computer diskettes, this office must decipher the meaning of the phrase "may not be available electronically at that office," as the legislature has employed it in the final portion of subsection (e). Because the first sentence of subsection (e) limits access to address information on the Internet, this phrase must refer to electronic access other than Internet access. To construe the phrase as merely prohibiting Internet access would make it redundant of the first sentence and render it surplusage, contrary to the rule of statutory construction that every word of a statute must have some meaning. *See Chevron Corp. v. Redmon*, 745 S.W.2d 314, 316 (Tex. 1987) (Texas Supreme Court "will give effect to all the words of a statute and not treat any statutory language as surplusage if possible") (citing *Perkins v. State*, 367 S.W.2d 140 (Tex. 1963)); *Railroad Comm'n v. Olin Corp.*, 690 S.W.2d 628, 631 (Tex. App.—Austin 1985, writ ref'd n.r.e.) ("[E]very word . . . of a statute is presumed to be intentionally used with meaning and purpose."); *see also* TEX. GOV'T CODE ANN. § 311.021(2) (Vernon 1998) (in enacting a statute, it is presumed that "the entire statute is intended to be effective").

Although the phrase "may not be available electronically at that office" is not defined nor is its meaning readily apparent from the face of section 254.0401, its meaning is evident in the larger context of chapter 254, subchapter B. A primary and principal rule of statutory construction is that legislative enactments involving the same general subject matter and also possessing the same general purpose or purposes are considered to be and are construed to be *in pari materia*. *See Garrett v. Mercantile Nat'l Bank*, 168 S.W.2d 636, 637 (Tex. 1943); *see also Calvert v. Fort Worth Nat'l Bank*, 356 S.W.2d 918, 921 (Tex. 1962). Sections 254.0401 and 254.0402 concern the same subject matter and were enacted by the same legislature as part of the same statutory scheme.³ We believe they must be read *in pari materia*.

"Statutes *in pari materia* are to be taken, read and construed together, and effort should be made to harmonize, if possible so that they can stand together and have concurrent efficacy." *Davis v. State*, 968 S.W.2d 368, 372 (Tex. Crim. App. 1998) (en banc). As we have noted, section 254.0402(b) charges the Commission with making report information available by "electronic means," including:

- (1) providing access to computer terminals at the commission's office;

³See *supra* note 1.

(2) providing information on computer diskette for purchase at a reasonable cost; and

(3) providing modem or other electronic access to the information.

TEX. ELEC. CODE ANN. § 254.0402(b) (Vernon Supp. 2000). Construing subsection (e) of section 254.0401 together with section 254.0402, we believe that the language “available electronically at that office” in section 254.0401(e) must be construed by reference to the language in section 254.0402(b) requiring the Commission to make information from reports “available by electronic means.” Accordingly, we conclude that the phrase “may not be available electronically at that office” in the last sentence of subsection (e) of section 254.0401 precludes the Commission from making address information available by computer terminals at the Commission’s office, computer diskette, modem or other electronic access – or, in other words, by *any* electronic means.

This construction is supported not only by the similar origin and subject matter of sections 254.0401 and 254.0402, but also by their close proximity and the similarity of the words they employ. Furthermore, reading subsection (e) of section 254.0401 to refer to Internet access in the first sentence and all other electronic means of access in the second sentence is consistent with and supported by other subsections of section 254.0401 that refer separately to the Internet and other electronic means of communicating or transferring information to the public. *See id.* § 254.0401(b) (providing that the commission must make electronically filed reports “available on the Internet and by *any other electronic means*” by a date certain), (d) (“The access allowed by this section to reports [on the Internet] is in addition to the public’s access to the information through *other electronic* or print distribution of the information.”) (emphasis added); *see generally* TEX. GOV’T CODE ANN. § 311.011(b) (Vernon 1998) (“Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.”).

We acknowledge that this construction of section 254.0401(e) restricts electronic access to certain address information in political contribution and expenditure reports, information that is otherwise available to the public. We believe, however, that construing the statute to preclude the Commission from providing electronic access to this limited subset of contributor information is consistent with the legislative history, *see* Tex. Att’y Gen. Op. No. JC-0164 (1999) at 5 (“Where the language of a statute is ambiguous, we may consider the statute’s legislative history.”), which indicates that the purpose of subsection (e) was to protect the privacy and safety of contributors by preventing ready access to their street information on the Internet. *See Hearings on Tex. H. B. 2611 Before the House Comm. on Elections, 76th Leg., R.S. (Apr. 21, 1999)* (tape available from House Communications Video/Audio Dept.) (“[M]embers, I think we discussed how we felt this was necessary for a lot of women who are contributors who don’t want their street addresses on the Internet and for grandmothers or for elderly citizens who don’t wish, for security reasons, to have their specific street address on the Internet.”) (statement of Representative Sherri Greenberg). Furthermore, as we have noted, the last part of subsection (e) indicates that the legislature’s concern extended to electronic access to this information by means other than the Internet. *See discussion*

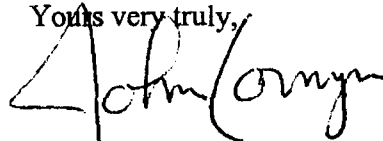
supra page 5. The legislative purpose of subsection (e) would be undermined by a construction that permitted the Commission to disseminate contributors' street addresses via the computer terminals at its office, on computer diskette, and by computer modem. *See* TEX. GOV'T CODE ANN. § 311.023(1), (2), (3), (5) (Vernon 1998) (in construing a statute, court may take into account object sought to be attained, circumstances under which statute was enacted, legislative history, and consequences of a particular construction). Finally, we note that nothing in chapter 254 requires the Commission to remove this address information from printed materials and that the information will be available in printed form, as provided by section 254.0401(d). *See* TEX. ELEC. CODE ANN. § 254.0401(d) (Vernon Supp. 2000) (providing that Internet access to reports "is in addition to the public's access to the information through other electronic or *print distribution* of the information") (emphasis added). Moreover, the remainder of the information in the reports, including the name, city, state, and zip code of each contributor, will be broadly available on the Internet, by other electronic means, and in written form. *See id.* §§ 254.0401(a), (d), (e); 254.0402.

In sum, the phrase "may not be available electronically at that office" in the last sentence of subsection (e) of section 254.0401 precludes the Commission from making contributor address information, other than city, state, and zip code, available by any electronic means, including computer terminals at the Commission's office, computer diskette, and modem. *See id.* § 254.0402(b). Thus, in answer to your question, the Commission may not make this address information available on computer diskettes.

S U M M A R Y

Section 254.0401(e) of the Election Code precludes the Texas Ethics Commission from making contributor address information, other than city, state, and zip code, available by any electronic means, including computer diskettes.

Yours very truly,

A handwritten signature in black ink, appearing to read "John Cornyn". The signature is written in a cursive style with a large initial "J".

JOHN CORNYN
Attorney General of Texas

ANDY TAYLOR
First Assistant Attorney General

CLARK KENT ERVIN
Deputy Attorney General - General Counsel

ELIZABETH ROBINSON
Chair, Opinion Committee

Mary R. Crouter
Assistant Attorney General - Opinion Committee

Appendix III

Sample Legislation

By: _____

_____.B. No. _____

A BILL TO BE ENTITLED

AN ACT

1 relating to electronic reporting of political contributions and
2 expenditures for certain candidates and officeholders.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Subsection (g), Section 254.036, Election Code,
5 is amended to read as follows:

6 (g) A person required to file a report with the commission
7 in connection with the office of [~~district--judge~~7] district
8 attorney[7] or judge of a multicounty statutory county court may
9 file reports that comply with Subsection (a).

10 SECTION 2. This Act takes effect September 1, 2001.