

TEXAS ETHICS COMMISSION

SWORN COMPLAINT FORM

FORM SC - INSTRUCTION GUIDE



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Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

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Promoting Public Confidence in Government

SWORN COMPLAINT FORM

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Sworn Complaint procedures are governed by Subchapter E of Chapter 571 of the Government Code, and Chapter 12 of the Texas Ethics Commission Rules (located in Title 1, Part 2, Chapter 12 of the Texas Administrative Code).

If you have any questions about sworn complaint procedures, or how to fill out this form, please call and leave a message for the Legal Department of the Texas Ethics Commission (Commission) at (512) 463-5800.

GENERAL INSTRUCTIONS

Any resident of Texas may file a sworn complaint with the Commission alleging a violation of certain laws listed below. However, the individual filing a sworn complaint (the complainant) may not remain anonymous and is not considered to be a party to the complaint. Tex. Gov't Code § 571.138.

JURISDICTION.

The Commission may only consider violations of the following laws:

- Title 15, Election Code, concerning political contributions and expenditures, and political advertising;
- Tex. Gov't Code, Chapter 302, concerning the election of the Speaker of the Texas House of Representatives;
- Tex. Gov't Code, Chapter 303, concerning the governor for a day and speaker's reunion day ceremonies;
- Tex. Gov't Code, Chapter 305, concerning lobbyist registration, reports, and activities;
- Tex. Gov't Code, Chapter 572, concerning personal financial disclosure of state officers and conduct of state officers and employees;
- Tex. Gov't Code, Chapter 2004, concerning representation before state agencies;
- Tex. Local Gov't Code, Chapter 159, Subchapter B, concerning judges of statutory county courts or statutory probate courts who elect to file a personal financial statement with the Commission; and
- Tex. Local Gov't Code §§ 334.025 and 335.055, concerning false and misleading campaign material supporting or opposing the authorization of a sports or community venue project.

NO JURISDICTION.

There are certain types of matters that the Commission has no jurisdiction over, and therefore, cannot accept for review. These include but are not limited to:

- Federal election matters. Contact the Federal Election Commission (FEC).
- Complaints that signs are too close to polls, electioneering/campaigning around polling locations. Contact the Texas Secretary of State (SOS) or a local election official.
- Questions about candidate eligibility and ballot applications. Look at the SOS Candidates' Guide.
- Complaints about signs that are in the right-of-way. Contact the Texas Department of Transportation (TXDOT), local code enforcement, or your county constable's office.
- Complaints about the Certificate of Interested Parties (Form 1295) for businesses doing business with a governmental entity.
- Complaints about the Conflict of Interest Questionnaire (Forms CIQ or CIS) for vendor doing business with local governmental entity.
- Bribery, Honoraria, Perjury, Abuse of Official Capacity, Nepotism and other offenses against public administration. Contact the Public Integrity Section of your local district or county attorney's office, local law enforcement, or the Texas Rangers Public Integrity Unit at rangers@dps.texas.gov.
- Attorney ethics matters. Contact the State Bar of Texas.
- Judicial ethics (non-campaign related) matters. Contact the State Commission on Judicial Conduct.
- Violations of the Open Meetings Act or Public Information Act - contact your local prosecutor. For information about these Acts – contact the Texas Attorney General's Office.
- Employer retaliation/employment issues - contact the Texas Workforce Commission.
- Questions about Resign to Run/ Dual officeholders - contact your city or county attorney.

STATUTE OF LIMITATIONS.

For most violations that involve possible criminal penalties, including reporting violations and political advertising violations, the Commission has jurisdiction over the alleged violation for two years from when the alleged violation occurs. Therefore, the Commission cannot accept a sworn complaint if the alleged violation occurred more than two years before the complaint is filed. For all other violations, including an incorrect political advertising disclosure statement, conversion of political contributions to personal use, and corporate contributions, the Commission has jurisdiction over the alleged violation for three years from when the alleged violation occurs. For those allegations, the Commission cannot accept the complaint if the alleged violation occurred more than three years before the complaint is filed.

PROCESS.

A sworn complaint sets in motion a process that may include a preliminary review as well as informal or formal hearings. Click [here](#) for a link to a diagram explaining the process. The

Commission is required by law to investigate all sworn complaints over which the Commission accepts jurisdiction. The sworn complaint will first be reviewed by a staff attorney to determine if it has met the technical form requirements for a complaint filed with the Commission, and the executive director will make a determination as to whether it relates to a law that is within the Commission's jurisdiction. Within five business days, a letter will be sent to both the complainant (person filing the sworn complaint) and respondent (person against whom the sworn complaint is filed) indicating whether the complaint has met these requirements and, if it has, instructions to the respondent for responding to the complaint.

A sworn complaint may be resolved at several points in the process. The Commission may ultimately resolve a sworn complaint by dismissal or imposition of a civil penalty. A respondent may appeal a final decision of the Commission to a district court for a trial *de novo*. During most stages of the process, the Commissioners and Commission staff are required to keep the complaint confidential.

The Commission is authorized to undertake civil enforcement actions on its own motion or in response to a sworn complaint, hold enforcement hearings, issue orders, impose civil penalties, and refer matters for criminal prosecution.

FILLING OUT THE FORM.

A sworn complaint must be filed in a format prescribed by the Commission. To file a complaint, you must either: (1) file electronically through the Commission's online portal at ethics.state.tx.us/enforcement, or (2) fill out a sworn complaint form and file by mail, e-mail, or hand delivery. If you choose to file your complaint electronically through the Commission's online portal (option (1) above) then you do not need to also complete and upload a sworn complaint form (option (2) above). Instructions for filing a complaint electronically are available through the online portal. If you choose to file under option (2), the form is available on the Commission's website in several formats: you can use an online fillable form, or you can print a form with line formatting or without line formatting. If you choose to print a blank Sworn Complaint form and fill it out by hand, it should be either typewritten or handwritten in ink.

You may submit the completed form and attachments by: (1) mail to P.O. Box 12070, Austin, Texas 78711, (2) hand delivery to 201 E. 14th Street, Sam Houston Building, 10th floor, Austin, Texas 78701, or (3) e-mail to sworncomplaints@ethics.state.tx.us. Please submit only completed and final forms with all supporting documents and a properly signed and executed affidavit. Complaints received after 5:00 p.m. will be processed the next business day.

For further information on the sworn complaint process, please call and leave a message for the Commission's Legal Department at (512) 463-5800.

<p>Notes: You should retain copies of all documents filed with the Commission. Please completely fill out the form. Failure to complete the form properly will cause your complaint to be noncompliant and rejected.</p>

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SECTION I. IDENTITY OF COMPLAINANT.

- 1. Complainant Name (Required).** Provide your full name.
- 2. Complainant Physical Address (Required).** Provide the complete physical street address of your home or business. You may not use a P.O. Box address in this section.
- 3. Complainant Mailing Address.** Provide your complete mailing address. You may use a P.O. Box address in this section. If your physical and mailing addresses are identical, please indicate that by checking the box.
- 4. Complainant Telephone Number (Required).** Provide your complete phone number, including area code, and extension if applicable.
- 5. Complainant E-Mail Address (Required if known).** Provide your e-mail address, if you have one. If you do not have an e-mail address, put “None” in the box.

SECTION II. IDENTITY OF RESPONDENT.

- 6. Respondent Name (Required).** Provide the full name of the person against whom you are filing the sworn complaint.
- 7. Respondent Position or Title (Required).** Provide the position or title of the respondent. Do not state “None” or “N/A.” If the respondent is a candidate or officeholder, then you may state that.
- 8. Respondent Physical Address (Required).** Provide the complete physical street address of the respondent’s home or business. You may not use a P.O. Box address in this section.
- 9. Respondent Mailing Address.** Provide the respondent’s complete mailing address. You may use a P.O. Box address in this section. If the respondent’s physical and mailing addresses are identical, please indicate that by checking the box.
- 10. Respondent Telephone Number (Required).** Provide the respondent’s complete phone number, including area code, and extension if applicable.
- 11. Respondent E-Mail Address (Required if known).** Provide the respondent’s e-mail address, if you have one. If you cannot locate an e-mail address for respondent after a good faith effort to locate one, put “unknown” in the box.

SECTION III. NATURE OF ALLEGED VIOLATION.

Include the specific law(s) or rule(s) alleged to have been violated by the respondent. The Commission has jurisdiction to enforce only the following laws:

- (1) Title 15 of the Election Code;
- (2) Tex. Gov’t Code Chapters 302, 303, 305, 572, and 2004, and §§ 2152.064 and 2155.003; and

- (3) Tex. Local Gov't Code Chapter 159, Subchapter B, in connection with a county judicial officer who elects to file a financial statement with the commission, and §§ 334.025 and 335.055.

SECTION IV. STATEMENT OF FACTS.

State the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to you, but alleged on information and belief. Please use simple, concise, and direct statements.

SECTION V. LISTING OF DOCUMENTS AND OTHER MATERIALS.

List all documents and other materials filed with the complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your personal knowledge but are either not within your possession or not available to you, including their location, if known. You must include all relevant documents that are in your possession. If you are complaining about a political advertising sign, then please include photographs showing both sides of the sign.

SECTION VI. AFFIDAVIT BASED ON PERSONAL KNOWLEDGE.

The complaint must be accompanied by a sworn affidavit stating that the information contained in the complaint is either correct or that you have good reason to believe and do believe that the alleged violation(s) occurred. If you can swear that the information contained in the complaint is correct based on your direct personal knowledge, use this affidavit. If the acts alleged are not within your direct personal knowledge, but are based on reasonable belief that the alleged violation(s) occurred, you must use the affidavit in section VII.

After entering your name and signature in the spaces provided in the top portion of the affidavit, you must then complete either the Notary section or the Unsworn Declaration section. Note that if you wish to complete the Notary section then you will need to print the entire form and have it notarized in the space provided. If you complete the Unsworn Declaration section, your date of birth will be redacted by the Commission.

SECTION VII. AFFIDAVIT BASED ON INFORMATION AND BELIEF.

The complaint must be accompanied by a sworn affidavit stating that the information contained in the complaint is either correct or that you have good reason to believe and do believe that the alleged violation(s) occurred. If you can swear that the information contained in the complaint is correct based on your direct personal knowledge, use the affidavit under section VI. If the acts alleged are not within your direct personal knowledge, but are based on reasonable belief that the alleged violation(s) occurred, use this affidavit.

After entering your name and signature in the spaces provided in the top portion of the affidavit, you must then complete either the Notary section or the Unsworn Declaration section. Note that if you wish to complete the Notary section then you will need to print the entire form and have it notarized in the space provided. If you complete the Unsworn Declaration section, your date of birth will be redacted by the Commission.

PROOF OF TEXAS RESIDENCY.

To be eligible to file a sworn complaint with the commission, an individual must be a resident of this state. Proof of Texas residency must be attached to the complaint at the time it is filed.

Proof of Texas residency is shown by attaching a copy of one of the following documents:

- Texas driver’s license;
- Personal identification certificate (issued under Chapter 521 of the Transportation Code);
- Commercial driver’s license (issued under Chapter 522 of the Transportation Code);
- Utility bill (with name and address of complainant and dated not more than 30 days before the date on which the complaint is filed);
- Bank statement (with name and address of complainant and dated not more than 30 days before the date on which the complaint is filed);
- Government check (with name and address of complainant and dated not more than 30 days before the date on which the complaint is filed);
- Paycheck (with name and address of complainant and dated not more than 30 days before the date on which the complaint is filed); or
- Other government document (with name and address of complainant and dated not more than 30 days before the date on which the complaint is filed).

Check the box of the document you will attach to the complaint.

WAIVER OF NOTICE BY CERTIFIED MAIL REQUIREMENT.

By law, initial notices of a complaint must be sent to the complainant and respondent by registered or certified mail, restricted delivery, return receipt requested. This requirement can be waived by completing the Waiver of Notice by Certified Mail Requirement. This is an optional part of the complaint form. If you wish for the initial notice of the complaint to be sent to you via certified mail, do not complete this form. If you wish for the initial notice of the complaint and other correspondence to be sent to you by first class mail or e-mail, complete this form. This waiver may be withdrawn at any time by notifying the Commission in writing.

FILING YOUR SWORN COMPLAINT.

The preferred method for submitting a sworn complaint is to file electronically through the Commission’s online portal at ethics.state.tx.us/enforcement, and then clicking on the link to “File a Sworn Complaint Online.” Instructions for filing a complaint electronically are available through the online portal.

In the alternative, you may fill out the paper sworn complaint form and file by mail, e-mail, or hand delivery. If you choose to file your complaint electronically through the Commission’s online portal, then you do not need to also complete and upload a paper sworn complaint form. You may submit the completed form and attachments by: (1) mail to P.O. Box 12070, Austin,

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Texas 78711, (2) hand delivery to 201 E. 14th Street, Sam Houston Building, 10th floor, Austin, Texas 78701, or (3) e-mail to sworncomplaints@ethics.state.tx.us. Please submit only completed and final forms with all supporting documents and a properly signed and executed affidavit. Complaints received after 5:00 p.m. will be processed the next business day.

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