

TEXAS ETHICS COMMISSION

IN THE MATTER OF
KANDY KAYE HORN,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-32202101CI

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on May 11, 2022, to consider sworn complaint SC-32202101CI. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Section 253.031(a) of the Election Code, a law administered and enforced by the Commission. To resolve and settle this complaint without further proceedings, the Commission adopted this resolution.

II. Allegation

The complaint alleged that, as a candidate for Governor of Texas in the March 1, 2022 primary election, the respondent made or authorized campaign expenditures without a campaign treasurer appointment on file, in violation of Section 253.031(a) of the Election Code.

III. Findings of Fact and Conclusions of Law

Credible evidence available to the Commission supports the following findings of fact and conclusions of law:

1. The Commission met on February 24, 2022, and on its own motion initiated this complaint.
2. The respondent was a candidate for Governor of Texas in the March 1, 2022 primary election. The respondent filed her campaign treasurer appointment with the Commission on January 21, 2022.
3. The respondent disclosed in her January 2022 semiannual report a \$47,250 political expenditure from her personal funds for political advertising that was made on November 24, 2021. The respondent disclosed in her 30-day pre-election report for the March 1, 2022 primary election, a \$1,058,346.20 political expenditure from her personal funds for political advertising billboards that was made on January 3, 2022.

4. In response to the complaint, the respondent acknowledged the violation and swore that it was an oversight. The respondent swore that, since she was not accepting any political contributions, she didn't know she was required to file a campaign treasurer appointment.
5. Each candidate and each political committee shall appoint a campaign treasurer as provided by Chapter 252 of the Election Code. Tex. Elec. Code § 252.001.
6. A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. *Id.* § 253.031(a).
7. Credible evidence indicates that the respondent made campaign expenditures at a time when a campaign treasurer appointment was not in effect. Therefore, there is credible evidence of violations of Section 253.031(a) of the Election Code.

IV. Representations and Agreement by Respondent

By signing this order and agreed resolution and returning it to the Commission:

1. The respondent neither admits nor denies the findings of fact and conclusions of law described under Section III, and consents to the entry of this order and agreed resolution solely for the purpose of resolving this sworn complaint.
2. The respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter.
3. The respondent acknowledges that each candidate shall appoint a campaign treasurer, and a candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment is not in effect. The respondent agrees to comply with these requirements of the law.

V. Confidentiality

This order and agreed resolution describes violations that the Commission has determined are neither technical nor *de minimis*. Accordingly, this order and agreed resolution is not confidential under Section 571.140 of the Government Code and may be disclosed by members and staff of the Commission.

VI. Sanction

After considering the seriousness of the violations described under Section III, including the extent and gravity of the violations, and after considering the sanction necessary to deter future violations, the Commission imposes a \$2,500 civil penalty.

VII. Order

The Commission hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-32202101CI.

AGREED to by the Respondent on this _____ day of _____, 2022.

Kandy Kaye Horn, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Anne Temple Peters, Executive Director