

# Texans For Public Justice

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609 West 18th St., Suite E, Austin, Texas 78701 , PH:(512) 472-9770  
FAX:(512) 472-9830 , E-Mail: tpj@tpj.org , http://www.tpj.org

September 17, 2008

Honorable David Escamilla  
Travis County Attorney  
314 W. 11<sup>th</sup> Street, Suite 300  
Austin, TX 78701

Dear Mr. Escamilla,

Texans for Public Justice files this criminal complaint against Third Court of Appeals Chief Justice W. Kenneth Law because he appears to have accepted tens of thousands of campaign dollars in violation of Texas law.

I. Section 253.031(a) of the Texas Election Code provides that “[a] candidate may not knowingly accept a campaign contribution...at a time when a campaign treasurer appointment for the candidate is not in effect.” As a candidate in January 2002, Judge Law filed a campaign treasurer appointment (Exhibit A) that terminated when he filed a “Final Report” in July 2002 (Exhibit B). In signing that Final Report, Judge Law expressly acknowledged that:

I understand that designating a report as a final report terminates my campaign treasurer appointment. I also understand that I may not accept any campaign contributions . . . without a campaign treasurer appointment on file.

Upon receiving his Final Report, the Texas Ethics Commission sent Judge Law a reminder (Exhibit C) that said:

“Filing a final report terminates your campaign treasurer appointment... Please remember that you may not accept campaign contributions... without having a campaign treasurer appointment on file. If you did not intend to terminate your campaign treasurer appointment, please contact our office immediately.”

Chief Justice Law filed a new campaign treasurer appointment more than five years later on January 22, 2008 (Exhibit D). Over the preceding seven months, however, Judge Law appears to have raised approximately \$66,850 in campaign contributions without a duly appointed campaign treasurer (Exhibits E and F). Section 253.031(f) of the Texas Election Code provides that, “An offense under this section is a Class A misdemeanor.”

II. Chief Justice Law appears to have accepted a \$1,000 contribution from an out-of-state political committee (PAC) in violation of Texas law. Section 253.032(a) of the Texas Election Code requires candidates accepting a political contribution of more than \$500 from an out-of-state political committee to obtain specific information about that committee, including:

(1) A written statement, certified by an officer of the out-of-state committee, listing the full name and address of each person who contributed more than \$100 to the out-of-state committee during the 12 months immediately preceding the date of the contribution; or

(2) A copy of the out-of-state committee's statement of organization filed as required by law with the Federal Election Commission and certified by an officer of the out-of-state committee.

Section 253.032(d) requires that such written information be included as a part of the candidate's contribution report. The campaign-finance report that Chief Justice Law filed on July 15, 2008 reports that he received \$1,000 from Washington-based "Kochpac" on February 6, 2008 (Exhibit G). Yet the required information for the out-of-state PAC<sup>1</sup> does not appear in Judge Law's corresponding campaign report nor does it appear in Judge Law's campaign file maintained by the Texas Ethics Commission. As such, it does not appear that Judge Law complied with the legal requirements to accept \$1,000 from this out-of-state PAC. Section 253.032(c) of the Texas Election Code provides that, "An offense under this section is a Class A misdemeanor."

Chief Justice Law appears to have accepted tens of thousands of dollars in campaign contributions in violation of Section 253.031 of the Texas Election Code. He also appears to have accepted a \$1,000 contribution in violation of Section 253.032 of the code.

We ask your office to investigate these allegations and take all appropriate steps.

Texans for Public Justice has filed a sworn complaint with the Texas Ethics Commission detailing these apparent violations, as well as four other apparent violations that are subject to civil penalties under the Election Code.

Thank you for your attention to this matter.

Craig McDonald  
Director, Texans for Public Justice

Encls:

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<sup>1</sup> "Kochpac" does not appear to have appointed a campaign treasurer under Chapter 252 of the Texas Election Code.