

III. NATURE OF ALLEGED VIOLATION

Include the specific law(s) or rule(s) alleged to have been violated. YOU MUST ALLEGE A VIOLATION OF A LAW THAT IS WITHIN THE COMMISSION'S JURISDICTION. The Texas Ethics Commission has jurisdiction to enforce only the following laws: (1) Title 15 of the Election Code; (2) Chapters 302, 303, 305, 572 and 2004 of the Gov't Code; (3) § 334.025 and § 335.055 of the Local Gov't Code; (4) Chapter 159 of the Local Gov't Code, in connection with a county judicial officer who elects to file a financial statement with the commission; and (5) § 2152.064 and § 2155.003 of the Gov't Code.

*Please completely fill out this form.
Failure to complete this form properly will cause your complaint to be noncompliant and returned.*

Election Code 254.031(a)(1) - failure to report political contributions accepted as a candidate

OR, IN THE ALTERNATIVE

Election Code 254.031(a)(3) - failure to report political expenditures made by a candidate

AND

Election Code 254.041(a) - failure to include required information on a campaign finance report

ATTACH ADDITIONAL PAGES AS NEEDED

IV. STATEMENT OF FACTS

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You must 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. Use simple, concise, and direct statements. You must state facts that, if true, would constitute a violation of a law within the Commission's jurisdiction and allege facts to sufficiently indicate the manner and means by which each alleged violation occurred.

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Respondent Eloy Vera is the Starr County Judge ("Respondent"). Respondent faced a general election opponent in the 2022 general election. On August 18, 2022, Respondent filed a lawsuit seeking to declare his opponent ineligible to run for county judge and seeking to prevent the local elections administrator from including his opponent's on the election ballot ("the election litigation"). Respondent was represented by Hilda Gonzalez Garza of The Law Office of Hilda Gonzalez Garza ("the Garza Firm").

A hearing was held in the election litigation on August 29, 2022, at which the court ruled that it lacked jurisdiction. On November 28, 2022 - after the general election - Respondent non-suited the election litigation as "moot."

The costs of the election litigation were required to be reported on Respondent's campaign finance reports for the relevant time period; Respondent, however, has never disclosed those legal costs.

Election Code 254.031(a)(1) requires disclosure of all political contributions accepted by a candidate.

Election Code 254.031(a)(3) requires disclosure of all political expenditures made by a candidate

The legal costs associated with the election litigation should have been reported either as a campaign expenditure or, alternatively, a campaign contribution.

If Vera paid for the legal fees related to the election litigation, that would constitute "campaign expenditure" paid to the Garza Firm. A campaign expenditure means a payment of money made in connection with a campaign for elective office. Election Code 251.001(7)

Alternatively, if the legal services were donated, they would constitute an "in-kind contribution" from the Garza Firm (or another third party) in that they are a contribution of services. Election Code 251.001[21] They clearly fall within the definition of "campaign contribution" since the services were provided in connection with a campaign for elective office. Election Code 251.001[3] Therefore, they are required to be reported as in-kind contributions from The Law Office of Hilda Gonzalez Garza (or another third party paying the litigation costs).

Respondent's report covering the period from July 15, 2022 through October 8, 2022, includes neither a campaign expenditure to the Garza Firm, nor does it indicate an in-kind contribution relating to legal services for the election litigation.

Respondent's report covering the period from October 8, 2022 through October 31, 2022, includes neither a campaign expenditure to the Garza Firm, nor does it indicate an in-kind contribution relating to legal services for the election litigation.

Respondent's report covering the period from October 31, 2022, through December 31, 2022, includes neither a campaign expenditure to the Garza Firm, nor does it indicate an in-kind contribution relating to legal services for the election litigation. Respondent designated this as his final report, indicating that he will not be filing any future reports (despite failing to include Form C/OH-FR).

By comparison, on her campaign finance reports, Maria Yvette Hernandez (the co-defendant in the election litigation and Respondent's general election opponent) disclosed in-kind contributions for legal fees stemming from Respondent's lawsuit, totaling \$40,751.50.

ATTACH ADDITIONAL PAGES AS NEEDED

V. LISTING OF DOCUMENTS AND OTHER MATERIALS

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You must list all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your knowledge, including their location, if known. Relevant documents that are available to you or in your possession must be included.

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Exhibits:

Plaintiff's Original Petition filed August 18, 2022

Notice of Nonsuit in Cause No. DC-22-403

Respondent's Campaign Finance Report Covering July 15, 2022 through October 8, 2022

Respondent's Campaign Finance Report Covering October 8, 2022 through October 31, 2022

Respondent's Campaign Finance Report Covering October 31, 2022 through December 31, 2022

Campaign Finance Reports of Maria Yvette Hernandez disclosing in-kind contributions related to legal fees for the election litigation.

ATTACH ADDITIONAL PAGES AS NEEDED