

Texas Ethics Commission Approves Contributions to Political Committees by Text Message

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In January, the Texas Ethics Commission (TEC) approved an Advisory Opinion allowing political committees to accept contributions by text message. The Advisory Opinion was requested by a Texas general-purpose committee that was considering a text message contribution campaign.

The requestor provided two proposals for the acceptance and transmission of text message contributions. Under both proposals, to contribute by text message, a contributor would send a text message to a five-or six-digit number—called a common short code. The aggregator, which is a firm linking the contribution recipient and contributor, would send a response message asking that the contributor confirm by text their intent to make the contribution and their eligibility to make the contribution. After the contributor has responded to the second message, the contribution amount would be added to the contributor's wireless bill. The requestor indicated that contributions would be limited to \$10 or \$20 per text message and \$50 per telephone number per reporting period.

Under the first method of contribution acceptance and transmission proposed by the requestor, the aggregator would provide the contributor's phone number, the date and amount of the contribution, and confirmation that the contributor indicated his or her eligibility and intent to contribute to the recipient political committee. Under this method, further detail on the contributor's name or address would not be requested from the contributor or provided to the recipient political committee. The TEC determined that this method would not comply with the recordkeeping and reporting requirements of Texas

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law and that contributions received through this approach would be tantamount to anonymous contributions.

Under a second proposed method of contribution acceptance and transmission, additional steps would be included in order to allow each contributor to provide his or her name, address and occupation. The additional information would be provided by contributors in follow-up text messages or through a website. The contributor information would then be provided to the political committee, along with the date and amount of each contribution and confirmation that the contributor indicated his or her eligibility and intent to contribute. The TEC determined that this method would comply with the recordkeeping and reporting requirements of Texas law and therefore would be permissible.

In 2012, the FEC issued Advisory Opinions allowing federal campaign committees to accept contributions by text message, provided that certain safeguards were instituted to ensure compliance with federal campaign laws. Other states, including California and Maryland, also allow text message contributions to political committees. (Additional information about the FEC's Advisory Opinions is available in a July 2012 article, "Federal Campaign Contributions by Text Message," and additional information about the California and Maryland measures is available in a January 2012 article, "California and Maryland Move Forward with Text Message Contributions.")