



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 631

December 10, 2025

ISSUE

Whether members of the State Employee Charitable Campaign Policy Committee are appointed officers required to file a Personal Financial Statement? (AOR-731)

SUMMARY

The State Employee Charitable Campaign Policy Committee is a voluntary committee comprised of state employees who do not exercise authority and do not have discretion to exercise government functions and are not required to file a Personal Financial Statement.

FACTS

The requestor is a former member of the State Policy Committee for the State Employee Charitable Campaign (SECC).

The SECC, created by statute, is the state's voluntary workplace giving campaign that provides state employees the option to donate to eligible charities through the convenience of payroll deductions. *See generally*, Subchapter I, Chapter 659, Tex. Gov't Code; Bill Analysis, SB 214 83rd R.S. (2013) (describing the organization and functions of the SECC).

The SECC has disbursed \$214 million to various charities since its inception in 1993, including over \$2 million in the first campaign. *About SECC*, SECCTEXAS.ORG, <https://www.secctexas.org/about-secc> (last visited November 3, 2025).

2025). The State Employee Campaign Policy Committee is a nine-member committee appointed by the Governor, Lt. Governor, and the Comptroller, that, among other things:

- Oversees the state employee charitable campaign to ensure that all campaign activities are conducted fairly and that donations are appropriately distributed by a charitable organization that receives money from the campaign;
- Selects and enters into a contract with a "campaign manager" for the administration of the campaign;
- Develops with the campaign manager an annual campaign plan and budget; and
- Establishes the organization and structure of the charitable campaign.

Tex. Gov't Code § 659.140. The nine members must be current or retired state employees. *Id.*

The Sunset Advisory Commission described the SECC as “an oddity in state government” that “looks somewhat like a state agency in that it has a policy board and performs administrative functions; however, most administrative activity is performed by a private vendor, which must be a charitable organization. And while SECC receives no appropriations, it could not function without a wide array of state employee volunteers, most of whom provide their services while on state-paid time.” Sunset Advisory Commission, *Final Report with Legislative Action, State Employee Charitable Campaign*, July 2013 at 1.

In a previous survey of state agencies, the TEC concluded that officers of the SECC were not required to file a Personal Financial Statement (PFS).

After the issuance of Texas Attorney General Opinion KP-0466 and Ethics Advisory Opinion 615, the TEC reevaluated many of the state agencies whose members had not previously been required to file a PFS. During the review of SECC, the TEC determined that its prior finding that SECC directors were not “appointed officers” was incorrect and notified the SECC that its officers would be required to file a PFS on a go-forward basis.

At the September 17, 2025, Texas Ethics Commission meeting, members of the Texas Comptroller’s executive staff urged TEC to reconsider this new determination, as the SECC State Policy Committee members do not exercise authority.

ANALYSIS

An “appointed officer” of a “state agency” in the executive branch of government must file a PFS with the TEC. Tex. Gov’t Code § 572.021, .002(1) (defining “appointed officer”); .002(10) (defining “state agency”); .002(12) (defining “state officer”). Whether the requestor is required to file a PFS will therefore turn on whether the SECC is a state agency and whether the requestor is an appointed officer of that agency.

The SECC is not an executive branch state agency.

During its last review of the SECC, the Sunset Advisory Committee noted the SECC’s odd structure defied easy categorization because it contains some—but not all—of the hallmarks of a state agency. Ultimately, Sunset stated the SECC “is not a state agency, receives no state appropriation, and has no dedicated staff.” Sunset Advisory Commission, *Final Report with Legislative Action, State Employee Charitable Campaign*, July 2013 at 1, p. 4a. We concur.

For purposes of Chapter 572, a state agency is:

- a “department, commission, board, office, or other agency that:
 - (i) is in the executive branch of state government;
 - (ii) has authority that is not limited to a geographical portion of the state;
 - and
 - (iii) was created by the Texas Constitution or a statute of this state;

Tex. Gov't Code § 572.002(10)(A).

The SECC easily ticks two of the three boxes because it was created by statute and is administratively attached to the Comptroller's Office in the executive branch. Tex. Gov't Code §§ 659.140(e)(9), (e-1), .263.

However, even though the SECC's jurisdiction is not limited to a geographical portion of the state, the SECC does not exercise governmental authority.

To be a state agency the SECC must wield actual state authority. *See* Tex. Ethics Op. No. 26 (1992) (citing Atty' Gen. Op. No. H-409 (1974)). Examples of state authority include providing services, distributing state funds, implementing policy, and engaging in adjudication or rulemaking. *Id.*

Crucially, the SECC provides the structure for the distribution of state employees' *voluntary contributions* to charities—not the distribution of state funds. The SECC collects personal funds provided by state employees and provides the money to the charity that was chosen by the employee. The SECC has no discretion to distribute funds anywhere other than where the employee selected. Moreover, the list of eligible charities is selected based on the charity applying and meeting objective qualification criteria. The SECC committee has no discretion outside the objective criteria to determine a charity's eligibility to participate in the program. Nor does the SECC exercise rulemaking or adjudicative authority.

Without authority and discretion to distribute the donations earmarked by state employees, the SECC is not a state agency and its State Policy Committee members are not officers. *See* Tex. Att'y Gen. Op. No. O-0384 ("only those are officers who are authorized by statute to perform government functions in their own right involving the exercise of discretion"). Because the SECC State Policy Committee members do not exercise government functions, they are not considered state officers and are not required to file a PFS.