

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

CATHOLIC LEADERSHIP COALITION	§	
OF TEXAS, dba TEXAS	§	
LEADERSHIP COALITION, et al.,	§	
Plaintiffs,	§	
	§	
v.	§	Civil Cause No. 1:12-CV-00566-SS
	§	
DAVID A. REISMAN, in his official	§	
capacity as Executive Director of the	§	
Texas Ethics Commission, et al.	§	

**SUPPLEMENT TO TEC DEFENDANTS’ RESPONSE TO PLAINTIFFS’  
MOTION FOR PRELIMINARY INJUNCTION**

TO THE HONORABLE DISTRICT COURT JUDGE:

Defendant David A. Reisman, in his official capacity as Executive Director of the Texas Ethics Commission (TEC), and Defendants Hugh C. Akin, Jim Clancy, Thom Harrison, Paul W. Hobby, Bob Long, Paula M. Mendoza, Tom Ramsay and Chase Untermeyer, all in their official capacity as Commissioners of the TEC (collectively, “TEC Defendants”), pursuant to this Court’s grant at the July 12, 2012, hearing of leave to file supplemental pleadings by July 16, 2012, file this Supplement to TEC Defendants’ Response to Plaintiffs’ Motion for Preliminary Injunction, and would show as follows:

As previously set forth in Defendants’ Response and at the July 12, 2012, hearing, TEC Defendants’ position remains that Plaintiffs have not satisfied their burden of demonstrating a right to *any* preliminary injunctive relief. However, to the extent the Court is inclined to grant Plaintiffs some emergency relief, Plaintiffs’ alleged injury related to the July 31 primary runoff election can be cured entirely by enjoining Defendants’ enforcement of the provisions found in Texas Election Code § 253.037(a), as applied to Plaintiffs. No further preliminary injunctive

relief beyond this limited order is necessary or justified, because Plaintiffs have done nothing to demonstrate that TLC-IPA's inability to expend funds for the primary runoff election will not be fully cured by only enjoining enforcement of § 253.037(a).

Despite this, Plaintiffs ask the Court to go even further, as they ask the Court to also enjoin Defendants from enforcing "Texas Election Code § 253.094(a) against TLC and TLC-IPA as applied to contributions from TLC to support independent expenditures." *See Plaintiffs' Proposed Order* (Doc. 6-3). Again, Plaintiffs have done *nothing* to demonstrate entitlement to this requested relief. However, to the extent the Court may be inclined to grant such relief on an emergency basis, TEC Defendants note that it would not be proper to do so in the form currently proposed by Plaintiffs because the term "independent expenditure" is not recognized in the Texas Election Code. Accordingly, issuing a preliminary injunction in the form proposed by Plaintiffs would create confusion as to how it could be properly enforced.

To avoid such confusion, and only to the extent that the Court is inclined to grant a preliminary injunction as to § 253.094(a), TEC Defendants suggest that the Court employ the following language in such an order:

Defendants are enjoined from enforcing Texas Election Code § 253.094(a) as applied to political contributions made from TLC to TLC-IPA, but only to the extent TLC-IPA remains solely a general-purpose committee created exclusively to make direct campaign expenditures and the political contributions made from TLC to TLC-IPA are used by TLC-IPA solely to make direct campaign expenditures. TLC and TLC-IPA remain subject to all applicable reporting requirements and all other restrictions under Title 15 of the Texas Election Code.

This suggested language conforms to the terminology of the Texas Election Code and the claimed planned activity of TLC and TLC-IPA.

In providing this suggested clarifying language to the Court, TEC Defendants reserve all rights possessed by them to an appeal of any preliminary injunction issued against them, and

they further reserve their rights to otherwise challenge issuance of any relief issued against them in this case.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the *TEC Defendants' Response to Plaintiffs' Motion for Preliminary Injunction* has been served on July 13, 2012, on the following counsel of record in this matter by the following listed means:

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