



## **CANDIDATE PACKET**

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# CITY OF WIMBERLEY

## CITY COUNCIL

**Gina Fulkerson**  
Mayor  
**Rebecca Minnick**  
Mayor Pro-tem

**Teresa Shell**  
Place 2  
**Jim Chiles**  
Place 4

**Chris Sheffield**  
Place 3  
**David Cohen**  
Place 5

January 2, 2024

Dear Candidate:

Thank you for your interest in serving the citizenry of the City of Wimberley by becoming a candidate for a position on City Council. The 2024 General Election will be held on Saturday, May 4, 2024, to elect persons for the offices of Mayor and City Council Member Places Two and Four. The term of office for the three positions is two years, from May 2024 to May 2026.

Your candidacy entails the obligation to comply with certain applicable state statutes and local ordinances. To assist you in your endeavor to secure a position as a member of the Wimberley City Council, a Candidate Packet has been prepared for you. Contained in this packet, you will find detailed information concerning requirements for candidates, applications and all necessary forms and pertinent instructions for completion of the forms. The first day for filing for a place on the ballot is **Wednesday, January 17, 2024**, and must be filed in my **office no later than 5:00 p.m., Friday, February 16, 2024**. **There is no filing fee.**

As a candidate for public office, you are encouraged to read and become familiar with the information relating to campaign laws and procedures included in the packet. Please be advised that my office will be able to assist you with questions relating to the filing requirements for certain election-related documents. However, my office is unable to help candidates with the completion of such documents or pass judgment regarding the sufficiency and timeliness of their required filing.

Forms and information for the 2023 City of Wimberley General Election are enclosed and can be found at <https://www.cityofwimberley.com/419/2024-General-Election>. For general questions regarding elections, please contact the Secretary of State at 1-800-252-8683, or online at [www.sos.state.tx.us](http://www.sos.state.tx.us). For questions concerning campaign contributions, expenditures, and reporting, please contact the Texas Ethics Commission at 512-463-5800, or online at [www.ethics.state.tx.us](http://www.ethics.state.tx.us).



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Please remember that all election-related documents filed with my office are considered open records and are subject to viewing by members of the public. Additionally, it is important to be aware that political signs can become a topic of concern. Included in your packet are the state and City regulations pertaining to the content, size and placement of political signs.

Again, the City of Wimberley appreciates your interest in municipal government and hopes the upcoming election will be a positive and rewarding experience for you and your supporters. Please feel free to contact me if I can be of assistance at [theller@cityofwimberley.com](mailto:theller@cityofwimberley.com) or (512) 648-2403.

Best regards,

Tammy Heller, TRMC, CMC  
City Secretary



## **IMPORTANT DATES FOR THE 2024 GENERAL ELECTION**

<b>Saturday, January 1, 2024</b>	<ul style="list-style-type: none"><li>First day to apply for a ballot by mail</li></ul>
<b>Wednesday, January 17, 2024</b>	<ul style="list-style-type: none"><li>First day candidates may file an application for place on the ballot in the General Election* (Office Hours: Monday – Friday, 8:00 a.m. to 5:00 p.m.)</li><li>First day for filing declaration of write-in candidacy</li><li>At this time, the appointment of a Campaign Treasurer Form (CTA) may be submitted</li></ul>
<b>Friday, February 16, 2024</b>	<ul style="list-style-type: none"><li><u>5:00 p.m. deadline</u> – Last day candidates may file an application for place on the ballot in the General Election* (Office Hours: Monday – Friday, 8:00 a.m. to 5:00 p.m.)</li><li>Appointment of a Campaign Treasurer Form (CTA) must also be received by <u>5:00 p.m.</u></li><li>Last day to order General Election or Special Election on a Measure</li></ul>
<b>Tuesday, February 20, 2024</b>	<ul style="list-style-type: none"><li>5:00 p.m. deadline – Last day to file a declaration of write-in candidacy</li></ul>
<b>Friday, February 23, 2024</b>	<ul style="list-style-type: none"><li>5:00 p.m. deadline – Last day for a ballot candidate in the General Election to withdraw and have name omitted from the ballot</li><li>5:00 p.m. deadline – Last day a write-in candidate in the General Election to withdraw and have name removed from write-in list</li><li>5:00 p.m. deadline – Last day that a declaration of ineligibility causes omission of candidate's name from ballot in the General Election</li></ul>
<b>Monday, February 26, 2024</b>	<ul style="list-style-type: none"><li>12:00 p.m. – Drawing for order of names on ballot at City Hall</li><li>Need to certify ballot to Elections Administrator (names as they will appear on ballot and the order)</li></ul>
<b>Thursday, April 4, 2024</b>	<ul style="list-style-type: none"><li>5:00 p.m. deadline – First filing of Campaign Finance Report* (Form C/OH)</li><li>Last day to submit voter registration application to Hays County Voter Registrar in time to vote in the May 7, 2022 General Election</li></ul>
<b>Monday, April 22, 2024</b>	<ul style="list-style-type: none"><li>First day of early voting by personal appearance</li></ul>
<b>Tuesday, April 23, 2024</b>	<ul style="list-style-type: none"><li>5:00 p.m. deadline – Last day for Hays County Elections Administrator to accept application <u>by mail</u> for a ballot to be voted by mail (<u>received not postmarked</u>)</li></ul>
<b>Friday, April 26, 2024</b>	<ul style="list-style-type: none"><li>5:00 p.m. deadline – Second filing of Campaign Finance Report* (Form C/OH)</li></ul>

<b>Tuesday, April 30, 2024</b>	<ul style="list-style-type: none"> <li>• Last day of early voting by personal appearance</li> </ul>
<b>Saturday, May 4, 2024</b>	<ul style="list-style-type: none"> <li>• <b>ELECTION DAY (Polls open from 7:00 a.m. to 7:00 p.m.)</b></li> <li>• Last day to receive ballot by mail, at 7:00 p.m., if carrier envelope is not postmarked</li> <li>• Unofficial Tabulation of Results</li> </ul>
<b>Friday, May 10, 2024 (Tentative) <u>Back-up date, if needed: Tuesday, May 14, 2024</u></b>	<ul style="list-style-type: none"> <li>• 2:00 p.m. – Official Election Canvass (May not be able to have canvass reports ready, if there are any provisional ballots that need to be handled)</li> <li>• Issue Certificates of Election</li> </ul>
<b>Monday, July 15, 2024</b>	<ul style="list-style-type: none"> <li>• Last day for timely filing of semiannual report of contributions and expenditures</li> </ul>

\* ELECTION CODE §1.007. DELIVERING, SUBMITTING, AND FILING DOCUMENTS. (c) A delivery, submission, or filing of a document or paper under this code may be made by personal delivery, mail, or any other method of transmission.



## CITY OF WIMBERLEY 2024 GENERAL ELECTION

### ***FREQUENTLY ASKED QUESTIONS***

#### **Question. If I have a question about the election, how do I contact your office?**

**Answer.** The City Secretary's Office is at Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas, 78676. The mailing address is 221 Stillwater, Wimberley, Texas 78676.

The telephone number for the City Secretary's Office is (512) 648-2403.

Office Hours: Monday-Thursday 8:00 a.m. to 5:00 p.m. and Friday 8:00 a.m. to 12:00 p.m.

Email address: [theller@cityofwimberley.com](mailto:theller@cityofwimberley.com)

Website address: [www.cityofwimberley.com](http://www.cityofwimberley.com)

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#### **Question. Who is eligible to register to vote in City of Wimberley elections?**

**Answer.** You must:

- a United States citizen;
- a resident of Hays County;
- at least 18 years old by Election Day;
  - you may register at 17 years and 10 months of age;
- not a convicted felon;
  - this restriction is removed when your sentence is completed, including any probation or parole;
- not declared mentally incapacitated by final judgment of a court.

You will remain registered as long as you remain eligible and notify the Hays County Voter Registrar of address changes. You may go to <http://votetexas.gov/register-to-vote/> to check the status of your voter registration.

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#### **Question. Where can I get a voter registration application?**

**Answer.** Voter registration applications are available at the Wimberley City Hall, or online at <https://www.votetexas.gov/register-to-vote/> or Hays County offices, libraries, post offices, Texas Department of Public Safety offices and Texas Department of Health and Human Services.

#### **Question. What do I do if I have changed my address, but still live in the City of Wimberley?**

**Answer.** Promptly notify the Hays County Elections Administrator in writing of your new address by:

- correcting the information on your current voter registration certificate and returning it to the Voter Registrar;
- completing a voter registration application and checking the box for “change of address”; or
- making voter registration address changes when you update your driver’s license at DPS.

You will receive a new, corrected certificate. These are printed every Friday and will be mailed to the registered address (physical or mailing) that you provided. You will be able to vote in your new precinct 30 days after your notice has been received.

You must notify the Hays County Elections Administrator of your change of address as soon as possible. Meanwhile, you may vote a full ballot in your former precinct if your registration has not become effective in your new precinct. You will be required to complete a [Statement of Residence](#) before voting.

More information can be found at <https://txapps.texas.gov/tolapp/sos/SOSACManager>.

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#### **Question. Where do I vote?**

**Answer.** Early voting by personal appearance and Election Day voting is held at the Wimberley Community Center at 14068 Ranch Road 12, Wimberley, Texas 78676. **You can also call the City of Wimberley City Hall offices at (512) 847-0025 or click [here](#) for directions.**

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#### **Question. What are the requirements to vote by mail?**

**Answer.** You may apply for a ballot by mail if you:

1. Will be absent from Hays County during early voting and on Election Day;
2. Are disabled;
3. Are 65 years of age or older; or
4. Are confined in jail and not finally convicted of a felony

For more information or to download an Application for Ballot by Mail, go to <https://hayscountytexas.com/download/departments/elections/BBM-Eng-form-fillable.pdf>, or you may call the City of Wimberley City Secretary at (512) 648-2403, or the Hays County Election Administration Office at (512) 393-7310 for an application.

For specific information about special voting procedures available for members of the military and U.S. citizens overseas, go to: <http://votetexas.gov/military-overseas-voters/>

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**Question. What is early voting and what are the dates and times for early voting?**

**Answer.** Early voting is convenient for those who may not be able to vote on Election Day or wish to avoid longer wait times. Any registered voter may vote early at the Wimberley Community Center, 14068 Ranch Road 12, Wimberley, Texas 78676 during the dates and times listed below or any vote center throughout Hays County.

**MAIN AND PERMANENT EARLY VOTING POLLING PLACES, DATES AND TIMES**

**FECHAS Y TIEMPOS DE SITIOS PRINCIPALES Y PERMANENTES**

**DE LA VOTACIÓN ADELANTADA**

**Early voting begins Monday, April 22, 2024, and ends on Tuesday, April 30, 2024**

*La votación adelantada comienza el lunes, 22 de abril de 2024, y termina el martes, 30 de abril de 2024*

**(Voting Weekdays Only, except Saturday, April 27, 2024)**

*(Votación durante días hábiles únicamente, salvo sábado, 27 de abril de 2024)*

<b>Date / Fecha</b>	<b>Location / Ubicación</b>	<b>Address / Domicilio</b>	<b>Time / Tiempo</b>
Monday, April 22, 2024 <i>Lunes, 22 de abril de 2024</i>	Wimberley Community Center	14068 Ranch Road 12 Wimberley, TX 78676	7AM-7PM
Tuesday, April 23 to Friday, April 26, 2024 <i>Martes, 23 de abril a viernes, 26 de abril de 2024</i>	Wimberley Community Center	14068 Ranch Road 12 Wimberley, TX 78676	8AM-5PM
Saturday, April 27, 2024 <i>Sábado, 27 de abril de 2024</i>	Wimberley Community Center	14068 Ranch Road 12 Wimberley, TX 78676	10AM-2PM
Monday, April 29, 2024 <i>Lunes, 29 de abril de 2024</i>	Wimberley Community Center	14068 Ranch Road 12 Wimberley, TX 78676	7AM-7PM
Tuesday, April 30, 2024 <i>Martes, 30 de abril de 2024</i>	Wimberley Community Center	14068 Ranch Road 12 Wimberley, TX 78676	8AM-PM

**TIMES AND LOCATIONS NOT CONFIRMED AS OF YET – WILL UPDATE!!**

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**Question. What if I need assistance at the polls?**

**Answer.** All polling locations are handicapped accessible. The Verity Duo touchscreen voting system is fully accessible with an Audio-Tactile Interface containing a sip-and-puff device port. You are also entitled to receive assistance if you cannot read or write, or have a physical disability that prevents you from reading or marking the ballot.

Tell the election clerk that you need help to vote. You do not have to provide proof of your disability.

You may be assisted by

- any person of your choice;
- one election worker during early voting; or
- two election workers on Election Day.

You may not be assisted by:

- your employer;
- an agent of your employer; or
- an officer or agent of your union.

The person assisting you **must read you the entire ballot**, unless you ask to have only parts of the ballot read. He or she **must also take an oath** affirming that he or she will not try to influence your vote and will mark your ballot as you direct.

If you choose to be assisted by election clerks, a poll watcher and/or state election inspector present in the polling place may observe the voting process to verify that the ballot has been marked as you wanted. If you ask to be assisted by a person of your choosing, no one else may watch you vote.

It is illegal for a person assisting you to:

- mark your ballot in a way other than the way you have asked;
- tell anyone how you voted; or
- try to influence your vote.

### **Interpreters at the Polls**

If you cannot speak English, or if you communicate only with sign language, you may have an interpreter help you communicate with election clerks. You may designate anyone to be your interpreter, provided that person is not your employer, an agent thereof, or an agent of your union. If you cannot read the ballot, your interpreter may translate the ballot for you in the voting booth after taking the Oath of Assistance.

### **Question. What if I want to request curbside voting?**

**Answer.** Curbside voting is available to all voters who are physically unable to enter the polling place. To request curbside voting, call the Hays County Elections office at (512) 393-3910 when you arrive at the polling location parking lot. We will ask which parking spot you are located in, for a description of your vehicle, and for your callback number. We will then pass your information to an election clerk at that polling location. Some polling locations feature a doorbell mechanism that will audibly alert the election clerks to your presence. The election clerk will then bring a Verity Duo electronic voting device to you at the entrance of the polling place or to your vehicle. After you vote, the election clerk or your designated assistant will then cast your printed vote record in the Verity Scan machine. Your vote has not been cast until it is inserted in the Verity Scan machine.

You may conduct curbside voting at any time during early voting or on Election Day. It is always wise to call ahead, especially during busy days and hours.

*TIP:* If you plan to go alone to vote curbside, it is wise to call ahead so election officials will expect you.

More information can be found at <http://www.votetexas.gov/voters-with-special-needs/>.

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**Question. What are the rules for political sign placement and political advertising content?**

**Answer.** At the polling location, political signs may not be placed within a 100-foot radius of all polling place entrances through which voters may enter. Distance markers will indicate that no electioneering or loitering between the marker's point and the entrance to the polling place will be allowed. The wearing of a political campaign badge, hat, clothing, or a sign in a polling place, or within the distance markers, is prohibited. This includes cars with campaign signs.

The placement of campaign signs at the Wimberley Community Center is regulated by City policy. Designated areas include the landscaped islands in the parking lot and the landscaped area on the south side of the entrance drive. Signs may not be placed past the entrance to the adjacent property (the Thrift Shoppe). Such signage may be put up no earlier than the midnight of the night before the use and signs must be removed no later than one (1) hour following the conclusion of the use. No temporary signage shall be permitted on the entrance island to the WCC or on the rock wall on the north side of the entrance (the Winters-Wimberley House side). Signs may be removed by the City at any time if it determines, in its sole discretion, that the sign is a traffic, safety, or other hazard to the public, or is in violation of this Policy.

Political signs may be placed on private property, with the property owner's permission, at other locations in the city. It is illegal to place any signs on or within the right-of-way. This includes posting signs on trees, telephone poles, traffic signs and other objects on the right-of-way.

For information on political advertising generally, including certain disclosure requirements, you may view the Texas Ethics Commission's brochure titled *Political Advertising: What You Need to Know* at [https://www.ethics.state.tx.us/data/resources/advertising/Gpol\\_adv.pdf](https://www.ethics.state.tx.us/data/resources/advertising/Gpol_adv.pdf).

The Texas Ethics Commission also publishes *A Short Guide to the Prohibition Against Using Political Subdivision Resources for Political Advertising in Connection with an Election* at [https://www.ethics.state.tx.us/resources/advertising/Bsub\\_adv.php](https://www.ethics.state.tx.us/resources/advertising/Bsub_adv.php).



# A Guide to Becoming a City Official

Updated July 2019

The Texas Municipal League exists solely to provide services to Texas cities. Since its formation in 1913, the League's mission has remained the same: to serve the needs and advocate the interests of its members.

The TML Constitution states that the purpose of the League is to "render services which individual cities have neither the time, money, nor strength to do alone."

Texas Municipal League  
1821 Rutherford Lane, Suite 400  
Austin, Texas 78754  
512-231-7400  
[www.tml.org](http://www.tml.org)

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# Congratulations on Your Decision to File for City Office

Serving as an effective city elected official requires dedication, knowledge, and a substantial time commitment, and there are countless reasons why people choose to run for public office. While you may have a very specific reason for seeking a place on the city council, you will be involved in a number of other issues that can have a lasting impact on your city's future. For this reason, becoming a city elected official can be one of the most rewarding experiences of your life. An understanding of your role on the city council—as a member of a team—is critical to your success.

This booklet is designed to familiarize you with the responsibilities of city elected office. Use it as a reference guide during your campaign. Don't hesitate to ask your city manager or city secretary questions about your specific city structure. If you are elected, you may want to seek out the many other resources that help to guide newly elected officials in their new roles.

Material contained in this brochure should not be viewed as a substitute for legal advice or specific information applicable to your city. In addition, if you're serious about your candidacy, you should consider other, more detailed information sources available to you, including:

- attending city council or board of aldermen meetings
- examining your charter, if your city is home rule
- reviewing city ordinances
- the *TML Handbook for Mayors and Councilmembers*

For information on elections, you may get additional information from the city clerk or secretary or the Texas Secretary of State's office. You should also consult your own attorney or familiarize yourself with the requirements of election laws.

## Leadership Attributes for Councilmembers

Do you have the necessary leadership attributes to be an effective city leader? At a minimum, successful elected officials must devote a significant amount of time and energy to fulfill a position that answers directly to citizens. Some desirable leadership attributes include:

- a general understanding of city government
- willingness to learn about a wide range of topics
- integrity

- consistency
- confidence
- dedication to the interests of citizens and the community as a whole
- strong communication and team-building skills, including being a good listener
- openness to the thoughts and ideas of others
- being approachable and accessible
- willingness to work cooperatively with others

## An Elected Official Wears Many Hats

Local elected officials have many responsibilities—policymaker, legislator, ambassador, and employer.

The office of mayor is the highest elected office in city government. City councilmembers are the city's legislators, and their primary role is policymaking. The manner in which administrative responsibilities are handled depends on your city type, with which you should be familiar.

### **Policymaker**

As policymakers, it is the council's responsibility to identify the needs of the citizens and to formulate a plan to meet those needs. Policymaking is a complicated process but can be simplified if the city council works together as a team and sets goals for the city. It is from the city council's vision that the administrative staff of the city takes direction and goes about its daily work. The goals of the city should be clear. There are many legal, financial, and administrative considerations to implementing the goals of the city, and without clear direction the effectiveness of the city council can be diminished.

### **Legislator**

Citizens look to the city council to exercise authority to preserve and promote their health, safety, and welfare. A city council may enact ordinances and resolutions and use its governmental powers for the public good. Citizens expect their city council to provide leadership in addressing issues. It is important to show respect for your fellow councilmembers and be willing to discuss issues thoroughly to reach a consensus on the best course of action for all citizens, whatever the issue.

### **Ambassador**

As a member of your city council, you will be invited to participate in a variety of civic activities. These events will provide you opportunities to learn more about what citizens of your city expect from city government. While not everyone likes this type of public spotlight, it is an important part of your role as a councilmember.

### **Employer**

An understanding of your role as an elected official is vital to your relationship with the city staff. Just as in any productive employer-employee relationship, trust and respect are important. You can learn a great deal about the city from city employees. In many cities, councilmembers come and go, but the city staff continues to serve.

## **Mayors, Councils, and Boards of Aldermen**

The mayor and city council or board of aldermen collectively serve as the governing body for a city and normally possess all legislative powers granted by state law. The positions of both councilmember and alderman have been compared to those of the members of the state legislature and the United States Congress. All these positions require elected officials to represent their constituents, to make policy decisions, to budget for the execution of the policies, and to see that their policies are carried out. Unlike their counterparts in state and federal offices, however, city officials are in direct contact with the citizens they serve on an ongoing basis.

## **Are You Eligible?**

To run for office in a general law city in Texas, you must, among other requirements:

- be a citizen of the United States;
- be at least 18 years old on the date of the election; and
- be a registered voter and have lived in the State of Texas for at least 12 consecutive months prior to the filing date for the election, and in your city or ward for at least 6 months prior to the filing date for the election.

Certain offices and certain city types have additional requirements in state law, so you should be sure to check with both the city and the Texas Secretary of State's Elections Division to ensure that you are eligible. A home rule city may set different requirements in its charter, so check with your city clerk or secretary on whether additional or different requirements apply. The Texas Secretary of State website is at [www.sos.state.tx.us](http://www.sos.state.tx.us).

## **Filing for a Place on the Ballot**

To run for city office, you must file an application with the city clerk or secretary. The application includes information required by the Texas Election Code and must be filed according to deadlines set by that code. A candidate may either file for a place on the ballot or as a write-in candidate, but an application must be filed in either case. A home rule city may also have additional requirements and procedures for filing for a place on the ballot. Your city clerk or secretary can inform you of the rules and deadlines.

## **Texas Ethics Commission Campaign Finance Filings**

State law requires the filing of various forms by a candidate for city office.

All candidates for city offices must file an “Appointment of a Campaign Treasurer by a Candidate” form with the city secretary before beginning their campaigns.

Candidates who do not intend to accept more than \$500 in political contributions or make more than \$500 in political expenditures may file a modified reporting declaration and operate under modified reporting. Under modified reporting, the candidate is not required to file any further forms beyond the final report, which is filed at the end of the campaign. Semiannual reports may still be required in some cases.

Candidates who intend to accept more than \$500 in political contributions or make more than \$500 in political expenditures, or who exceed that amount even after filing for modified reporting, must file under regular reporting requirements.

Reports due under these requirements must be submitted by January 15 and July 15 of each year. The reports filed on these dates are known as semiannual reports. An opposed candidate in an upcoming city election who is using regular reporting must file reports of contributions and expenditures 30 days and 8 days before the election. A candidate in a runoff must file a report 8 days before the runoff election. Candidates filing under regular reporting are also required to file a final report at the end of the campaign.

Detailed information on filing is available on the Texas Ethics Commission’s website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us).

## **An Introduction to City Government**

Elected city officials should have a basic understanding of city government and the duties, authority, and limitations of an elected body. What follows is a brief introduction to a few basic governance issues.

Of course, there is no better way to understand what elected officials do than to attend council meetings. In addition, most cities and towns have advisory boards that are formed to make or recommend policy or quasi-judicial decisions, such as a planning commission or parks and recreation board. Serving on these and other appointed boards is another excellent way to become informed.

## **Types of City Government**

Texas has more than 1,200 incorporated cities; each of them is either a home rule city or a general law city.

Home rule cities are larger cities. A city with a population of more than 5,000 in which the citizens have adopted a home rule charter through an election is a home rule city. A home rule charter is the document that establishes the city's governmental structure and provides for the distribution of powers and duties.

General law cities are usually smaller cities. General law cities don't have charters. Rather, they operate according to specific state statutes. A general law city looks to the state constitution and state statutes to determine what it **may do**. If state law doesn't grant a general law city the express or implied power to initiate a particular action, none may be taken. There are three categories of general law cities: type A, B, or C. If you are seeking office in a general law city, you should ask your city manager or city secretary to clarify the type in order to understand which state laws apply.

As opposed to general law cities, a home rule city operates according to its charter and looks to the state constitution and state statutes to determine what it **may not do**.

## **Forms of Government**

There are two prevalent forms of city government in Texas:

### **Mayor-Council Structure**

- The mayor is the ceremonial head of government and presides over council or board of aldermen meetings.
- The council or board of aldermen sets meetings.
- The council or board of aldermen sets policy.
- Depending on local charter and/or ordinances, applicable statute, or local practice, broad or limited administrative authority is vested with the mayor or members of the council or board of aldermen or with an administrator or designated department heads appointed by the mayor, council, or board of aldermen.

### **Council-Manager Structure**

- The mayor is the ceremonial head of government and presides over council meetings.
- The council sets policy and hires and fires the manager.
- The city manager normally has broad administrative authority.

## **Basic City Services**

Services provided by cities vary. However, some typical services may include:

**Public Safety**—police, fire, and sometimes ambulance service  
**Utilities**—water and sewer, trash collection, electric power, and natural gas  
**Land Use**—planning, zoning, code enforcement, and other regulatory activities  
**Transportation**—street construction and maintenance, traffic safety, and sometimes public transit  
**Recreation/Culture**—parks, recreation, libraries, and sometimes cultural facilities  
**Legal**—ordinances protecting the public health, safety, and welfare of the community

## City Finance

In budgeting, the governing body makes important decisions about the operation and priorities of the city. Is a swimming pool more important than storm sewers? Does the city need a new library more than it needs extra police personnel? Should the potholes be filled or the street completely rebuilt? Budgeting is a process by which the governing body determines the city's standard of living—what the citizens need and want, what they are willing to pay, and what services they can expect to receive for their tax dollars.

Cities levy specific taxes to finance city services. In addition, many city services are financed in whole or in part by user fees and charges. The following are the most common taxes and fees levied by Texas cities:

**Property tax**—levied on the valuation of taxable property located within the city  
**Sales tax**—levied on retail sales of tangible personal property and some specific services

**Right-of-way rental fees**—levied on non-municipally owned utilities (telecommunications, electric, gas, water, cable television)

Finally, cities receive some revenues from various federal and state grant and allocation programs. TML provides a comprehensive guide to all revenue sources available to cities. The guide is called the *TML Revenue Manual for Texas Cities* and is available at [www.tml.org](http://www.tml.org).

## Ethics and Conflicts of Interest

Various laws govern the behavior of a city official. A brief overview of the most commonly-applicable statutes follows.

## Local Government Code Chapter 171 – Conflicts of Interest

**Definition of “conflict of interest”:** A local public official has a conflict of interest in a matter if any action on the matter would involve a business entity or real property

in which the official has a substantial interest, and if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public, or in the case of a substantial interest in real property, it is reasonably foreseeable that the action will have a special economic effect on the value of the property, distinguishable from its effect on the public. A local public official is also considered to have a substantial interest if a close relative has such an interest.

**General rule:** If a local public official has a conflict of interest in regard to a business entity or real property, that official must file an affidavit with the city secretary stating the interest and must abstain from any participation or vote on the matter.

**Exception:** If a local public official has a conflict of interest and files an affidavit, the official is not required to abstain from further participation or a vote on the matter if a majority of the members of the governing body also have a conflict of interest and file an affidavit.

**Penalties:** Penalties for violating the conflict of interest provisions range from having the action voided to the imposition of fines and incarceration.

## **Local Government Code Chapter 176 – Conflicts Disclosure**

Local Government Code Chapter 176 requires that “local government officers”—including mayors, councilmembers, and certain other executive city officers and agents—file a “conflicts disclosure statement” with a city’s records administrator within seven days of becoming aware of any of the following situations:

- A city officer or the officer’s family member has an employment or business relationship that results in taxable income of more than \$2,500 in the preceding 12 months with a person who has contracted with or is considering contracting with the city (“vendor”).
- A city officer or the officer’s family member receives and accepts one or more gifts with an aggregate value of \$100 in the preceding 12 months from a vendor.
- A city officer has a family relationship with a vendor.

The law also requires a vendor to file a “conflict of interest questionnaire” if the vendor has a business relationship with the city and has an employment or other relationship with an officer or officer’s family members, has given a gift to either, or has a family relationship with a city officer. The conflicts disclosure statement and

the conflict of interest questionnaire are created by the Texas Ethics Commission and are available online at [www.ethics.state.tx.us](http://www.ethics.state.tx.us). An officer who knowingly fails to file the statement commits either a class A, B, or C misdemeanor, depending on the amount of the contract.

## **Government Code Chapter 553 – Conflicts Disclosure**

Government Code Chapter 553 requires that city officers and candidates for city office who have a legal or equitable interest in property that is to be acquired with public funds file an affidavit within 10 days before the date on which the property is to be acquired by purchase or condemnation. The affidavit must be filed with: (1) the county clerk of the county in which the officer or candidate resides; and (2) the county clerk of each county in which the property is located.

A person who fails to file the required affidavit is presumed to have committed a Class A misdemeanor offense if the person had actual notice of the acquisition or intended acquisition of the property.

## **Financial Disclosure for Cities of a Population of 100,000 or More**

Chapter 145 of the Texas Local Government Code requires candidates and elected city officials in cities with a population of 100,000 or more to fill out detailed financial statements to be filed with the city secretary or city clerk.

## **Nepotism**

**Definition of "nepotism":** Nepotism is the appointment or employment of a close relative of a city's "final hiring authority (the city council or city manager, depending on the form of government)" to a paid position with the city.

**General rule:** A public official, acting alone or as a member of a governing body, generally may not appoint a close relative to a paid position, regardless of the relative's merit. In addition, a person may not continue to be employed by a city if a close relative is elected to the city council, unless he or she falls under an exception.

**Exception:** If the employee has been continuously employed by the city for a certain period of time, an employee may remain employed by the city if a close relative is elected to city council.

**Exception:** The nepotism statute does not apply to cities with fewer than 200 people.

**Penalties:** Penalties for violating the nepotism provisions include a fine and immediate removal from office.

## Dual Office-Holding/Incompatibility

**Definition of “dual office-holding” and general rule:** The Texas Constitution generally prohibits one person from holding more than one paid public office.

**Definition of “incompatibility” and general rule:** Texas law prohibits one person from holding two public offices, regardless of whether one or both offices are paid, if one position might impose its policies on the other or subject it to control in some other way. There are three types of incompatibility: (1) “self-appointment” incompatibility prohibits a member of a governing body from being appointed to a position over which the governing body has appointment authority; (2) “self-employment” incompatibility prohibits a member of a governing body from being employed in a position over which the governing body has employment authority; and (3) “conflicting loyalties” incompatibility prohibits one person from holding two public offices in which the duties of one office might negatively affect the duties of the other office.

**Penalties:** A person who accepts a prohibited second office automatically resigns the first office.

## Open Government

Before assuming public office, you should become familiar with Texas Open Meetings Act (TOMA) and Public Information Act (PIA). These laws apply to political subdivisions in Texas, including cities, and outline what meetings and information must be open and available to the public.

### Texas Open Meetings Act (TOMA)

The Texas Open Meetings Act (TOMA) reflects the policy that public bodies are engaged in the public’s business. Consequently, city council or board of aldermen meetings should be open to the public and held only after the public has been properly notified. The TOMA governs how city meetings are conducted. Some general principles follow.

**Definition of "meeting":** A meeting occurs any time a quorum of the city council discusses public business that is within the city council’s jurisdiction, regardless of the location or means of communication (e.g., phone, in person, email).

**General rule:** Every regular, special, or called meeting of the city council and most boards and commissions (depending on membership and authority) must be open to the public.

**Exception:** TOMA does not apply to purely social gatherings, conventions and workshops, ceremonial events, press conferences, or candidate forums, so long as any discussion of city business is incidental to the purpose of the gathering, and no action is taken.

**Exception:** A city may use an online message board that is viewable by the public for city councilmembers to discuss city business. The message board must meet several criteria provided for in TOMA.

**Exception:** Statutorily authorized executive or "closed" sessions, including deliberations concerning: (1) purchase or lease of real property; (2) consultation with attorney; (3) personnel matters; (4) economic development; (5) certain homeland security matters; and (6) certain cyber-security matters.

To hold an executive session, the governing body must first convene in open session, identify which issues will be discussed in executive session, and cite the applicable exception. All final actions, decisions, or votes must be made in an open meeting.

**Agenda:** A governmental body must post an agenda that includes the date, hour, place, and subject of each meeting. The agenda must be posted on a regular or electronic bulletin board at city hall in a place readily accessible to the public at all times for at least 72 hours before the meeting. In addition, for cities that have an Internet website, the city must post the city council's agenda 72 hours before the meeting on that website.

**Records of meetings:** Cities must keep written minutes or recordings of all open meetings, and a certified agenda or recording of all executive/closed meetings, except for closed consultations with an attorney. The minutes must state the subject and indicate each vote, decision, or other action taken, and a city that has a website must post the approved minutes on that website.

Minutes and recording of an open meeting are public records, while certified agendas and recording of a closed meeting are confidential and cannot be released to the public except by court order.

**Penalties:** Penalties for violating the TOMA range from having the action voided to the imposition of fines and incarceration. Any action taken in violation is voidable and may be reversed in a civil lawsuit. There are four criminal provisions under the TOMA, including:

- (1) Knowingly engaging in a series of communications of less than a quorum of members discussing city business that will ultimately be deliberated by a quorum of members;
- (2) Calling or participating in an impermissible closed meeting;
- (3) Participating in an executive session without a certified agenda or recording; and
- (4) Disclosing a certified agenda or recording to a member of the public.

## **Texas Public Information Act (PIA)**

The Texas Public Information Act governs the availability of city records to the public. Some general provisions follow.

**Definition of “public information”:** Public information includes any information that is collected, assembled, or maintained by or for a governmental entity, regardless of the format. Public information can include city-related emails or texts on a city official’s personal devices/accounts.

**General rule:** Most information held by a city is presumed to be public information and must be released pursuant to a written request.

**Exceptions:** Specific statutory exceptions to disclosure allow certain types of information to be withheld from the public. Other statutes make certain kinds of information “confidential by law,” meaning that a city must withhold that information from the public. Because there are numerous exceptions, city officials should consult with local counsel immediately on receipt of a request.

**Procedure:** Any member of the public may request information in writing. A city official is prohibited from inquiring into the requestor’s motives and is generally limited to: (1) releasing the information as quickly as is practicable, but generally not later than ten business days following the request; or (2) requesting an opinion from the Texas attorney general’s office within ten business days of the receipt of the request as to whether the information may be withheld. Recent statutory changes and rulings by the attorney general have granted cities the authority to withhold specified types of confidential information without going through the process of seeking an opinion from the attorney general’s office.

**Penalties:** Penalties for violating the PIA range from a civil lawsuit against the city or a city official to the imposition of fines and incarceration. There are three general criminal provisions under the PIA, including: (1) refusing to provide public information; (2) providing confidential information; and (3) destroying government information improperly.

## **Open Government Training**

Each elected or appointed member of a governmental body must take at least one hour of training in both the Open Meetings Act and the Public Information Act. For more information, please visit the attorney general's website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov).

## A Basic Glossary of City Government

**Budgeting:** Crafting, passing, and following a city budget are among the most important tasks you will perform as a councilmember. Cities cannot make expenditures except in strict accordance with a budget, and they can levy taxes only in accordance with the budget.

**Conflicts of Interest:** As a councilmember, you are prohibited from voting or deliberating on agenda items that affect your own business, financial interests, or real property. You'll be required to file an affidavit with the city secretary disclosing the details of your conflict, and that affidavit becomes a public record. Also, you are required to disclose in writing the receipt of any gifts or income from any vendor that does business with the city.

**Dual Office-Holding/Incompatibility:** Councilmembers cannot hold other paid public offices; in many cases, they cannot hold other unpaid public offices, either. Further, councilmembers can't take paid jobs with their own city, nor can they appoint themselves to other posts or positions. Finally, think twice about announcing to run for another public office while you're still a councilmember—you may automatically resign your council seat when you do. Check with your city attorney or the Texas Municipal League before considering any other position or job that might be a problem.

**Employment Policies:** In general law cities, the final authority on employment decisions typically rests with the council as a whole. In home rule cities, the charter usually determines who makes employment decisions. As a member of the council, you should familiarize yourself with the city's employment policies and periodically consult with your city attorney to ensure the policies are kept up to date.

**Government Transparency:** The Texas Public Information Act and the Open Meetings Act require access to records and meetings. After a city receives a written request for information under the Public Information Act, it must promptly provide copies or access to information, with limited exceptions. The Texas attorney general generally determines whether information is excepted from disclosure to the public. City councils are required to conduct their meetings in accordance with the Open Meetings Act. City officials are required by law to attend training in both Acts.

**Gifts and Donations:** Cities are prohibited by the Texas Constitution from giving money or any thing of value to a private individual, association, or corporation. The exception to this doctrine is when the city council determines that a donation will serve a public purpose of the city. The decision as to what constitutes a public purpose is left to the discretion of the city council, but may be over- turned by a court. State law also places strict requirements on what gifts an elected official or candidate may receive. Officials and candidates should review these rules before giving or accepting any gift.

**Holdover:** The Texas Constitution includes a provision that allows an elected official who is no longer qualified for office to continue to serve until his or her vacancy is filled by a qualified individual. This provision allows a city to continue to conduct business even when it loses one or more councilmembers. However, some disqualifications may prevent the disqualified councilmember from continuing to serve as a holdover, and this issue should be reviewed upon the vacancy being created.

**Liability:** Councilmembers will generally be held personally liable only for actions taken outside the scope of their duties and responsibilities as members of the governing body. However, the city itself will be potentially liable for actions taken by its councilmembers within the scope of their official duties. (See Tort Claims Act below.)

**Meeting:** Almost everyone intuitively knows what a meeting is. For example, a regular meeting of a city council, where agenda items are discussed and formal action is taken, is clearly a meeting. However, according to the Texas Open Meetings Act, other gatherings of the members of a governmental body may constitute a meeting. Generally, any time a quorum is present and city business is discussed, all of the Open Meetings Act requirements, including posting of a notice and preparation of minutes, must be followed.

**Quorum:** A city council must have a quorum to call a meeting to order and conduct business. The number of councilmembers required to establish a quorum varies by city. A quorum in a general law city is determined by state law, and a quorum in a home rule city is spelled out in the city's charter.

**Tort Claims Act:** The Texas Tort Claims Act limits governmental liability and provides for damage caps for governmental entities. The Act provides that liability for engaging in 36 specifically enumerated "governmental functions" (such as provision of police and fire protection, maintaining city parks, and other activities one expects of a local government) is limited by statute to \$250,000 for personal injury claims and \$100,000 for property damage claims. The Tort Claims Act does not generally provide for private causes of action against individual councilmembers for the actions of the city government.

**Votes by Council:** When a council votes on an ordinance or resolution, all that is typically needed to pass the item is a majority of those present and voting. While a quorum is the number needed to conduct a meeting, it is not necessary that a quorum actually vote on each agenda item. Local practices may vary from city to city, however.

## Good Luck

We wish you luck in the election. No matter the outcome, you will find the process rewarding and should be proud that you made the decision to offer your time and commitment to the citizens of your city. If you are elected, the Texas Municipal League is here to assist you. Contact us at 512-231-7400 or [www.tml.org](http://www.tml.org).

### Who Belongs to TML?

Membership in the League is voluntary and is open to any city in Texas. From the original 14 members, TML's membership has grown to more than 1,150 cities. Over 16,000 mayors, councilmembers, city managers, city attorneys, and department heads are member officials of the League by virtue of their cities' participation. Associate memberships are available to private sector organizations and companies that strive to provide quality services to municipal government.

### TML Service Statement

In serving its member cities, the League strives to:

- Represent the interests of member cities before legislative, administrative, and judicial bodies at the state and federal levels.
- Sponsor and conduct an annual conference and other conferences, seminars, meetings, and workshops for the purpose of studying city issues and exchanging information regarding city government.
- Publish and circulate an official magazine and other publications, reports, and newsletters of interest to member cities.
- Provide for and conduct training on relevant and timely topics related to city government.
- Alert member cities of important governmental or private sector actions or proposed actions that may affect city operations.
- Promote the interests of League affiliates (which represent specific professional disciplines in city governments) and TML regions by providing organizational and technical assistance as directed by the Board and consistent with financial resources.
- Promote constructive and cooperative relationships among cities and between the League and other levels of governments, councils of governments, the National League of Cities, educational institutions, and the private sector.

- Provide in a timely manner any additional services or information that individual members may request, consistent with the member cities' common interests and the League's resources.
- Provide administrative services to the Texas Municipal League risk pools so that quality coverages at reasonable and competitive prices can be made available to member cities and their employees.

# First Steps for Candidates Running for a City Office

*This quick-start guide for candidates seeking a city office is not intended to provide comprehensive information. For more details, including information on political advertising requirements, fundraising rules, and filing schedules, see the Texas Ethics Commission's (TEC) website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us).*

## 1. All candidates must file a Campaign Treasurer Appointment ([Form CTA](#)).

All candidates must file [Form CTA](#) even if you do not intend to raise or spend any money. [Form CTA](#) is required to be filed before you file an application for a place on the ballot, raise or spend any money for your campaign, or announce your candidacy. File [Form CTA](#) with the city clerk or city secretary, as applicable.

## 2. Opposed Candidates: Will you accept or spend more than \$1,010\* for the election?

- YES:

- You do not qualify to file on the modified reporting schedule.
- You are **required** to file pre-election campaign finance reports using [Form C/OH](#) if you have an opponent on the ballot. Find [Form C/OH](#) and its instructions on our “[Local Filers Non-Judicial Candidate/Officeholder](#)” webpage.
- Pre-election reports are due 30 days and 8 days prior to each election. To be timely filed, pre-election reports must be received by the city clerk or city secretary no later than the due date.

- NO:

- You can elect to file on the modified reporting schedule by completing the *Modified Reporting Declaration* on page two of [Form CTA](#). File [Form CTA](#) with the city clerk or city secretary.
- If you elect to file on the modified reporting schedule, you do not have to file pre-election campaign finance reports due 30 days and 8 days prior to the election.

- Exceed \$1,010\*: If you elect to file on the modified reporting schedule but later exceed \$1,010 in either contributions or expenditures, what reports you will be required to file depends upon when you exceed \$1,010\*.

- If you exceed \$1,010\* on or before the 30th day before the election, you are **required** to file pre-election campaign finance reports due 30 days and 8 days prior to an election using [Form C/OH](#). To be timely filed, pre-election reports must be received by the city clerk or city secretary no later than the due date. Find [Form C/OH](#) and its instructions on our “[Local Filers Non-Judicial Candidate/Officeholder](#)” webpage.
- If you exceed \$1,010\* after the 30th day before the election, you are **required** to file an Exceeded Modified Reporting Limit report using [Form C/OH](#). To be timely filed, this report must be filed with the city clerk or city secretary within 48 hours of exceeding \$1,010.\* You must also file the pre-election report due 8 days prior to an election. Find [Form C/OH](#) and its instructions on our “[Local Filers Non-Judicial Candidate/Officeholder](#)” webpage. If you exceed \$1,010\* on or before the 8th day before the election, you are **required** to file a pre-election campaign finance report due 8 days prior to an election using [Form C/OH](#). To be timely filed, the pre-election

report must be received by the city clerk or city secretary no later than the due date. Find [Form C/OH](#) and its instructions on our “[Local Filers Non-Judicial Candidate/Officeholder](#)” webpage.

**3. Unopposed Candidates.**

If you do not have an opponent whose name will appear on the ballot in the election, you are an unopposed candidate and are not required to file pre-election campaign finance reports prior to that election.

**4. All candidates must file semiannual campaign finance reports ([Form C/OH](#)).**

All candidates are **required** to file semiannual reports using [Form C/OH](#) even if you have no campaign activity or were unsuccessful in the election. Semiannual reports are due on January 15th and July 15th and must be filed with the city clerk or city secretary. To end your filing obligations, you must cease campaign activity and file a Final report using [Form C/OH](#) and attaching Form C/OH-FR (Designation of Final Report). Form C/OH-FR is found on the last page of [Form C/OH](#). Find [Form C/OH](#) and its instructions on our “[Local Filers Non-Judicial Candidate/Officeholder](#)” webpage. For more information, see “[Ending Your Campaign](#)” for local filers.

**5. All candidates can use the TEC’s Filing Application to prepare campaign finance reports ([Form C/OH](#)).**

You can use the TEC’s [Filing Application](#) to prepare a PDF version of your campaign finance report ([Form C/OH](#)). Select “Local Authority” and follow the steps to set up an account and login to the application. Once you have completed your report, print out a copy, add your treasurer information, get it notarized, and file it with the city clerk or city secretary by the appropriate deadline.

**6. Need More Information?**

See the [Campaign Finance Guide for Candidates and Officeholders Who File With Local Filing Authorities](#), forms, instructions, examples on how to disclose contributions and expenditures, political advertising and fundraising guides, and other information you may find useful on our website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us) under the “Resources” and “Forms/Instructions” main menu items.

**\*NOTE:** The \$1,010 threshold is specific to transactions made in 2023.



CITY OF  
**WIMBERLEY**

**NOTICE OF DEADLINE TO FILE AN APPLICATION FOR PLACE ON THE BALLOT**  
**(AVISO DE FECHA LÍMITE PARA PRESENTAR UNA SOLICITUD PARA UN LUGAR EN LA BOLETA)**

Notice is hereby given that an application for a place on the City of Wimberley, Texas, May 4, 2024, General Election ballot may be filed during the following time:

*(Se da aviso por la presente que una solicitud para un lugar en la boleta de la Elección General de Ciudad de Wimberley, Texas, en 6 de mayo de 2023, se pueden presentar durante el siguiente horario):*

**Filing Dates and Times:**

*(Fechas y Horario para Entregar Solicitudes)*

**Start Date:** **Wednesday, January 17, 2024**  
*(Fecha Inicio): miércoles, 17 de enero de 2024*

**End Date:** **Friday, February 16, 2024**  
*(Fecha Límite): viernes, 17 de febrero de 2024*

**Office Hours:** **8:00 a.m. to 5:00 p.m., Monday – Friday**  
*(Horario de la Oficina: 8:00 de la mañana a 5:00 de la tarde, lunes a viernes)*

Physical address for filing an application in person for place on the ballot:

*(Dirección a física para presentar una solicitud en persona para un lugar en la boleta):*

City of Wimberley  
City Hall  
221 Stillwater  
Wimberley, Texas 78676

Ciudad de Wimberley  
Municipalidad  
221 Stillwater  
Wimberley, Texas 78676

Address to mail an application for place on the ballot (if filing by mail):

*(Dirección a donde enviar una solicitud para un lugar en la boleta (en caso de presentar por correo)):*

City of Wimberley  
ATTN: City Secretary  
221 Stillwater  
Wimberley, Texas 78676

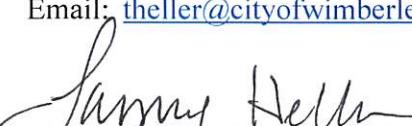
Ciudad de Wimberley  
ATTN: La Secretaria de Ciudad  
221 Stillwater  
Wimberley, Texas 78676

Email or Fax Number to send an application for place on the ballot:

*(Dirección de correo electrónico o número de fax para enviar una solicitud para un lugar en la boleta):*

Email: [theller@cityofwimberley.com](mailto:theller@cityofwimberley.com) Fax Number: (512) 847-0422

Tammy Heller, City Secretary/Secretaria de la Ciudad  
Printed name of Filing Officer  
*(Firma del Oficial de Archivos)*

  
\_\_\_\_\_  
Signature of Filing Officer  
*(Nombre en letra de molde del Oficial de Archivos)*

December 15, 2023 de diciembre de 2023

Date Posted *(Fecha archivada)*

**APPLICATION FOR A PLACE ON THE BALLOT FOR A GENERAL ELECTION  
FOR A CITY, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISION**

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL<sup>1</sup> Failure to provide required information may result in rejection of application.

APPLICATION FOR A PLACE ON THE _____			GENERAL ELECTION BALLOT		
TO: City Secretary/Secretary of Board		(name of election)			
I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.					
OFFICE SOUGHT (Include any place number or other distinguishing number, if any.)			INDICATE TERM		
			<input type="checkbox"/> FULL	<input type="checkbox"/> UNEXPIRED	
FULL NAME (First, Middle, Last)			PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*		
PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.)			PUBLIC MAILING ADDRESS (Optional) (Address for which you receive campaign related correspondence, if available.)		
CITY	STATE	ZIP	CITY	STATE	ZIP
PUBLIC EMAIL ADDRESS (Optional) (Address for which you receive campaign related emails, if available.)		OCCUPATION (Do not leave blank)		DATE OF BIRTH	VOTER REGISTRATION VUID NUMBER <sup>2</sup> (Optional)
/ /					
TELEPHONE CONTACT INFORMATION (Optional)					
Home:	Office:	Cell:			
FELONY CONVICTION STATUS (You MUST check one)			LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN		
<input type="checkbox"/> I have not been finally convicted of a felony. <input type="checkbox"/> I have been finally convicted of a felony, but I have been pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with the submission of this application. <sup>3</sup>			IN THE STATE OF TEXAS ____ year(s) ____ month(s)	IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED ____ year(s) ____ month(s)	
*If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan or contain a title, nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election. Please review sections 52.031, 52.032 and 52.033 of the Texas Election Code regarding the rules for how names may be listed on the official ballot.					
Before me, the undersigned authority, on this day personally appeared (name of candidate) _____, who being by me here and now duly sworn, upon oath says:					
"I, (name of candidate) _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code. I am aware that I must disclose any prior felony conviction, and if so convicted, must provide proof that I have been pardoned or otherwise released from the resulting disabilities of any such final felony conviction. I am aware that knowingly providing false information on the application regarding my possible felony conviction status constitutes a Class B misdemeanor. I further swear that the foregoing statements included in my application are in all things true and correct."					
<b>X</b> _____					
SIGNATURE OF CANDIDATE					
Sworn to and subscribed before me this _____ day of _____, _____, by _____. (day) (month) (year) (name of candidate)					
Signature of Officer Authorized to Administer Oath <sup>4</sup>			Printed Name of Officer Authorized to Administer Oath		
Notarial or Official Seal					
Title of Officer Authorized to Administer Oath					
TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY:					
<input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE.					
This document and \$ _____ filing fee or a nominating petition of _____ pages received.					
<input type="checkbox"/> Voter Registration Status Verified					
____ / ____ / ____			____ / ____ / ____		
Date Received		Date Accepted		(See Section 1.007)	
Signature of Filing Officer or Designee					

## INSTRUCTIONS

An application for a place on the general election for a city, school district or other political subdivision, may not be filed earlier than 30 days before the deadline prescribed by this code for filing the application. An application filed before that day is void. All fields of the application **must** be completed unless specifically marked optional.

For an election to be held on a uniform election date, the day of the filing deadline is the 78th day before Election Day.

If you have questions about the application, please contact the Secretary of State's Elections Division at 800-252-8683.

## NEPOTISM LAW

The candidate must sign this statement indicating his awareness of the nepotism law. When a candidate signs the application, it is an acknowledgment that the candidate is aware of the nepotism law. The nepotism prohibitions of chapter 573, Government Code, are summarized below:

No officer may appoint, or vote for or confirm the appointment or employment of any person related within the second degree by affinity (marriage) or the third degree by consanguinity (blood) to the officer, or to any other member of the governing body or court on which the officer serves when the compensation of that person is to be paid out of public funds or fees of office. However, nothing in the law prevents the appointment, voting for, or confirmation of anyone who has been continuously employed in the office or employment for the following period prior to the election or appointment of the officer or member related to the employee in the prohibited degree: six months, if the officer or member is elected at an election other than the general election for state and county officers.

No candidate may take action to influence an employee of the office to which the candidate is seeking election or an employee or officer of the governmental body to which the candidate is seeking election regarding the appointment or employment of a person related to the candidate in a prohibited degree as noted above. This prohibition does not apply to a candidate's actions with respect to a bona fide class or category of employees or prospective employees.

## FOOTNOTES

<sup>1</sup>An application for a place on the ballot, including any accompanying petition, is public information immediately on its filing. (Section 141.035, Texas Election Code)

<sup>2</sup>Inclusion of a candidate's VUID is optional. However, many candidates are required to be registered voters in the territory from which the office is elected at the time of the filing deadline. Please visit the Elections Division of the Secretary of State's website for additional information. <http://www.sos.state.tx.us/elections/laws/hb484-faq.shtml>

<sup>3</sup>Proof of release from the resulting disabilities of a felony conviction would include proof of judicial clemency under Texas Code of Criminal Procedure 42A.701, proof of executive pardon under Texas Code of Criminal Procedure 48.01, or proof of a restoration of rights under Texas Code of Criminal Procedure 48.05. (Texas Attorney General Opinion KP-0251)

**One of the following documents must be submitted with this application.**

Judicial Clemency under Texas Code of Criminal Procedure 42A.701

Executive Pardon under Texas Code of Criminal Procedure 48.01

Restoration of Rights under Texas Code of Criminal Procedure 48.05

<sup>4</sup>All oaths, affidavits, or affirmations made within this State may be administered and a certificate of the fact given by a judge, clerk, or commissioner of any court of record, a notary public, a justice of the peace, city secretary (for a city office), and the Secretary of State of Texas. See Chapter 602 of the Texas Government Code for the complete list of persons authorized to administer oaths.

**SOLICITUD DE INSCRIPCIÓN PARA UN LUGAR EN LA BOLETA DE UNA ELECCIÓN GENERAL  
 PARA UNA CIUDAD, DISTRITO ESCOLAR U OTRA SUBDIVISIÓN POLÍTICA**

**TODA LA INFORMACIÓN ES REQUERIDA A MENOS QUE SE INDIQUE COMO OPCIONAL<sup>1</sup>** El hecho de no proporcionar la información requerida puede resultar en el rechazo de la solicitud.

<b>SOLICITUD DE INSCRIPCIÓN PARA UN LUGAR EN LA BOLETA DE UNA ELECCIÓN GENERAL DE _____</b>					
Para: Secretario(a) de la Ciudad/ Secretario(a) del Consejo			(nombre de la elección)		
Solicito que mi nombre se incluya en la boleta oficial mencionada anteriormente como candidato(a) al cargo indicado a continuación.					
<b>CARGO SOLICITADO</b> (Incluya cualquier número de cargo u otro número distintivo, si lo hay.)			<b>INDIQUE TÉRMINO</b>		
<input type="checkbox"/> TÉRMINO COMPLETO			<input type="checkbox"/> TÉRMINO INCOMPLETO		
<b>NOMBRE COMPLETO</b> (Primer Nombre, Segundo Nombre, Apellido)			<b>ESCRIBA SU NOMBRE COMO DESEA QUE APAREZCA EN LA BOLETA*</b>		
<b>DIRECCIÓN DE RESIDENCIA PERMANENTE</b> (No incluya un apartado postal o una ruta rural. Si usted no tiene una dirección de residencia, describa la ubicación de la residencia.)			<b>DIRECCIÓN DE CORREO PÚBLICO (Opcional)</b> (Dirección en la que recibe la correspondencia relacionada con la campaña, si está disponible.)		
<b>CIUDAD</b>	<b>ESTADO</b>	<b>CÓDIGO POSTAL</b>	<b>CIUDAD</b>	<b>ESTADO</b>	<b>CÓDIGO POSTAL</b>
<b>DIRECCIÓN DE CORREO ELECTRÓNICO PÚBLICO (Opcional)</b> (Dirección donde recibe correo electrónico relacionado con la campaña, si está disponible.)		<b>OCCUPACIÓN</b> (No deje este espacio en blanco)		<b>FECHA DE NACIMIENTO</b>	<b>VID – NÚMERO ÚNICO DE IDENTIFICACIÓN DE VOTANTE<sup>2</sup> (Opcional)</b>
<b>INFORMACIÓN DE CONTACTO TELEFÓNICO (Opcional)</b>					
Hogar:		Trabajo:		Celular:	
<b>ESTADO DE CONDENA POR DELITO GRAVE (DEBE marcar una)</b>			<b>DURACIÓN DE RESIDENCIA CONTINUA A PARTIR DE LA FECHA EN QUE ESTA SOLICITUD FUE JURADA</b>		
<input type="checkbox"/> No he sido finalmente condenado por un delito grave. <input type="checkbox"/> He sido finalmente condenado por un delito grave, pero he sido indultado o liberado de otro modo de las discapacidades resultantes de esa condena por delito grave y he proporcionado prueba de este hecho con la presentación de esta solicitud. <sup>3</sup>			<b>EN EL ESTADO DE TEXAS</b>	<b>EN EL TERRITORIO/DISTRITO/PRECINTO DEL CUAL SE ELIGE EL CARGO BUSCADO</b>	
			_____ año(s)	_____ año(s)	
			_____ mes(es)	_____ mes(es)	
*Si usa un apodo como parte de su nombre para aparecer en la boleta, también está firmando y jurando las siguientes declaraciones: Juro además que mi apodo no constituye un lema ni contiene un título, ni indica un punto de vista o afiliación política, económica, social o religiosa. He sido comúnmente conocido por este apodo durante al menos tres años antes de esta elección. Por favor, revise las secciones 52.031, 52.032 y 52.033 del Código Electoral de Texas con respecto a las reglas sobre cómo se pueden incluir los nombres en la boleta oficial.					
Ante mí, la autoridad abajo firmante, en este día apareció personalmente (nombre del candidato) _____, quien estando a mi lado aquí y ahora debidamente juramentado, bajo juramento dice:					
"Yo, (nombre del candidato) _____, del condado de _____,					
Texas, siendo candidato para el cargo de _____, juro que apoyaré y defenderé la Constitución y las leyes de los Estados Unidos y del Estado de Texas. Soy un ciudadano de los Estados Unidos elegible para ocupar dicho cargo según la Constitución y las leyes de este estado. No se me ha determinado por un fallo final de una corte que ejerce la jurisdicción testamentaria que esté totalmente incapacitado mentalmente o parcialmente incapacitado sin derecho a voto. Soy consciente de la ley de nepotismo según el Capítulo 573 del Código de Gobierno. Soy consciente de que debo divulgar cualquier condena previa de un delito grave y, si he sido condenado, debo proporcionar prueba de que he sido indultado o liberado de otro modo de las discapacidades resultantes de dicha condena final por delito grave. Soy consciente de que proporcionar a sabiendas información falsa en la solicitud con respecto a mi posible estado de condena por delito grave constituye un delito menor de Clase B. Juro además que las declaraciones anteriores incluidas en mi solicitud son, en todos los aspectos, verdaderas y correctas."					
<b>X</b> _____					
<b>FIRMA DEL CANDIDATO</b>					
Jurado y suscrito ante mí este día _____ de _____ del _____ por _____.					
(día)		(mes)		(año)	
(nombre de candidato)					
Firma del oficial autorizado para administrar el juramento <sup>4</sup>			Nombre del oficial autorizado para administrar juramentos en letra de molde		
			Notarial o sello oficial		
Título del oficial autorizado para administrar el juramento					
<b>TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY:</b>					
<input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE.					
This document and \$ _____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> Voter Registration Status Verified					
_____/_____/_____ Date Received		_____/_____/_____ Date Accepted		(See Section 1.007) Signature of Filing Officer or Designee	

## INSTRUCCIONES

Una solicitud para un lugar en la elección general para una ciudad, distrito escolar u otra subdivisión política, no puede ser presentada antes de los 30 días antes de la fecha límite prescrita por este código para presentar la solicitud. Una solicitud presentada antes de ese día es nula. Todos los **campos** de la solicitud **deben** completarse a menos que estén específicamente marcados como opcional.

Para una elección que se lleve a cabo en una fecha de elección uniforme, el día de la fecha límite de presentación es el 78º día antes del día de la elección.

Si tiene preguntas sobre la solicitud, por favor póngase en contacto con la División de Elecciones del Secretario de Estado llamando al 800-252-8683.

## LEY DE NEPOTISMO

El candidato debe firmar esta declaración indicando su conocimiento de la ley del nepotismo. Cuando un candidato firma la solicitud, es un reconocimiento de que el candidato conoce la ley del nepotismo. Las prohibiciones de nepotismo del capítulo 573, Código de Gobierno, se resumen a continuación:

Ningún funcionario puede nombrar, votar o confirmar el nombramiento o empleo de cualquier persona emparentada dentro del segundo grado por afinidad (matrimonio) o del tercer grado por consanguinidad (sangre) con sí mismo, o con cualquier otro miembro del órgano de gobierno o corte en el que se desempeña cuando la compensación de esa persona debe pagarse con fondos públicos o honorarios del cargo. Sin embargo, nada en la ley impide el nombramiento, la votación o la confirmación de cualquier persona que haya estado empleada continuamente en la oficina o el empleo durante el período siguiente antes de la elección o el nombramiento del funcionario o miembro emparentado con el empleado en el grado prohibido: seis meses, si el funcionario o miembro es elegido en una elección que no sea la elección general para funcionarios estatales y del condado.

Ningún candidato puede tomar medidas para influir en un empleado del cargo al que aspira a ser elegido o en un empleado o funcionario del organismo gubernamental al que aspira a ser elegido en relación con el nombramiento o el empleo de una persona emparentada con el candidato en un grado prohibido, tal como se ha indicado anteriormente. Esta prohibición no se aplica a las acciones de un candidato con respecto a una clase o categoría de buena fe de empleados o empleados prospectos.

## NOTAS

<sup>1</sup>Una solicitud para un lugar en la boleta electoral, incluida cualquier petición que la acompañe, es información pública inmediatamente después de su presentación. (Sección 141.035, Código Electoral de Texas)

<sup>2</sup>La inclusión del número único de identificación de votante (VUID, por sus siglas en Ingles) es opcional. Sin embargo, a muchos candidatos se les exige que estén registrados como votantes en el territorio desde el cual se elige el cargo en el momento de la fecha límite de presentación. Por favor, visite el sitio web de la División de Elecciones de la Secretaría de Estado para obtener información adicional. <http://www.sos.state.tx.us/elections/laws/hb484-faq.shtml>

<sup>3</sup>La prueba de liberación de las discapacidades resultantes de una condena por un delito grave incluiría prueba de clemencia judicial según el Código de Procedimiento Penal de Texas 42A.701, prueba de indulto ejecutivo según el Código de Procedimiento Penal de Texas 48.01, o prueba de una restauración de derechos según el Código de Procedimiento Penal de Texas 48.05. (Opinión de Fiscal General de Texas KP-0251)

**Se debe enviar uno de los siguientes documentos con esta solicitud:**

Clemencia judicial según el Código de Procedimiento Penal de Texas 42A.701

Prueba de indulto ejecutivo según el Código de Procedimiento Penal de Texas 48.01

Prueba de una restauración de derechos según el Código de Procedimiento Penal de Texas 48.05

<sup>4</sup>Todos los juramentos, declaraciones juradas o afirmaciones hechas dentro de este estado pueden ser administrados y un certificado del hecho dado por un juez, secretario(a) o comisionado de cualquier corte de registro, un notario público, un juez de paz, secretario municipal (para una oficina de la ciudad) y el Secretario de Estado de Texas. Consulte el Capítulo 602 del Código del Gobierno de Texas para obtener la lista completa de personas autorizadas a administrar juramentos.

**DECLARATION OF WRITE-IN CANDIDACY FOR CITIES, SCHOOL DISTRICTS AND OTHER POLITICAL SUBDIVISIONS**ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL<sup>1</sup> Failure to provide required information may result in rejection of application.**DECLARATION OF WRITE-IN CANDIDACY FOR** \_\_\_\_\_

(Name of City, School District or Other Political Subdivision)

TO: Filing Officer

I declare that I am a write-in candidate for the office indicated below.

**OFFICE SOUGHT** (Include any place number or other distinguishing number, if any.)**INDICATE TERM** FULL

UNEXPIRED

**FULL NAME** (First, Middle, Last)**PRINT NAME AS YOU WANT IT TO APPEAR ON THE LIST OF DECLARED  
WRITE-IN CANDIDATES\*****PERMANENT RESIDENCE ADDRESS** (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.)**PUBLIC MAILING ADDRESS (Optional)** (Address for which you receive campaign related correspondence, if available.)**CITY****STATE****ZIP****CITY****STATE****ZIP****PUBLIC EMAIL ADDRESS (Optional)** (Address for which you receive campaign related emails, if available.)**OCCUPATION (Do not leave blank)****DATE OF BIRTH****VOTER REGISTRATION VUID  
NUMBER<sup>2</sup> (Optional)**

/ /

**TELEPHONE CONTACT INFORMATION (Optional)**

Home:

Office:

Cell:

**FELONY CONVICTION STATUS (You MUST check one)****LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN**

I have not been finally convicted of a felony.

I have been finally convicted of a felony, but I have been pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with the submission of this application.<sup>3</sup>

**IN THE STATE OF TEXAS**

\_\_\_\_\_ year(s)

**IN TERRITORY/DISTRICT/PRECINCT FROM  
WHICH THE OFFICE SOUGHT IS ELECTED**

\_\_\_\_\_ year(s)

\_\_\_\_\_ month(s)

\_\_\_\_\_ month(s)

\*If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan or contain a title, nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election. Please review sections 52.031, 52.032 and 52.033 of the Texas Election Code regarding the rules for how names may be listed on the official ballot.

Before me, the undersigned authority, on this day personally appeared (name of candidate) \_\_\_\_\_, who being by me here and now duly sworn, upon oath says:

"I, (name of candidate) \_\_\_\_\_, of \_\_\_\_\_ County, Texas,

being a candidate for the office of \_\_\_\_\_, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code. I am aware that I must disclose any prior felony conviction, and if so convicted, must provide proof that I have been pardoned or otherwise released from the resulting disabilities of any such final felony conviction. I am aware that knowingly providing false information on the application regarding my possible felony conviction status constitutes a Class B misdemeanor. I further swear that the foregoing statements included in my application are in all things true and correct."

**X****SIGNATURE OF CANDIDATE**

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_.  
(day) (month) (year) (name of candidate)

Signature of Officer Authorized to Administer Oath<sup>4</sup>

Printed Name of Officer Authorized to Administer Oath

Notarial or Official Seal

Title of Officer Authorized to Administer Oath

**TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY:** CASH  CHECK  MONEY ORDER  CASHIERS CHECK OR  PETITION IN LIEU OF A FILING FEE.

This document and \$ \_\_\_\_\_ filing fee or a nominating petition of \_\_\_\_\_ pages received.

 Voter Registration Status Verified\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date Received\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date Accepted

(See Section 1.007)

Signature of Filing Officer or Designee

## INSTRUCTIONS

The Declaration of Write-In Candidacy is filed with the City Secretary, Secretary of Board of Trustees, Secretary of Board of Directors or other designated officer that represents the political subdivision.

The declaration must be received by the filing officer not later than 5:00 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed. For an election to be held on a uniform election date, the day of the filing deadline is the 74th day before Election Day. Texas Election Code, Sections 144.006, 146.054.

The application must be **received** by the filing deadline. A postmark is not sufficient. The declaration may not be filed earlier than 30 days before the deadline for filing the application. A declaration filed before that day is void.

If you have questions about the application, please contact the Secretary of State's Elections Division at 800-252-8683.

## NEPOTISM LAW

The candidate must sign this statement indicating his awareness of the nepotism law. When a candidate signs the application, it is an acknowledgment that the candidate is aware of the nepotism law. The nepotism prohibitions of chapter 573, Government Code, are summarized below:

No officer may appoint, or vote for or confirm the appointment or employment of any person related within the second degree by affinity (marriage) or the third degree by consanguinity (blood) to the officer, or to any other member of the governing body or court on which the officer serves when the compensation of that person is to be paid out of public funds or fees of office. However, nothing in the law prevents the appointment, voting for, or confirmation of anyone who has been continuously employed in the office or employment for the following period prior to the election or appointment of the officer or member related to the employee in the prohibited degree: six months, if the officer or member is elected at an election other than the general election for state and county officers.

No candidate may take action to influence an employee of the office to which the candidate is seeking election or an employee or officer of the governmental body to which the candidate is seeking election regarding the appointment or employment of a person related to the candidate in a prohibited degree as noted above. This prohibition does not apply to a candidate's actions with respect to a bona fide class or category of employees or prospective employees.

## FOOTNOTES

<sup>1</sup>An application for a place on the ballot, including any accompanying petition, is public information immediately on its filing. (Section 141.035, Texas Election Code)

<sup>2</sup>Inclusion of a candidate's VUID is optional. However, many candidates are required to be registered voters in the territory from which the office is elected at the time of the filing deadline. Please visit the Elections Division of the Secretary of State's website for additional information. <http://www.sos.state.tx.us/elections/laws/hb484-faq.shtml>

<sup>3</sup>Proof of release from the resulting disabilities of a felony conviction would include proof of judicial clemency under Texas Code of Criminal Procedure 42A.701, proof of executive pardon under Texas Code of Criminal Procedure 48.01, or proof of a restoration of rights under Texas Code of Criminal Procedure 48.05. (Texas Attorney General Opinion KP-0251)

**One of the following documents must be submitted with this application.**

Judicial Clemency under Texas Code of Criminal Procedure 42A.701

Executive Pardon under Texas Code of Criminal Procedure 48.01

Restoration of Rights under Texas Code of Criminal Procedure 48.05

<sup>4</sup>All oaths, affidavits, or affirmations made within this State may be administered and a certificate of the fact given by a judge, clerk, or commissioner of any court of record, a notary public, a justice of the peace, city secretary (for a city office), and the Secretary of State of Texas. See Chapter 602 of the Texas Government Code for the complete list of persons authorized to administer oaths.

**DECLARACIÓN DE CANDIDATURA POR ESCRITO PARA CIUDADES, DISTRITOS ESCOLARES Y OTRAS SUBDIVISIONES POLÍTICAS**

**TODA LA INFORMACIÓN ES REQUERIDA A MENOS QUE SE INDIQUE COMO OPCIONAL<sup>1</sup>**

**El hecho de no proporcionar la información requerida puede resultar en el rechazo de la solicitud.**

**DECLARACIÓN DE CANDIDATURA POR ESCRITO PARA \_\_\_\_\_**

Para: Oficial de Presentación

(nombre de la ciudad, distrito escolar u otra subdivisión política)

Por la presente declaro que soy un candidato por escrito para el cargo indicado a continuación.

<b>CARGO SOLICITADO</b> (Incluya cualquier número de cargo u otro número distintivo, si lo hay.)	<b>INDIQUE TÉRMINO</b>
	<input type="checkbox"/> TÉRMINO COMPLETO <input type="checkbox"/> TÉRMINO INCOMPLETO

<b>NOMBRE COMPLETO</b> (Primer Nombre, Segundo Nombre, Apellido )	<b>ESCRIBA SU NOMBRE COMO DESEA QUE APAREZCA EN LA LISTA DE CANDIDATOS DECLARADOS POR ESCRITO*</b>
---	--

<b>DIRECCIÓN DE RESIDENCIA PERMANENTE</b> (No incluya un apartado postal o una ruta rural. Si usted no tiene una dirección de residencia, describa la ubicación de la residencia.)	<b>DIRECCIÓN DE CORREO PÚBLICO (Opcional)</b> (Dirección en la que recibe la correspondencia relacionada con la campaña, si está disponible.)
--	---

<b>CIUDAD</b>	<b>ESTADO</b>	<b>CÓDIGO POSTAL</b>	<b>CIUDAD</b>	<b>ESTADO</b>	<b>CÓDIGO POSTAL</b>
---------------	---------------	----------------------	---------------	---------------	----------------------

<b>DIRECCIÓN DE CORREO ELECTRÓNICO PÚBLICO (Opcional)</b> (Dirección donde recibe correo electrónico relacionado con la campaña, si está disponible.)	<b>OCCUPACIÓN (No deje este espacio en blanco)</b>	<b>FECHA DE NACIMIENTO</b>	<b>VUID – NÚMERO ÚNICO DE IDENTIFICACIÓN DE VOTANTE<sup>2</sup> (Opcional)</b>
		/ /	

**INFORMACIÓN DE CONTACTO TELEFÓNICO (Opcional)**

Hogar: Trabajo: Celular:

<b>ESTADO DE CONDENA POR DELITO GRAVE (DEBE marcar una)</b>	<b>DURACIÓN DE RESIDENCIA CONTINUA A PARTIR DE LA FECHA EN QUE ESTA SOLICITUD FUE JURADA</b>		
---	--	--	--

<input type="checkbox"/> No he sido finalmente condenado por un delito grave.	<b>EN EL ESTADO DE TEXAS</b>	<b>EN EL TERRITORIO/DISTRITO/PRECINTO DEL CUAL SE ELIGE EL CARGO BUSCADO</b>
<input type="checkbox"/> He sido finalmente condenado por un delito grave, pero he sido indultado o liberado de otro modo de las discapacidades resultantes de esa condena por delito grave y he proporcionado prueba de este hecho con la presentación de esta solicitud. <sup>3</sup>	_____ año(s) _____ mes(es)	_____ año(s) _____ mes(es)

\*Si usa un apodo como parte de su nombre para aparecer en la boleta, también está firmando y jurando las siguientes declaraciones: Juro además que mi apodo no constituye un lema ni contiene un título, ni indica un punto de vista o afiliación política, económica, social o religiosa. He sido comúnmente conocido por este apodo durante al menos tres años antes de esta elección. Por favor, revise las secciones 52.031, 52.032 y 52.033 del Código Electoral de Texas con respecto a las reglas sobre cómo se pueden incluir los nombres en la boleta oficial.

Ante mí, la autoridad abajo firmante, en este día apareció personalmente (nombre del candidato) \_\_\_\_\_, quien estando a mí lado aquí y ahora debidamente juramentado, bajo juramento dice:

“Yo, (nombre del candidato) \_\_\_\_\_, del condado de \_\_\_\_\_,

Texas, siendo candidato para el cargo de \_\_\_\_\_, juro que apoyaré y defenderé la Constitución y las leyes de los Estados Unidos y del Estado de Texas. Soy un ciudadano de los Estados Unidos elegible para ocupar dicho cargo según la Constitución y las leyes de este estado. No se me ha determinado por un fallo final de una corte que ejerce la jurisdicción testamentaria que esté totalmente incapacitado mentalmente o parcialmente incapacitado sin derecho a voto. Soy consciente de la ley de nepotismo según el Capítulo 573 del Código de Gobierno. Soy consciente de que debo divulgar cualquier condena previa de un delito grave y, si he sido condenado, debo proporcionar prueba de que he sido indultado o liberado de otro modo de las discapacidades resultantes de dicha condena final por delito grave. Soy consciente de que proporcionar a sabiendas información falsa en la solicitud con respecto a mi posible estado de condena por delito grave constituye un delito menor de Clase B. Juro además que las declaraciones anteriores incluidas en mi solicitud son, en todos los aspectos, verdaderas y correctas.”

**X**

**FIRMA DEL CANDIDATO**

Jurado y suscrito ante mí este día \_\_\_\_\_ de \_\_\_\_\_ del \_\_\_\_\_ por \_\_\_\_\_.

(día) (mes) (año) (nombre de candidato)

Firma del oficial autorizado para administrar el juramento<sup>4</sup>

Nombre del oficial autorizado para administrar juramentos en letra de molde

Notarial o sello oficial

Título del oficial autorizado para administrar el juramento

**TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY:**

CASH  CHECK  MONEY ORDER  CASHIERS CHECK OR  PETITION IN LIEU OF A FILING FEE.

This document and \$ \_\_\_\_\_ filing fee or a nominating petition of \_\_\_\_\_ pages received.  Voter Registration Status Verified

_____/_____/_____	_____/_____/_____	(See Section 1.007)	_____ Signature of Filing Officer or Designee
Date Received	Date Accepted		

## INSTRUCCIONES

La Declaración de Candidatura por Escrito se presenta ante el Secretario de la Ciudad, el Secretario de la Junta de Fideicomisarios, el Secretario de la Junta de Directores u otro oficial que representa a la subdivisión política.

La declaración debe ser recibida por el oficial encargado de la presentación a más tardar a las 5:00 p.m. del quinto día después de la fecha en que se requiere la presentación de la solicitud para un lugar en la boleta. Para una elección que se lleve a cabo en una fecha de elección uniforme, el día de la fecha límite de presentación es el 74º día antes del día de la elección. Secciones 144.006 y 146.054 del Código Electoral de Texas.

La solicitud debe **recibirse** antes de la fecha límite de presentación. Un matasellos no es suficiente. La declaración no puede presentarse antes de 30 días antes de la fecha límite para presentar la solicitud. Una declaración presentada antes de ese día es nula.

Si tiene preguntas sobre la solicitud, por favor póngase en contacto con la División de Elecciones del Secretario de Estado llamando al 800-252-8683.

## LEY DE NEPOTISMO

El candidato debe firmar esta declaración indicando su conocimiento de la ley del nepotismo. Cuando un candidato firma la solicitud, es un reconocimiento de que el candidato conoce la ley del nepotismo. Las prohibiciones de nepotismo del capítulo 573, Código del Gobierno, se resumen a continuación:

Ningún funcionario puede nombrar, votar o confirmar el nombramiento o empleo de cualquier persona emparentada dentro del segundo grado por afinidad (matrimonio) o del tercer grado por consanguinidad (sangre) con el funcionario, o con cualquier otro miembro del órgano de gobierno o corte en el que sirve el funcionario cuando la compensación de esa persona debe pagarse con fondos públicos o honorarios del cargo. Sin embargo, nada en la ley impide el nombramiento, la votación o la confirmación de cualquier persona que haya estado empleada continuamente en la oficina o el empleo durante el período siguiente antes de la elección o el nombramiento del funcionario o miembro emparentado con el empleado en el grado prohibido: seis meses, si el funcionario o miembro es elegido en una elección que no sea la elección general para funcionarios estatales y del condado.

Ningún candidato puede tomar medidas para influir en un empleado del cargo al que aspira a ser elegido o en un empleado o funcionario del organismo gubernamental al que aspira a ser elegido en relación con el nombramiento o el empleo de una persona emparentada con el candidato en un grado prohibido, tal como se ha indicado anteriormente. Esta prohibición no se aplica a las acciones de un candidato con respecto a una clase o categoría de buena fe de empleados o empleados prospectos.

## NOTAS

<sup>1</sup>Una solicitud para un lugar en la boleta electoral, incluida cualquier petición que la acompañe, es información pública inmediatamente después de su presentación. (Sección 141.035, Código Electoral de Texas)

<sup>2</sup>La inclusión del número único de identificación de votante (VUID, por sus siglas en Ingles) es opcional. Sin embargo, a muchos candidatos se les exige que estén registrados como votantes en el territorio desde el cual se elige el cargo en el momento de la fecha límite de presentación. Por favor, visite el sitio web de la División de Elecciones del Secretario de Estado para obtener información adicional. <http://www.sos.state.tx.us/elections/laws/hb484-faq.shtml>

<sup>3</sup>La prueba de liberación de las discapacidades resultantes de una condena por un delito grave incluiría prueba de clemencia judicial según el Código de Procedimiento Penal de Texas 42A.701, prueba de indulto ejecutivo según el Código de Procedimiento Penal de Texas 48.01, o prueba de una restauración de derechos según el Código de Procedimiento Penal de Texas 48.05. (Opinión de Fiscal General de Texas KP-0251)

### Se debe enviar uno de los siguientes documentos con esta solicitud:

Clemencia judicial según el Código de Procedimiento Penal de Texas 42A.701

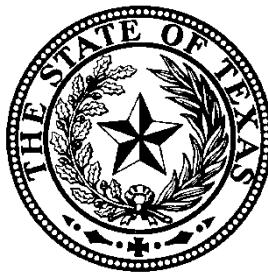
Prueba de indulto ejecutivo según el Código de Procedimiento Penal de Texas 48.01

Prueba de una restauración de derechos según el Código de Procedimiento Penal de Texas 48.05

<sup>4</sup>Todos los juramentos, declaraciones juradas o afirmaciones hechas dentro de este estado pueden ser administrados y un certificado del hecho dado por un juez, secretario(a) o comisionado de cualquier corte de registro, un notario público, un juez de paz, secretario municipal (para una oficina de la ciudad) y el Secretario de Estado de Texas. Consulte el Capítulo 602 del Código del Gobierno de Texas para obtener la lista completa de personas autorizadas a administrar juramentos.

# TEXAS ETHICS COMMISSION

## CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH LOCAL FILING AUTHORITIES



**This guide is for candidates for and officeholders in the following positions:**

- **county offices;**
- **precinct offices;**
- **single-county district offices;**
- **city offices; and**
- **offices of other political subdivisions such as school districts**

This guide applies to candidates for and officeholders of justice of the peace. This guide does not apply to candidates for and judges of statutory county courts, statutory probate courts, or district courts. For those candidates and officeholders, the Ethics Commission makes available a CAMPAIGN FINANCE GUIDE FOR JUDICIAL CANDIDATES AND OFFICEHOLDERS.

The Ethics Commission also makes available a CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH THE ETHICS COMMISSION, a CAMPAIGN FINANCE GUIDE FOR POLITICAL COMMITTEES, and a CAMPAIGN FINANCE GUIDE FOR POLITICAL PARTIES.

**Revised January 1, 2023**

# CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH LOCAL FILING AUTHORITIES

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## **INTRODUCTION**

This guide is a summary of reporting requirements and other regulations set out in Title 15 of the Texas Election Code (Chs. 251-259) and in the rules adopted by the Texas Ethics Commission. This guide applies to candidates for and officeholders in most local offices in Texas.

This guide does not apply to candidates for or officeholders of statewide elective offices, the State Legislature, seats on the State Board of Education, or multi-county district offices. Nor does it apply to candidates for or judges of statutory county courts, statutory probate courts, or district courts.

### **IMPORTANT UPDATES**

As directed by section 571.064 of the Texas Government Code, the Commission is required to annually adjust certain reporting thresholds upward to the nearest multiple of \$10 in accordance with the percentage increase for the previous year in the Consumer Price Index for Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor.

These changes will be made effective January 1<sup>st</sup> of each calendar year; the affected numbers and corresponding new thresholds are located in 1 T.A.C. §18.31, which can be found here: <https://www.ethics.state.tx.us/rules/>. The higher itemization thresholds will be reflected on the paper forms and in these instructions, as applicable.

Verify that you are using the correct thresholds and forms that apply to your filing. For example, if you are filing a campaign finance report or lobby activities report that is due in January of 2021, you must use the forms and instructions that are applicable to the period ending December 31, 2020.

### **OFFICEHOLDERS**

Officeholders as well as candidates are subject to regulation under Title 15. An officeholder who has a campaign treasurer appointment on file with a filing authority is a “candidate” for purposes of Title 15 and is subject to all the regulations applicable to candidates. An officeholder who does not have a campaign treasurer appointment on file is subject only to the regulations applicable to officeholders.

Most of the requirements discussed in this guide apply to both candidates (individuals who have a campaign treasurer appointment on file) and to officeholders who do not have a campaign treasurer appointment on file. The guide will indicate whether a particular requirement applies to individuals who have campaign treasurer appointments on file, to officeholders who do not have campaign treasurer appointments on file, or to both.

### **JUDICIAL CANDIDATES AND OFFICEHOLDERS**

Candidates for and officeholders in most judicial offices are subject to various restrictions that do not apply to other candidates and officeholders. Those candidates and officeholders should review the CAMPAIGN FINANCE GUIDE FOR JUDICIAL CANDIDATES AND OFFICEHOLDERS and the POLITICAL ADVERTISING GUIDE which are available on the commission’s website.

**Nonjudicial Officeholder Seeking Judicial Office.** Pursuant to Op. Tex. Ethics Comm'n No. 465 (2005), a nonjudicial officeholder who becomes a judicial candidate is required to file two campaign finance reports, one reporting nonjudicial activity and the other reporting judicial activity. Alternatively, a nonjudicial officeholder who becomes a judicial candidate may select to file a single report that includes both candidate and officeholder activity if the activity is clearly and properly reported. *See the CAMPAIGN FINANCE GUIDE FOR JUDICIAL CANDIDATES AND OFFICEHOLDERS* for more information.

## **FEDERAL OFFICES**

This guide does not apply to candidates for federal offices. Candidates for federal offices should contact the Federal Election Commission. The FEC's toll-free number is (800) 424-9530.

## **FILING AUTHORITIES**

Title 15 requires candidates and officeholders to file various documents and reports with the appropriate filing authority.

The filing authority for a local candidate or officeholder depends on the nature of the office sought or held.

**County Clerk.** The county clerk (or the county elections administrator if the county has an elections administrator, or tax assessor-collector if the county's commissioners court has transferred the filing authority function to the tax assessor-collector and the county clerk and tax assessor-collector have agreed to the transfer) is the appropriate filing authority for a candidate for:

- a county office;
- a precinct office;
- a district office (except for multi-county district offices); and
- an office of a political subdivision other than a county if the political subdivision is within the boundaries of a single county and if the governing body of the political subdivision has not been formed.

**Other local filing authority.** If a candidate is seeking an office of a political subdivision other than a county, the appropriate filing authority is the *clerk or secretary of the governing body* of the political subdivision. If the political subdivision has no clerk or secretary, the appropriate filing authority is the governing body's presiding officer.

**Texas Ethics Commission.** The Texas Ethics Commission is the appropriate filing authority for candidates for:

- Multi-county district offices. (Reminder: This guide does not apply to multi-county district offices.)

- An office of a political subdivision other than a county if the political subdivision includes areas in more than one county and if the governing body of the political subdivision has not been formed.

## **POLITICAL COMMITTEES (PACS)**

Often a candidate or officeholder chooses to establish a specific-purpose political committee. A political committee is subject to *separate* filing requirements. Establishing a specific-purpose political committee does not relieve a candidate or officeholder of the obligation to file as an individual. For more information about political committees, see the Ethics Commission's CAMPAIGN FINANCE GUIDE FOR POLITICAL COMMITTEES.

## **FINANCIAL DISCLOSURE STATEMENTS**

Some local candidates and officeholders are required to file an annual personal financial statement in accordance with Government Code Chapter 572 or Local Government Code Chapter 159. This statement is not a campaign finance document, and is not addressed in this guide.

## **FEDERAL INCOME TAX**

This pamphlet does not address the federal tax implications of campaign finance. Questions regarding federal tax law should be directed to the Internal Revenue Service.

## **TEXAS ETHICS COMMISSION**

If you have a question about how Title 15 applies to you, you may call the Ethics Commission for assistance or you may request a written advisory opinion.

The Ethics Commission has authority to impose fines for violations of Title 15. If you have evidence that a person has violated Title 15, you may file a sworn complaint with the Ethics Commission.

The Ethics Commission's mailing address is P.O. Box 12070, Austin, Texas 78711. The phone number is (512) 463-5800. The Ethics Commission maintains a website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us).

## **APPOINTING A CAMPAIGN TREASURER**

If you plan to run for a public office in Texas (except for a federal office), you must file an APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM CTA) with the proper filing authority before you become a candidate, even if you do not intend to accept campaign contributions or make campaign expenditures. A "candidate" is a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. Examples of affirmative action include:

- (A) the filing of a campaign treasurer appointment, except that the filing does not constitute candidacy or an announcement of candidacy for purposes of the

automatic resignation provisions of Article XVI, Section 65, or Article XI, Section 11, of the Texas Constitution;

- (B) the filing of an application for a place on the ballot;
- (C) the filing of an application for nomination by convention;
- (D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy;
- (E) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (F) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of communication;
- (G) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure; and
- (H) the seeking of the nomination of an executive committee of a political party to fill a vacancy.

### **NO CAMPAIGN CONTRIBUTIONS OR EXPENDITURES WITHOUT TREASURER APPOINTMENT ON FILE**

Additionally, the law provides that you must file a campaign treasurer appointment form with the proper filing authority before you may accept a campaign contribution or make or authorize a campaign expenditure, including an expenditure from your personal funds. A filing fee paid to a filing authority to qualify for a place on a ballot is a campaign expenditure that may not be made before filing a campaign treasurer appointment form with the proper filing authority.

### **APPOINTING TREASURER TRIGGERS REPORTING DUTIES**

After a candidate has filed a form appointing a campaign treasurer, the candidate is responsible for filing periodic reports of contributions and expenditures. Filing reports is the responsibility of the candidate, not the campaign treasurer. Even if a candidate loses an election, he or she must continue filing reports until he or she files a final report. *See “Ending Filing Obligations”* in this guide. (An officeholder who files a final report, and thereby terminates his or her campaign treasurer appointment, may still be required to file semiannual reports of contributions and expenditures as an officeholder.)

### **QUALIFICATIONS OF CAMPAIGN TREASURER**

A person is ineligible for appointment as a campaign treasurer if the person is the campaign treasurer of a political committee that has outstanding filing obligations (including outstanding penalties). This prohibition does not apply if the committee in connection with which the ineligibility arose has not accepted more than \$5,000 in political contributions or made more than \$5,000 in political expenditures in any semiannual reporting period. A person who violates

this prohibition is liable for a civil penalty not to exceed three times the amount of political contributions accepted or political expenditures made in violation of this provision.

## **DUTIES OF CAMPAIGN TREASURER**

A candidate's campaign treasurer has no legal duties. (**Note:** The campaign treasurer of a *political committee* is legally responsible for filing reports.)

## **EFFECTIVE DATE OF APPOINTMENT**

A campaign treasurer appointment is effective when filed. A hand-delivered appointment takes effect on the date of delivery. A mailed appointment takes effect on the date of the postmark.

## **CODE OF FAIR CAMPAIGN PRACTICES**

A filing authority should provide to each individual who files a campaign treasurer appointment a form containing a Code of Fair Campaign Practices. A candidate may pledge to conduct his or her campaign in accordance with the principles and practices set out in the Code by signing the form and filing it with the appropriate filing authority.

## **APPOINTMENT BY OFFICEHOLDER**

If an officeholder files an appointment of campaign treasurer after a period in which he or she did not have a campaign treasurer appointment on file, the officeholder may have to file a report of contributions and expenditures no later than 15 days after filing the appointment of campaign treasurer. *See* "15th Day After Appointment of Campaign Treasurer by Officeholder" in this guide. An officeholder who *changes* a campaign treasurer is not required to file this report.

**Note:** An officeholder who has a campaign treasurer appointment on file is a candidate for purposes of Title 15.

## **FILING FOR A PLACE ON THE BALLOT**

Filing a campaign treasurer appointment and filing for a place on the ballot are two completely separate actions. The Secretary of State can provide information about filing for a place on the ballot. Call the Secretary of State at (512) 463-5650 or toll-free at (800) 252-8683.

## **CHANGING TREASURERS**

A candidate may change campaign treasurers at any time by filing an amended appointment of campaign treasurer (FORM ACTA). Filing an appointment of a new treasurer automatically terminates the appointment of the old treasurer.

## **TRANSFERRING TO A DIFFERENT FILING AUTHORITY**

If a candidate has a campaign treasurer appointment on file with one filing authority and wishes to accept campaign contributions or make campaign expenditures in connection with a candidacy for an office that would require reporting to a different filing authority, the candidate must file a new campaign treasurer appointment and a copy of the old campaign treasurer appointment (certified by original authority) with the second filing authority. The candidate should also

provide written notice to the original filing authority that future reports will be filed with another authority. In general, funds accepted in connection with one office may be used in connection with a campaign for a different office, as long as neither of the offices is a judicial office.

## **TERMINATING A CAMPAIGN TREASURER APPOINTMENT**

A candidate may terminate a campaign treasurer appointment by filing an amended appointment of campaign treasurer or by filing a final report.

A campaign treasurer may terminate his or her own appointment by notifying both the candidate and the filing authority in writing. The termination is effective on the date the candidate receives the notice or on the date the filing authority receives the notice, whichever is later.

## **DECIDING NOT TO RUN**

A campaign treasurer appointment does not simply expire. An individual who has a campaign treasurer appointment on file must file reports of contributions and expenditures until he or she files a final report with the filing authority. *See “Ending Filing Obligations” in this guide.*

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## **THINGS TO REMEMBER**

- If you plan to run for a public office in Texas (except for a federal office), you must file an APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM CTA) with the proper filing authority before you become a candidate, even if you do not intend to accept campaign contributions or make campaign expenditures.
- A person may not accept a campaign contribution or make a campaign expenditure unless the person has a campaign treasurer appointment on file with the proper filing authority.
- Once a person files a form appointing a campaign treasurer, the person is a candidate for disclosure filing purposes and is responsible for filing periodic reports of contributions and expenditures with the proper filing authority until the person files a “final report.”
- The candidate, not the campaign treasurer, is responsible for filing periodic reports of contributions and expenditures.
- Filing a campaign treasurer appointment does not automatically “sign you up” for a place on the ballot. The Secretary of State can provide information about getting on the ballot. Call (512) 463-5650 or (800) 252-8683.

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## **POLITICAL CONTRIBUTIONS AND EXPENDITURES**

Title 15 regulates political contributions and political expenditures. There are two types of political contributions: campaign contributions and officeholder contributions. Similarly, there are two kinds of political expenditures: campaign expenditures and officeholder expenditures.

### **CAMPAIGN CONTRIBUTIONS**

A person makes a campaign contribution to a candidate if the person provides or promises something of value with the intent that it be used in connection with a campaign. A contribution of goods or services is an “in-kind” campaign contribution. A loan is considered to be a contribution unless it is from an incorporated financial institution that has been in business for more than a year. Candidates must report all loans made for campaign purposes, including loans that are not “contributions.”

- Donations to a candidate at a fund-raiser are campaign contributions.
- The provision of office space to a candidate is an “in-kind” campaign contribution.
- A promise to give a candidate money is a campaign contribution.
- An item donated to be auctioned at a fund-raiser is an “in-kind” campaign contribution. The purchase of the item at the auction is also a contribution.
- A campaign volunteer is making a contribution in the form of personal services. (Contributions of personal services are sometimes not required to be reported. See “Contributions of Personal Services” in this guide.)

**Note:** An individual may not accept a campaign contribution without an appointment of campaign treasurer on file with the proper filing authority.

### **CAMPAIGN EXPENDITURES**

A campaign expenditure is a payment or an agreement to make a payment in connection with a campaign for an elective office.

- Paying a filing fee in connection with an application for a place on a ballot is a campaign expenditure.
- Purchasing stationery for fund-raising letters is a campaign expenditure.
- Renting a field to hold a campaign rally is a campaign expenditure.
- Paying people to put up yard signs in connection with an election is a campaign expenditure.

**Note:** An individual may not make a campaign expenditure unless he or she has a campaign treasurer appointment on file with the proper filing authority.

## **OFFICEHOLDER CONTRIBUTIONS**

The provision of or a promise to provide goods or services to an officeholder that is intended to defray expenses in connection with an officeholder's duties or activities is an officeholder contribution if the expenses are not reimbursable with public money. A contribution of goods or services is an "in-kind" officeholder contribution.

A loan from an incorporated financial institution that has been in business for more than a year is not considered a contribution, but an officeholder must report any such loans made for officeholder purposes.

An officeholder is not required to have a campaign treasurer appointment on file to accept officeholder contributions. An officeholder who does not have a campaign treasurer on file may not accept *campaign* contributions.

## **OFFICEHOLDER EXPENDITURES**

A payment or agreement to pay certain expenses in connection with an officeholder's duties or activities is an officeholder expenditure if the expenses are not reimbursable with public money.

An officeholder is not required to have a campaign treasurer appointment on file to make officeholder expenditures. An officeholder who does not have a campaign treasurer on file may not make *campaign* expenditures.

## **CAMPAIGN EXPENDITURES BY OFFICEHOLDER**

An officeholder who has a campaign treasurer appointment on file may accept both campaign contributions and officeholder contributions and make both campaign expenditures and officeholder expenditures. On a report, there is no need for an officeholder who is a candidate to distinguish between campaign contributions and officeholder contributions or between campaign expenditures and officeholder expenditures. Both campaign contributions and officeholder contributions are reported as "political contributions" and both campaign expenditures and officeholder expenditures are reported as "political expenditures."

An officeholder who does not have a campaign treasurer on file may accept officeholder contributions and make officeholder expenditures but may not accept campaign contributions or make campaign expenditures.

## **PERMISSIBLE USE OF POLITICAL CONTRIBUTIONS**

An officeholder may use officeholder contributions for campaign purposes if the officeholder has an appointment of campaign treasurer on file. Candidates and officeholders may not convert political contributions to personal use. *See "Campaign Finance Restrictions" in this guide.*

## **USE OF POLITICAL FUNDS TO RENT OR PURCHASE REAL PROPERTY**

A candidate or officeholder is prohibited from using political funds to purchase real property or

to pay the interest on or principal of a note for the purchase of real property.

A candidate or officeholder may not knowingly make or authorize a payment from political funds for the rental or purchase of real property from: (1) a person related to the candidate or officeholder within the second degree of consanguinity or affinity as determined under Chapter 573, Government Code; or (2) a business in which the candidate or officeholder (or a person related to the candidate or officeholder within the second degree of consanguinity or affinity) has a participating interest of more than 10 percent, holds a position on the governing body, or serves as an officer. Tex. Elec. Code § 253.038 (a-1). This restriction applies to a payment made from political funds on or after September 1, 2007, without regard to whether the payment was made under a lease or other agreement entered into before that date.

## **ACCEPTING CONTRIBUTIONS**

A candidate or officeholder must report contributions that he or she has *accepted*. Receipt is different from acceptance. A decision to *accept* a contribution must be made by the end of the reporting period during which the contribution is received.

**Failure to make a determination about acceptance or refusal.** If a candidate or officeholder fails to make a timely determination to accept or refuse a contribution by the deadline, the contribution is considered to have been accepted.

**Returning refused contributions.** If a candidate or officeholder receives a political contribution but does not accept it, he or she must return the contribution not later than the 30th day after the end of the reporting period in which the contribution was received. Otherwise, the contribution is considered to have been accepted.

## **REIMBURSEMENT FOR POLITICAL EXPENDITURES FROM PERSONAL FUNDS**

If a candidate or officeholder makes political expenditures from personal funds, he or she may use political contributions to reimburse himself or herself if the expenditures are properly reported either on the reporting schedule for loans or on the reporting schedule for political expenditures from personal funds. In order for a candidate or officeholder to use political contributions to reimburse his or her personal funds, the political expenditure from personal funds must be properly reported on the report covering the period in which the expenditures are made. *A filed report may not be later corrected to indicate an intention to reimburse personal funds from political contributions.*

If a candidate or officeholder deposits personal funds in an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code, the deposited amount must be reported as a loan and reimbursements to the candidate or officeholder may not exceed the amount reported as a loan. *See “Campaign Expenditures from Personal Funds” in this guide for additional information.*

## **SEPARATE ACCOUNT REQUIRED**

A candidate or officeholder must keep political contributions in one or more accounts that are separate from any other account maintained by the candidate or officeholder. (There is no

requirement to keep campaign contributions in a separate account from officeholder contributions.)

## **RESTRICTIONS INVOLVING LOBBYING**

The 2019 legislature passed House Bill 2677 to amend Chapter 305 of the Government Code and Chapter 253 of the Election Code to enact the following restrictions. Each prohibition begins on September 27, 2019. For the language of the bill, go to <https://capitol.texas.gov/tlodocs/86R/billtext/html/HB02677F.htm>.

**Making Political Contributions and Direct Campaign Expenditures.** Unless expressly prohibited, a lobbyist may make political contributions and direct campaign expenditures. The campaign finance law, however, generally prohibits corporations and labor organizations from making political contributions. Tex. Elec. Code § 253.094.

Section 253.006 of the Election Code prohibits a person required to register as a lobbyist under Chapter 305 of the Government Code from making political contributions or direct campaign expenditures from certain sources of funds. A person required to register as a lobbyist is prohibited from making or authorizing a political contribution to another candidate, officeholder, or political committee, or making or authorizing a direct campaign expenditure, from political contributions accepted by:

- (1) the lobbyist as a candidate or officeholder;
- (2) a specific-purpose committee that supports the lobbyist as a candidate or assists the lobbyist as an officeholder; or
- (3) a political committee that accepted a political contribution from (1) or (2), described above, during the two years immediately before the contribution or expenditure was made.

**Two-Year Lobbying Prohibition After Making a Political Contribution or Direct Campaign Expenditure.** Section 253.007 of the Election Code prohibits lobbying by persons who make political contributions or direct campaign expenditures from certain sources of funds. A person who makes a political contribution to another candidate, officeholder, or political committee, or makes a direct campaign expenditure, from political contributions accepted by the person as a candidate or officeholder is prohibited from engaging in activities that require registration as a lobbyist under Chapter 305 of the Government Code for two years thereafter.

However, an exception to this prohibition allows a person who does not receive compensation other than reimbursement for actual expenses to lobby on behalf of a nonprofit organization, a group of low-income individuals, or a group of individuals with disabilities.

**Lobby Expenditures from Political Contributions.** Section 305.029 of the Government Code prohibits certain lobby expenditures made from political contributions. A lobbyist registered under Chapter 305 of the Government Code, or a person on behalf of the lobbyist and with the lobbyist's consent or ratification, is prohibited from making a reportable lobby expenditure from a political contribution accepted by:

- (1) the lobbyist as a candidate or officeholder;

- (2) a specific-purpose committee that supports the lobbyist as a candidate or assists the lobbyist as an officeholder; or
- (3) a political committee that accepted a political contribution from (1) or (2), described above, during the two years immediately before the lobbyist made or authorized the expenditure.

## **INFORMATION REQUIRED ON REPORTS**

### **CONTRIBUTIONS**

A report must disclose the amount of each contribution or the value and nature of any in-kind contribution, as well as the name and address of the individual or political committee making the contribution, and the date of the contribution. (Detailed information about a contributor is not required to be reported if the contributor contributed \$100 or less during the reporting period. However, all contributions made electronically must be itemized with this information.)

### **PLEDGES**

Promises to transfer money, goods, services, or other things of value are contributions. If a filer accepts such a promise, he or she must report it (along with the information required for other contributions) on the reporting schedule for “pledges.” Once a pledge has been received, it is reported on the appropriate receipts schedule for the reporting period in which the pledge is received. A pledge that is actually received in the same reporting period in which the pledge was accepted shall be reported only on the appropriate receipts schedule.

**Note:** A pledge is not a contribution unless it has been accepted.

**Example 1:** In June a supporter promises that he will give Juan Garcia \$1,000 in the last week before the November election. Juan accepts his promise. Juan must report the pledge on his July 15 report. Juan must also report a political contribution when the pledge is actually received. (Note: If Juan receives the pledge during the July semiannual reporting period then he does not report the pledge and only reports a political contribution. Also, if he never receives the \$1,000, he does not amend his report to delete the entry for the pledge.)

**Example 2:** At a party, an acquaintance says to Juan, “I’d like to give you some money; call me at my office.” Juan agrees to call. At this point, Juan has accepted nothing and has nothing to report. Juan has not agreed to accept money; he has merely agreed to call.

### **LOANS**

Loans made for campaign or officeholder purposes are reportable. A filer must report the amount of a loan, the date the loan is made, the interest rate, the maturity date, the type of collateral, and the name and address of the lender. The filer must also report the name, address, principal occupation, and employer of any guarantor and the amount guaranteed by the guarantor. (Detailed information is not required if a particular lender lent \$100 or less during a reporting period.) If a candidate or officeholder deposits personal funds in an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code, the deposited amount must be reported as a loan. *See “Campaign Expenditures from Personal*

Funds" in this guide for additional information.

**Note:** A loan from an incorporated financial institution that has been in business for more than one year is not a contribution. Other loans are considered to be contributions. This distinction is important because of the prohibition on contributions from banks and certain other financial institutions. *See "Campaign Finance Restrictions"* in this guide. All loans are reported on the same schedule, regardless of whether they are contributions. Additionally, the forgiveness of a loan is a reportable in-kind contribution. *See 1 Tex. Admin. Code § 20.64.*

## **CONTRIBUTIONS OF PERSONAL SERVICES**

A political contribution consisting of an individual's personal services is not required to be reported if the individual receives no compensation *from any source* for the services.

## **CONTRIBUTIONS OF PERSONAL TRAVEL**

A political contribution consisting of personal travel expense incurred by an individual is not required to be reported if the individual receives no reimbursement for the expense.

## **CONTRIBUTIONS FROM OUT-OF-STATE POLITICAL COMMITTEES**

There are restrictions on contributions from out-of-state political committees. The fact that a political committee has a mailing address outside of Texas does not mean that the committee is an out-of-state political committee for purposes of these restrictions. A political committee that has a campaign treasurer appointment on file in Texas is not an out-of-state political committee for purposes of these restrictions.

**Contributions over \$1,010 in a reporting period.** Before *accepting* more than \$1,010 in a reporting period from an out-of-state committee, a candidate or officeholder must obtain either (1) a written statement, certified by an officer of the out-of-state political committee, listing the full name and address of each person who contributed more than \$200 to the out-of-state political committee during the 12 months immediately preceding the contribution, *or* (2) a copy of the out-of-state political 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.

This documentation must be included with the report of contributions and expenditures for the period in which the contribution was received.

**Contributions of \$1,010 or less in a reporting period.** For a contribution of \$1,010 or less from an out-of-state committee in a reporting period, there is no requirement to obtain documentation *before accepting* the contribution. But there is a requirement to include certain documentation with the report of the contribution. The report must include *either* (1) a copy of the out-of-state political 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, *or* (2) the committee's name, address, and phone number; the name of the person appointing the committee's campaign treasurer; and the name, address, and phone number of the committee's campaign treasurer.

## **EXPENDITURES**

A filer must report any campaign expenditure (regardless of whether it is made from political contributions or from personal funds) and any political expenditure (campaign or officeholder) from political contributions (regardless of whether the expenditure is a political expenditure). A filer must also report unpaid incurred obligations. *See “Unpaid Incurred Obligations” in this guide.* If the total expenditures to a particular payee do not exceed \$200 during the reporting period, a filer may report those expenditures as part of a lump sum. Otherwise, a filer must report the date of an expenditure, the name and address of the person to whom the expenditure is made, and the purpose of the expenditure.

### **UNPAID INCURRED OBLIGATIONS**

An expenditure that is not paid during the reporting period in which the obligation to pay the expenditure is incurred shall be reported on the Unpaid Incurred Obligations Schedule for the reporting period in which the obligation to pay is incurred.

The use of political contributions to pay an expenditure previously disclosed on an Unpaid Incurred Obligations Schedule shall be reported on the appropriate disbursements schedule for the reporting period in which the payment is made.

The use of personal funds to pay an expenditure previously disclosed on an Unpaid Incurred Obligations Schedule shall be reported on the Political Expenditure Made from Personal Funds Schedule for the reporting period in which the payment is made.

### **EXPENDITURES MADE BY CREDIT CARD**

An expenditure made by a credit card must be reported on the Expenditures Made to Credit Card Schedule for the reporting period in which the expenditure is made. The report must identify the vendor who receives the payment from the credit card company.

The use of political contributions to make a payment to a credit card company must be reported on the appropriate disbursements schedule for the reporting period in which the payment is made and identify the credit card company receiving the payment.

The use of personal funds to make a payment to a credit card company must be reported on the Political Expenditure Made from Personal Funds Schedule for the reporting period in which the payment is made and identify the credit card company receiving the payment.

### **CAMPAIGN EXPENDITURES FROM PERSONAL FUNDS**

A candidate must report all campaign expenditures, whether made from political contributions or from personal funds. In order to use political contributions to reimburse himself or herself for campaign expenditures from personal funds, the candidate must properly report the expenditures either on the reporting schedule for loans or on the reporting schedule for political expenditures from personal funds. If the candidate does not indicate the intention to seek reimbursement on that report, he or she may not later correct the report to permit reimbursement.

If a candidate or officeholder deposits personal funds in an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code, the deposited

amount must be reported as a loan on Schedule E. Political expenditures made from that loan, and any subsequent expenditures to reimburse the candidate or officeholder, must be reported on Schedule F1. The reimbursement may not exceed the amount reported as a loan. Any unexpended funds from such a loan are required to be included in the total amount of political contributions maintained as of the last day of the reporting period. Note: Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.

## **OFFICEHOLDER EXPENDITURES FROM PERSONAL FUNDS**

An officeholder is not required to report *officeholder expenditures* made from personal funds unless he or she intends to be reimbursed from political contributions. This rule applies regardless of whether an officeholder has an appointment of campaign treasurer on file.

In order for an officeholder to use political contributions to reimburse an officeholder expenditure from personal funds, the officeholder must properly report the expenditures either on the reporting schedule for loans or on the reporting schedule for political expenditures from personal funds. If the officeholder does not indicate the intention to seek reimbursement, he or she may not later correct the report to permit reimbursement.

If a candidate or officeholder deposits personal funds in an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code, the deposited amount must be reported as a loan on Schedule E. Political expenditures made from that loan, and any subsequent expenditures to reimburse the candidate or officeholder, must be reported on Schedule F1. The reimbursement may not exceed the amount reported as a loan. Any unexpended funds from such a loan are required to be included in the total amount of political contributions maintained as of the last day of the reporting period. Note: Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.

## **DIRECT EXPENDITURES**

A direct campaign expenditure is “a campaign expenditure that does not constitute a campaign contribution by the person making the expenditure.” As a practical matter, a direct campaign expenditure is an expenditure to support a candidate incurred without the candidate’s prior consent or approval.

If a candidate or officeholder makes a direct campaign expenditure to support *another* candidate or officeholder, the expenditure must be included on the reporting schedule for political expenditures, and the report must indicate that the expenditure was a direct campaign expenditure.

## **SUPPORTING POLITICAL COMMITTEES**

A political committee that accepts political contributions or makes political contributions on behalf of a candidate or officeholder is required to give the candidate or officeholder notice of that fact. The candidate or officeholder must report the receipt of such a notice on the report covering the period in which he or she receives the notice.

## **PAYMENTS TO A BUSINESS OF THE CANDIDATE OR OFFICEHOLDER**

A candidate or officeholder is required to report payments from political funds to a business in which the candidate or officeholder has a participating interest of more than 10 percent; a position on the governing body of the business; *or* a position as an officer of a business.

A candidate or officeholder may not make a payment to such a business if the payment is for personal services rendered by the candidate or officeholder or by the spouse or dependent child of the candidate or officeholder. (Nor may a candidate or officeholder use political contributions to pay directly for such personal services.) Other payments to such a business are permissible only if the payment does not exceed the amount necessary to reimburse the business for actual expenditures made by the business. *See generally* Op. Tex. Ethics Comm'n No. 35 (1992).

A candidate or officeholder may not make or authorize a payment from political funds for the rental or purchase of real property from such a business. *See "Use of Political Funds to Rent or Purchase Real Property"* in this guide.

## **INTEREST EARNED AND OTHER CREDITS/GAINS/REFUNDS**

A candidate or officeholder is required to disclose information regarding the following types of activity from political contributions:

- any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting from the use of a political contribution or an asset purchased with a political contribution, the amount of which exceeds \$130;
- any proceeds of the sale of an asset purchased with a political contribution, the amount of which exceeds \$130; and
- any other gain from a political contribution, the amount of which exceeds \$130.

A candidate or officeholder must use Schedule K to report such information. Although you are not required to do so, you may also report any credit/gain/refund or interest that does not exceed \$130 in the period on this schedule. (Previously, this was an optional schedule because a candidate or officeholder was not required to report this information.) A candidate or officeholder may not use interest and other income from political contributions for personal purposes. Political expenditures made from such income must be reported on the expenditures schedule.

## **PURCHASE OF INVESTMENTS**

A candidate or officeholder must report any investment purchased with a political contribution, the amount of which exceeds \$130. This information must be disclosed on Schedule F3 of the campaign finance report.

## **TOTAL POLITICAL CONTRIBUTIONS MAINTAINED**

The law requires you to disclose the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which

political contributions are deposited as of the last day of the reporting period. The “total amount of political contributions maintained” includes: the total amount of political contributions maintained in one or more accounts, including the balance on deposit in banks, savings and loan institutions and other depository institutions; the present value of any investments that can be readily converted to cash, such as certificates of deposit, money market accounts, stocks, bonds, treasury bills, etc.; and the balance of political contributions accepted and held in any online fundraising account over which the filer can exercise control by making a withdrawal, expenditure, or transfer. 1 Tex. Admin. Code § 20.50.

The total amount of political contributions maintained does NOT include personal funds that the filer intends to use for political expenditures, *unless* the personal funds have been disclosed as a loan to your campaign and deposited into an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. Any unexpended funds from such a loan are required to be included in the total amount of political contributions maintained as of the last day of the reporting period. Note: Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.

## **TIME OF ACCEPTING CONTRIBUTION**

A filer must report the date he or she *accepts* a political contribution. The date of receipt may be different from the date of acceptance. *See* “Accepting Contributions” in this guide.

## **TIME OF MAKING EXPENDITURE**

For reporting purposes, an expenditure is made when the amount of the expenditure is readily determinable. An expenditure that is not paid during the reporting period in which the obligation to pay is incurred must be reported on the reporting schedule for “Unpaid Incurred Obligations,” and then reported again on the appropriate expenditure schedule when payment is actually made. If a filer cannot determine the amount of an expenditure until a periodic bill, the date of the expenditure is the date the bill is received.

**Credit Card Expenditures.** For purposes of 30 day and 8 day pre-election reports, the date of an expenditure made by a credit card is the date of the purchase, not the date of the credit card bill. For purposes of other reports, the date of an expenditure made by a credit card is the date of receipt of the credit card statement that includes the expenditure. For additional information regarding how to report expenditures made by credit card, *see* “Expenditures Made by Credit Card” in this guide.

## **PREPARING REPORTS**

## **FORMS**

Reporting forms are available at <http://www.ethics.state.tx.us>. An individual who is both a candidate and an officeholder files one report for each reporting period and is not required to distinguish between campaign activity and officeholder activity.

## **SIGNATURE REQUIRED**

The candidate or officeholder, not the campaign treasurer, must sign reports.

## **FILING DEADLINES**

The next section of this guide explains the types of reports candidates and officeholders are required to file. Annual filing schedules are available at <http://www.ethics.state.tx.us>.

**Note:** Deadlines for filing reports for special elections or runoff elections will not be listed on the filing schedule. Call the Ethics Commission for specific information in these cases.

## **PERIODS COVERED BY REPORTS**

Each report covers activity during a specific time period. Generally, a report begins where the last report ended. For a candidate's first report, the beginning date will be the date the campaign treasurer appointment was filed. For an officeholder who is appointed to an elective office and who did not have a campaign treasurer appointment on file at the time of the appointment, the beginning date for the first report will be the date the officeholder took office. Generally, there should not be gaps between the periods covered or overlapping time periods. See "Reports" below for information about filing deadlines and periods covered by reports.

## **DEADLINE ON WEEKEND OR HOLIDAY**

If the due date for a report falls on a Saturday, Sunday, or legal holiday, the report is due on the next regular business day.

## **5 P.M. DEADLINE**

The deadline for filing a report is 5 p.m. on the due date.

## **DELIVERY BY MAIL OR OTHER CARRIER**

For most reporting deadlines, a document is considered timely filed if it is properly addressed with postage or handling charges prepaid and bears a postmark or receipt mark of a common or contract carrier indicating a time on or before the deadline.

**Pre-Election Reports.** A report due 30 days before an election and a report due 8 days before an election must be *received* by the appropriate filing authority no later than the report due date to be considered filed on time.

## **RETENTION OF RECORDS USED FOR REPORTS**

A filer must keep records of all information used to prepare a report of contributions and expenditures, including, for example, receipts or ledgers of contributions and expenditures. A filer must maintain the records for two years after the deadline for the report.

## **REPORTS**

### **SEMIANNUAL REPORTS**

Generally, candidates and officeholders are required to file reports of contributions and expenditures by January 15 and July 15 of each year. The reports filed on these dates are known as semiannual reports. These reports must be filed even if there is no activity to report for the period covered.

However, there is an exception to this requirement for officeholders who file with a local filing authority, do not have a campaign treasurer appointment on file, and do not accept more than \$1,010 in officeholder contributions or make more than \$1,010 in officeholder expenditures during the period covered by the report.

### **REPORTS DUE 30 DAYS AND 8 DAYS BEFORE AN ELECTION**

An *opposed* candidate in an upcoming election must file reports of contributions and expenditures 30 days and 8 days before the election. Each of these pre-election reports must be *received* by the appropriate filing authority no later than the report due date. (A person who has elected modified reporting and who remains eligible for modified reporting is not required to file these reports. *See* “Modified Reporting” in this guide.)

An opposed candidate is a candidate who has an opponent whose name is printed on the ballot. If a candidate’s only opposition is a write-in candidate, that candidate is considered unopposed for filing purposes. (**Note:** A write-in candidate who accepts political contributions or makes political expenditures is subject to the reporting requirements discussed in this guide.)

The report that is due 30 days before the election covers the period that begins on the first day after the period covered by the last required report and ends the 40th day before the election. If this is a filer’s first required report, the period covered by the report begins on the day the filer filed a campaign treasurer appointment.

The report that is due 8 days before the election covers the period that begins on the first day after the period covered by the last required report and ends on the 10th day before the election.

### **REPORT DUE 8 DAYS BEFORE A RUNOFF ELECTION**

A candidate in a runoff must file a report 8 days before the runoff election. A runoff report must be *received* by the appropriate filing authority no later than the report due date. (A candidate who has elected modified reporting and who remains eligible for modified reporting is not required to file this report. *See* “Modified Reporting” below.)

This report covers a period that begins either the first day after the period covered by the last required report or the day the filer filed a campaign treasurer appointment (if this is the filer’s first report of contributions and expenditures). The period covered by the runoff report ends the 10th day before the runoff election.

## **MODIFIED REPORTING**

On the campaign treasurer appointment form, there is an option to choose modified reporting for the next election cycle. Modified reporting excuses an opposed candidate from filing reports 30 days and 8 days before an election and 8 days before a runoff. An opposed candidate is eligible for modified reporting only if the candidate does not intend to exceed either \$1,010 in contributions or \$1,010 in expenditures (excluding filing fees) in connection with an election.

If an opposed candidate selects modified reporting but exceeds a threshold before the 30th day before the election, the candidate must file reports 30 days and 8 days before the election.

If an opposed candidate selects modified reporting but exceeds the \$1,010 threshold for contributions or expenditures after the 30th day before the election, the filer must file a report within 48 hours of exceeding the threshold. (The filer must meet this deadline even if it falls on a weekend or a holiday.) At that point, the filer is no longer eligible for modified reporting and must file according to the regular filing schedule.

A selection to file on the modified reporting schedule lasts for an entire election cycle. In other words, the selection is valid for a primary, a primary runoff, and a general election (as long as the candidate does not exceed one of the \$1,010 thresholds). A candidate must submit an amended campaign treasurer appointment (FORM ACTA) to select modified reporting for a different election cycle.

## **“15<sup>TH</sup> DAY AFTER APPOINTMENT OF CAMPAIGN TREASURER BY AN OFFICEHOLDER” REPORT**

An officeholder must file a report after filing a campaign treasurer appointment. (A report is not required after a *change* in campaign treasurers.) This report of contributions and expenditures is due no later than 15 days after the campaign treasurer appointment was filed. The report must cover the period that begins the day after the period covered by the last required report. The period ends on the day before the campaign treasurer appointment was filed. (**Note:** A person who is *appointed* to elective office may not have filed any previous reports. In that case, the beginning date for the report due 15 days after the campaign treasurer appointment is the date the officeholder took office.) The report is not required if the officeholder did not accept more than \$1,010 in contributions or make more than \$1,010 in expenditures by the end of the reporting period.

## **FINAL REPORT**

*See “Ending Filing Obligations” below.*

## **ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS**

*See “Ending Filing Obligations” below.*

## **FINAL DISPOSITION OF UNEXPENDED CONTRIBUTIONS REPORT**

*See “Ending Filing Obligations” below.*

## **THINGS TO REMEMBER**

- An officeholder must file semiannual reports for any period during which he or she is an officeholder. (There is an exception to this rule for officeholders who do not have a campaign treasurer appointment on file and who do not accept more than \$1,010 in political contributions or make more than \$1,010 in political expenditures during the period covered by the report.)
- An opposed candidate in an election must file reports of contributions and expenditures 30 days and 8 days before the election, unless the candidate has selected (and remains eligible for) modified reporting. An opposed candidate who has not selected modified reporting must also file a report 8 days before a runoff election. A report due 30 days before an election and a report due 8 days before an election must be received by the appropriate filing authority no later than the report due date.
- An unopposed candidate is not required to file reports 30 days before an election or 8 days before an election but is required to file semiannual reports.
- A candidate who selects modified reporting must file semiannual reports.

A filer who selects modified reporting for one election cycle will be required to file on the regular reporting schedule for the next election cycle unless the filer submits an amended campaign treasurer appointment selecting modified reporting for the next election cycle.

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## **ENDING FILING OBLIGATIONS**

### **FINAL REPORT**

If a filer expects to accept no further political contributions and to make no further political expenditures and if the filer expects to take no further action to get elected to a public office, the filer may file a final report. Filing a final report terminates a filer's campaign treasurer appointment and relieves the filer from any additional filing obligations *as a candidate*. (Note: A candidate who does not have a campaign treasurer appointment on file may still be required to file a personal financial statement in accordance with Chapter 572 of the Government Code or Chapter 159 of the Local Government Code.) If the filer is an officeholder, the filer will still be subject to the filing requirements applicable to officeholders. A filer who is not an officeholder at the time of filing a final report *and* who has surplus political funds or assets will be required to file annual reports of unexpended contributions and a report of final disposition of unexpended contributions. *See* "Annual Report of Unexpended Contributions" and "Report of Final Disposition of Unexpended Contributions" below.

A filer who intends to continue accepting contributions to pay campaign debts should *not* terminate his or her campaign treasurer appointment. An individual must have a campaign treasurer appointment on file to accept contributions to offset campaign debts or to pay campaign debts.

Terminating a campaign treasurer appointment does not relieve a filer of responsibility for any delinquent reports or outstanding civil penalties.

## **ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS**

The following individuals must file annual reports of unexpended contributions:

- a former officeholder who did not have a campaign treasurer appointment on file at the time of leaving office and who retained any of the following after filing his or her last report: political contributions, interest or other income from political contributions, or assets purchased with political contributions or interest or other income from political contributions.
- a former candidate (a person who previously had a campaign treasurer appointment on file) who was not an officeholder at the time of filing a final report and who retained any of the following at the time of filing a final report: political contributions, interest or other income from political contributions, or assets purchased with political contributions.

Annual reports are due not earlier than January 1 and not later than January 15 of each year. An annual report (FORM C/OH-UC) must contain the following information: (1) information about expenditures from or disposition of surplus funds or assets; (2) the amount of interest or other income earned on surplus funds during the previous year; and (3) the total amount of surplus funds and assets at the end of the previous year.

The obligation to file annual reports ends when the former candidate or officeholder files a report of final disposition of unexpended contributions.

## **REPORT OF FINAL DISPOSITION OF UNEXPENDED CONTRIBUTIONS**

A former candidate or former officeholder who has disposed of all surplus funds and assets must file a report of final disposition of unexpended contributions. This report may be filed as soon as all funds have been disposed of.

A former candidate or former officeholder has six years from the date of filing a final report or leaving office (whichever is later) to dispose of surplus funds and assets. The latest possible date for filing a report of unexpended contributions is 30 days after the end of that six-year period.

At the end of the six-year period, a former candidate or officeholder *must* dispose of surplus assets or funds in one of the following ways:

- The former candidate or officeholder may give them to the political party with which he or she was affiliated when last on the ballot;
- The former candidate or officeholder may contribute them to a candidate or a political committee. (This triggers a requirement to file a report of the contribution.);
- The former candidate or officeholder may give them to the comptroller for deposit in the state treasury to be used to finance primary elections;

- The former candidate or officeholder may give them to one or more contributors, but the total returned to any person may not exceed the aggregate amount accepted from that person during the last two years during which the former candidate or officeholder accepted political contributions;
- The former candidate or officeholder may give them to certain charitable organizations; or
- The former candidate or officeholder may give them to a public or private post-secondary educational institution or an institution of higher education as defined by section 61.003(8), Education Code, for the purpose of assisting or creating a scholarship program.

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### **THINGS TO REMEMBER**

- Anyone who has an appointment of campaign treasurer on file must file periodic reports of campaign contributions and expenditures.
- An individual who expects no further reportable activity in connection with his or her candidacy, files a final report and thereby terminates his or her campaign treasurer appointment. (Note: A candidate who does not have a campaign treasurer appointment on file may still be required to file a personal financial statement in accordance with Chapter 572 of the Government Code or Chapter 159 of the Local Government Code.)
- An officeholder may be required to file semiannual reports even if he or she does not have a campaign treasurer appointment on file. A local officeholder who has not accepted more than \$1,010 in contributions or made more than \$1,010 in expenditures in a semiannual period since terminating his or her campaign treasurer appointment is not required to file a semiannual report for that period.

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### **PENALTIES FOR REPORTING VIOLATIONS**

Any citizen may file a criminal complaint with the district attorney, a civil complaint with the Ethics Commission, or a civil action against a candidate or officeholder for violations of Title 15. Any penalty stemming from such complaints would be assessed against *the candidate or officeholder*, not the campaign treasurer.

### **CAMPAIGN FINANCE RESTRICTIONS**

Chapter 253 of the Election Code contains a number of restrictions regarding the acceptance and use of political contributions, including the following:

1. An individual may not accept a campaign contribution or make a campaign expenditure (including a campaign expenditure from personal funds) without a campaign treasurer appointment on file. Tex. Elec. Code § 253.031. An officeholder may accept officeholder contributions and make officeholder

expenditures regardless of whether he or she has a campaign treasurer appointment on file.

2. Political contributions from labor organizations and from most corporations are prohibited. Tex. Elec. Code § 253.091, *et seq.* Partnerships that include one or more corporate partners are subject to the prohibition.
3. Certain documentation must be obtained in order to accept contributions from an out-of-state political committee. Tex. Elec. Code § 253.032. *See* “Contributions from Out-of-State Political Committees” in this guide.
4. Cash contributions of more than \$100 in the aggregate from one contributor in a reporting period are prohibited. (Here “cash” means coins and currency, not checks.) Tex. Elec. Code § 253.033.
5. The use of political contributions to purchase real property is prohibited. There is also a restriction on the use of political funds to rent or purchase real property from a person related to the candidate or officeholder within the second degree of consanguinity or affinity or from a business in which the candidate or officeholder or such a relative has a participating interest of more than 10 percent, holds a position on the governing body, or serves as an officer. Tex. Elec. Code § 253.038.
6. Texas law does not allow anonymous contributions. Also, reports must disclose the actual source of a contribution, not an intermediary. Tex. Elec. Code § 253.001.
7. Personal use of political contributions is prohibited. Tex. Elec. Code § 253.035.
8. A candidate or officeholder may not use political contributions to pay for personal services rendered by the candidate or officeholder or by the spouse, or dependent children of the candidate or officeholder. There are also restrictions of a candidate’s or officeholder’s use of political contributions to make payments to a business in which the candidate or officeholder holds a participating interest of more than 10 percent, a position on the governing body of the business, or a position as an officer of the business. *See* to Op. Tex. Ethics Comm’n No. 35 (1992) (regarding the combined effect of this prohibition and the prohibition on corporate contributions). Tex. Elec. Code § 253.041.

There are restrictions on the use of political contributions to reimburse political expenditures from personal funds. *See* “Reimbursement for Political Expenditures from Personal Funds,” in this guide.

9. A candidate, officeholder, or political committee may not accept political contributions in the Capitol, the Capitol Extension, or a courthouse. “Courthouse” means any building owned by the state, a county, or a municipality, or an office or part of a building leased to the state, a county, or a municipality, in which a justice or judge sits to conduct court proceedings. Tex. Elec. Code § 253.039.
10. A person required to register as a lobbyist is prohibited from making or authorizing a political contribution to another candidate, officeholder, or political committee, or

making or authorizing a direct campaign expenditure, from political contributions accepted by: (1) the lobbyist as a candidate or officeholder; (2) a specific-purpose committee that supports or assists the lobbyist as a candidate or officeholder; or (3) a political committee that accepted a political contribution from (1) or (2), described above, during the two years immediately before the contribution or expenditure was made. Tex. Elec. Code § 253.006.

11. A person who makes a political contribution to another candidate, officeholder, or political committee, or makes a direct campaign expenditure, from political contributions accepted by the person as a candidate or officeholder is prohibited from engaging in activities that require registration as a lobbyist for two years thereafter. This does not apply to a person who does not receive compensation other than reimbursement for actual expenses to lobby on behalf of a nonprofit organization, a group of low-income individuals, or a group of individuals with disabilities. Tex. Elec. Code § 253.007.
12. A registered lobbyist, or a person on behalf of the lobbyist and with the lobbyist's consent or ratification, is prohibited from making a reportable lobby expenditure from a political contribution accepted by: (1) the lobbyist as a candidate or officeholder; (2) a specific-purpose committee that supports or assists the lobbyist as a candidate or officeholder; or (3) a political committee that accepted a political contribution from (1) or (2), described above, during the two years immediately before the lobbyist made or authorized the expenditure. Tex. Gov't Code § 305.029.
13. Federal law generally prohibits the acceptance of contributions from foreign sources. Contact the Federal Election Commission for more detailed information.

# APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

FORM CTA

PG 1

<b>See CTA Instruction Guide for detailed instructions.</b>						<b>1</b> Total pages filed:	
<b>2</b> CANDIDATE NAME	MS / MRS / MR			FIRST	MI	<b>OFFICE USE ONLY</b>	
	NICKNAME		LAST	SUFFIX		Filer ID #	
<b>3</b> CANDIDATE MAILING ADDRESS	ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE					Date Received	
						Date Hand-delivered or Postmarked	
<b>4</b> CANDIDATE PHONE	AREA CODE	PHONE NUMBER		EXTENSION		Receipt #	Amount \$
	( )					Date Processed	
<b>5</b> OFFICE HELD (if any)						Date Imaged	
<b>6</b> OFFICE SOUGHT (if known)							
<b>7</b> CAMPAIGN TREASURER NAME	MS/MRS/MR	FIRST	MI	NICKNAME	LAST	SUFFIX	
<b>8</b> CAMPAIGN TREASURER STREET ADDRESS (residence or business)	STREET ADDRESS;		APT / SUITE #;	CITY;	STATE;	ZIP CODE	
<b>9</b> CAMPAIGN TREASURER PHONE	AREA CODE	PHONE NUMBER		EXTENSION			
( )							
<b>10</b> CANDIDATE SIGNATURE	<p>I am aware of the Nepotism Law, Chapter 573 of the Texas Government Code.</p> <p>I am aware of my responsibility to file timely reports as required by title 15 of the Election Code.</p> <p>I am aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations.</p>						
				Signature of Candidate		Date Signed	
<b>GO TO PAGE 2</b>							

# CANDIDATE MODIFIED REPORTING DECLARATION

FORM CTA

PG 2

11 CANDIDATE  
NAME

12 MODIFIED  
REPORTING  
DECLARATION

## COMPLETE THIS SECTION ONLY IF YOU ARE CHOOSING MODIFIED REPORTING

**•• This declaration must be filed no later than the 30th day before  
the first election to which the declaration applies. ••**

**•• The modified reporting option is valid for one election cycle only. ••**  
(An election cycle includes a primary election, a general election, and any related runoffs.)

**•• Candidates for the office of state chair of a political party  
may NOT choose modified reporting. ••**

I do not intend to accept more than \$1,010 in political contributions or make more than \$1,010 in political expenditures (excluding filing fees) in connection with any future election within the election cycle. I understand that if either one of those limits is exceeded, I will be required to file pre-election reports and, if necessary, a runoff report.

---

Year of election(s) or election cycle to  
which declaration applies

---

Signature of Candidate

**This appointment is effective on the date it is filed with the appropriate filing authority.**

TEC Filers may send this form to the TEC electronically at [treasappoint@ethics.state.tx.us](mailto:treasappoint@ethics.state.tx.us)  
or mail to  
Texas Ethics Commission  
P.O. Box 12070  
Austin, TX 78711-2070

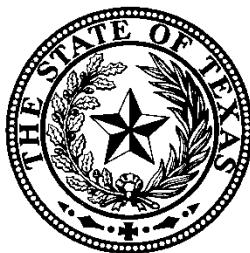
**Non-TEC Filers must file this form with the local filing authority  
DO NOT SEND TO TEC**

For more information about where to file go to:  
<https://www.ethics.state.tx.us/filinginfo/QuickFileAReport.php>

# TEXAS ETHICS COMMISSION

## APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

### FORM CTA--INSTRUCTION GUIDE



Revised January 1, 2023

## FORM CTA—INSTRUCTION GUIDE

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## APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

### GENERAL INSTRUCTIONS

*These instructions are for the APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (Form CTA). Use Form CTA only for appointing your campaign treasurer. Use the AMENDMENT (Form ACTA) for changing information previously reported on Form CTA and for renewing your choice to report under the modified schedule. Note: Candidates for most judicial offices use Form JCTA to file a campaign treasurer appointment.*

### DUTIES OF A CANDIDATE OR OFFICEHOLDER

As a candidate or officeholder, you alone, not the campaign treasurer, are responsible for filing this form and all candidate/officeholder reports of contributions, expenditures, and loans. Failing to file a report on time or filing an incomplete report may subject you to criminal or civil penalties.

### QUALIFICATIONS OF CAMPAIGN TREASURER

A person is ineligible for appointment as a campaign treasurer if the person is the campaign treasurer of a political committee that has outstanding filing obligations (including outstanding penalties). This prohibition does not apply if the committee in connection with which the ineligibility arose has not accepted more than \$5,000 in political contributions or made more than \$5,000 in political expenditures in any semiannual reporting period. A person who violates this prohibition is liable for a civil penalty not to exceed three times the amount of political contributions accepted or political expenditures made in violation of this provision. Note: A candidate may appoint himself or herself as his or her own campaign treasurer.

### DUTIES OF A CAMPAIGN TREASURER

State law does not impose any obligations on a candidate's campaign treasurer.

### REQUIREMENT TO FILE BEFORE BEGINNING A CAMPAIGN

If you plan to run for a public office in Texas (except for a federal office), you must file this form when you become a candidate even if you do not intend to accept campaign contributions or make campaign expenditures. A "candidate" is a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. Examples of affirmative action include:

- (A) the filing of a campaign treasurer appointment, except that the filing does not constitute candidacy or an announcement of candidacy for purposes of the automatic resignation provisions of Article XVI, Section 65, or Article XI, Section 11, of the Texas Constitution;
- (B) the filing of an application for a place on the ballot;

- (C) the filing of an application for nomination by convention;
- (D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy;
- (E) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (F) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of
- (G) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure; and
- (H) the seeking of the nomination of an executive committee of a political party to fill a vacancy.

Additionally, the law provides that you must file this form before you may accept a campaign contribution or make or authorize a campaign expenditure, including an personal funds. A filing fee paid to a filing authority to qualify for a place on a ballot is a campaign expenditure that may not be made before filing a campaign treasurer appointment form with the proper filing authority.

If you are an officeholder, you may make officeholder expenditures and accept officeholder contributions without having a campaign treasurer appointment on file. If you do not have a campaign treasurer appointment on file and you wish to accept *campaign* contributions or make *campaign* expenditures in connection with your office or for a different office, you must file this form before doing so. In such a case, a sworn report of contributions, expenditures, and loans will be due no later than the 15th day after filing this form.

## **WHERE TO FILE A CAMPAIGN TREASURER APPOINTMENT**

The appropriate filing authority depends on the office sought or held.

**a. Texas Ethics Commission.** The Texas Ethics Commission (Commission) is the appropriate filing authority for the Secretary of State and for candidates for or holders of the following offices:

- Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, Land Commissioner, Agriculture Commissioner, Railroad Commissioner.
- State Senator or State Representative.
- Supreme Court Justice, Court of Criminal Appeals Judge, and Court of Appeals Judge.\*
- State Board of Education.

- A multi-county district judge\* or multi-county district attorney.
- A single-county district judge.\*
- An office of a political subdivision other than a county if the political subdivision includes areas in more than one county and if the governing body of the political subdivision has not been formed.
- A chair of the state executive committee of a political party with a nominee on the ballot in the most recent gubernatorial election.
- A county chair of a political party with a nominee on the ballot in the most recent gubernatorial election if the county has a population of 350,000 or more.

\* Judicial candidates use FORM JCTA to appoint a campaign treasurer.

**b. County Clerk.** The county clerk (or the county elections administrator or tax assessor, as applicable) is the appropriate local filing authority for a candidate for:

- A county office.
- A precinct office.
- A district office (except for multi-county district offices).
- An office of a political subdivision other than a county if the political subdivision is within the boundaries of a single county and if the governing body of the political subdivision has not been formed.

**c. Local Filing Authority.** If a candidate is seeking an office of a political subdivision other than a county, the appropriate filing authority is the *clerk or secretary of the governing body* of the political subdivision. If the political subdivision has no clerk or secretary, the appropriate filing authority is the governing body's presiding officer. Basically, any political subdivision that is authorized by the laws of this state to hold an election is considered a local filing authority. Examples are cities, school districts, and municipal utility districts.

## FILING WITH A DIFFERENT AUTHORITY

If you have a campaign treasurer appointment on file with one authority, and you wish to accept campaign contributions or make or authorize campaign expenditures in connection with another office that would require filing with a different authority, you must file a new campaign treasurer appointment *and* a copy of your old campaign treasurer appointment (certified by the old authority) with the new filing authority before beginning your campaign. You should also provide written notice to the original filing authority that your future reports will be filed with another authority; use Form CTA-T for this purpose.

## FORMING A POLITICAL COMMITTEE

As a candidate, you must file an APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM CTA). You may also form a specific-purpose committee to support your candidacy. Remember that filing a campaign treasurer appointment for a political committee does not eliminate the requirement that a candidate file his or her own campaign treasurer appointment (FORM CTA) and the related reports.

**NOTE:** *See the Campaign Finance Guide for Political Committees for further information about specific-purpose committees.*

## CHANGING A CAMPAIGN TREASURER

If you wish to change your campaign treasurer, simply file an amended campaign treasurer appointment (FORM ACTA). This will automatically terminate the outgoing campaign treasurer appointment.

## AMENDING A CAMPAIGN TREASURER APPOINTMENT

If *any* of the information reported on the campaign treasurer appointment (FORM CTA) changes, file an AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM ACTA) to report the change.

## REPORTING REQUIREMENT FOR CERTAIN OFFICEHOLDERS

If you are an officeholder who appoints a campaign treasurer after a period of not having one, you must file a report of contributions, expenditures, and loans no later than the 15th day after your appointment is effective. This requirement is not applicable if you are a candidate or an officeholder who is merely changing campaign treasurers.

## TERMINATING A CAMPAIGN TREASURER APPOINTMENT

You may terminate your campaign treasurer appointment at any time by:

- 1) filing a campaign treasurer appointment for a successor campaign treasurer, or
- 2) filing a final report.

Remember that you may not accept any campaign contributions or make or authorize any campaign expenditures without a campaign treasurer appointment on file. You may, however, accept officeholder contributions and make or authorize officeholder expenditures.

If your campaign treasurer quits, he or she must give written notice to both you and your filing authority. The termination will be effective on the date you receive the notice or on the date your filing authority receives the notice, whichever is later.

## FILING A FINAL REPORT

For filing purposes, you are a “candidate” as long as you have an appointment of campaign treasurer on file. If you do not expect to accept any further campaign contributions or to make

any further campaign expenditures, you may file a final report of contributions and expenditures. A final report terminates your appointment of campaign treasurer and relieves you of the obligation of filing further reports as a candidate. If you have surplus funds, or if you retain assets purchased with political funds, you will be required to file annual reports. (*See instructions for FORM C/OH - UC.*) If you are an officeholder at the time of filing a final report, you may be required to file semiannual reports of contributions, expenditures, and loans as an officeholder.

If you do not have an appointment of campaign treasurer on file, you may not accept *campaign* contributions or make *campaign* expenditures. A payment on a campaign debt is a campaign expenditure. An officeholder who does not have an appointment of campaign treasurer on file may accept *officeholder* contributions and make *officeholder* expenditures.

To file a final report, you must complete the CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT (FORM C/OH), check the “final” box on Page 1, Section 9, and complete and attach the DESIGNATION OF FINAL REPORT (FORM C/OH-FR).

## **ELECTRONIC FILING**

All persons filing campaign finance reports with the Commission are required to file those reports electronically unless the person is entitled to claim an exemption. Please check the Commission’s website at <http://www.ethics.state.tx.us> for information about exemptions from the electronic filing requirements.

## **GUIDES**

All candidates should review the applicable Commission’s campaign finance guide. Guides are available on the Commission’s website at <http://www.ethics.state.tx.us>.

## **SPECIFIC INSTRUCTIONS**

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

### **PAGE 1**

- 1. TOTAL PAGES FILED:** After you have completed the form, enter the total number of pages of this form and any additional pages. A “page” is one side of a two-sided form. If you are not using a two-sided form, a “page” is a single sheet.
- 2. CANDIDATE NAME:** Enter your full name, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable. Enter your name in the same way on Page 2, Section 11, of this form.
- 3. CANDIDATE MAILING ADDRESS:** Enter your complete mailing address, including zip code. This information will allow your filing authority to correspond with you. If this information changes, please notify your filing authority immediately.
- 4. CANDIDATE PHONE:** Enter your phone number, including the area code and extension, if applicable.

5. **OFFICE HELD:** If you are an officeholder, please enter the office you currently hold. Include the district, precinct, or other designation for the office, if applicable.
6. **OFFICE SOUGHT:** If you are a candidate, please enter the office you seek, if known. Include the district, precinct, or other designation for the office, if applicable.
7. **CAMPAIGN TREASURER NAME:** Enter the full name of your campaign treasurer, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.
8. **CAMPAIGN TREASURER STREET ADDRESS:** Enter the complete street address of your campaign treasurer, including the zip code. You may enter either the treasurer's business or residential street address. If you are your own treasurer, you may enter either your business or residential street address.
9. **CAMPAIGN TREASURER PHONE:** Enter the phone number of your campaign treasurer, including the area code and extension, if applicable.
10. **CANDIDATE SIGNATURE:** Enter your signature after reading the summary. Your signature here indicates that you have read the following summary of the nepotism law; that you are aware of your responsibility to file timely reports; and that you are aware of the restrictions on contributions from corporations and labor organizations.
  - The Texas nepotism law (Government Code, chapter 573) imposes certain restrictions on both officeholders and candidates. You should consult the statute in regard to the restrictions applicable to officeholders.
  - A candidate may not take an affirmative action to influence an employee of the office to which the candidate seeks election in regard to the appointment, confirmation, employment or employment conditions of an individual who is related to the candidate within a prohibited degree.
  - A candidate for a multi-member governmental body may not take an affirmative action to influence an officer or employee of the governmental body to which the candidate seeks election in regard to the appointment, confirmation, or employment of an individual related to the candidate in a prohibited degree.
  - Two people are related within a prohibited degree if they are related within the third degree by consanguinity (blood) or the second degree by affinity (marriage). The degree of consanguinity is determined by the number of generations that separate them. If neither is descended from the other, the degree of consanguinity is determined by adding the number of generations that each is separated from a common ancestor. Examples: (1) first degree - parent to child; (2) second degree - grandparent to grandchild; or brother to sister; (3) third degree - great-grandparent to great-grandchild; or aunt to niece who is child of individual's brother or sister. A husband and wife are related in the first degree by affinity. A wife has the same degree of relationship by affinity to her husband's relatives as her husband has by consanguinity. For example, a wife is related to her husband's grandmother in the second degree by affinity.

**PAGE 2**

**11. CANDIDATE NAME:** Enter your name as you did on Page 1.

**12. MODIFIED REPORTING DECLARATION:** Sign this option if you wish to report under the modified reporting schedule.

The modified reporting option is not available for candidates for the office of state chair of a political party and candidates for county chair of a political party.

To the left of your signature, enter the year of the election or election cycle to which your selection of modified reporting applies.

Your selection of modified reporting is valid for an entire election cycle. For example, if you choose modified reporting before a primary election, your selection remains in effect for any runoff and for the general election and any related runoff. You must make this selection at least 30 days before the first election to which your selection applies.

An opposed candidate in an election is eligible to report under the modified reporting schedule if he or she does not intend to accept more than \$1,010 in political contributions or make more than \$1,010 in political expenditures in connection with an election. The amount of a filing fee paid to qualify for a place on the ballot does not count against the \$1,010 expenditure limit. An opposed candidate who reports under the modified schedule is not required to file pre-election reports (due 30 days and 8 days before an election) or runoff reports (due 8 days before a runoff). (Note: An *unopposed* candidate is not required to file pre-election reports in the first place.) The obligations to file semiannual reports, special pre-election reports, or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$1,010 maximums apply to each election within the cycle. In other words, you are limited to \$1,010 in contributions and expenditures in connection with the primary, an additional \$1,010 in contributions and expenditures in connection with the general election, and an additional \$1,010 in contributions and expenditures in connection with a runoff.

**EXCEEDING \$1,010 IN CONTRIBUTIONS OR EXPENDITURES.** If you exceed \$1,010 in contributions or expenditures in connection with an election, you must file according to the regular filing schedule. In other words, you must file pre-election reports and a runoff report, if you are in a runoff.

If you exceed either of the \$1,010 limits *after the 30th day before the election*, you must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, you must file any pre-election reports or runoff reports that are due under the regular filing schedule.

Your selection is not valid for other elections or election cycles. Use the AMENDMENT (FORM ACTA) to renew your option to file under the modified schedule for a different election year or election cycle.

*For more information, see the Commission's campaign finance guide that applies to you.*

**AMENDMENT: APPOINTMENT OF A  
CAMPAIGN TREASURER BY A CANDIDATE**

**FORM ACTA**

**PG 1**

<b>1</b> CANDIDATE NAME	<b>2</b> FILER ID #	<b>3</b> Total pages filed:
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**See ACTA Instruction Guide for detailed instructions.**

**Use this form for changes to existing information only. Do not provide information previously disclosed.**

<b>4</b> CANDIDATE NAME	<b>NEW</b>	MS / MRS / MR	FIRST	MI	<b>OFFICE USE ONLY</b>		
		NICKNAME	LAST	SUFFIX			
<b>5</b> CANDIDATE MAILING ADDRESS	<b>NEW</b>	ADDRESS / PO BOX;	APT / SUITE #;	CITY;	STATE;	ZIP CODE	
						Date Hand-delivered or Postmarked	
						Receipt #	Amount \$
<b>6</b> CANDIDATE PHONE	<b>NEW</b>	AREA CODE	PHONE NUMBER	EXTENSION	Date Processed		
		( )					
<b>7</b> OFFICE HELD (if any)	<b>NEW</b>						
<b>8</b> OFFICE SOUGHT (if known)	<b>NEW</b>						
<b>9</b> CAMPAIGN TREASURER NAME	<b>NEW</b>	MS / MRS / MR	FIRST	MI	NICKNAME	LAST	SUFFIX
<b>10</b> CAMPAIGN TREASURER STREET ADDRESS (residence or business)	<b>NEW</b>	STREET ADDRESS (NO PO BOX PLEASE); APT / SUITE #;			CITY;	STATE;	ZIP CODE
<b>11</b> CAMPAIGN TREASURER PHONE	<b>NEW</b>	AREA CODE	PHONE NUMBER	EXTENSION			
		( )					
<b>12</b> CANDIDATE SIGNATURE	<p>I am aware of the Nepotism Law, Chapter 573 of the Texas Government Code.</p> <p>I am aware of my responsibility to file timely reports as required by title 15 of the Election Code.</p> <p>I am aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations.</p>						
	<hr/> <p>Signature of Candidate</p>				<hr/> <p>Date Signed</p>		

**GO TO PAGE 2**

**AMENDMENT:  
CANDIDATE MODIFIED REPORTING DECLARATION**

**FORM ACTA**

**PG 2**

**13 CANDIDATE  
NAME**

**14 MODIFIED  
REPORTING  
DECLARATION**

**NEW**

**COMPLETE THIS SECTION ONLY IF YOU ARE  
CHOOSING MODIFIED REPORTING**

**•• This declaration must be filed no later than the 30th day before  
the first election to which the declaration applies. ••**

**•• The modified reporting option is valid for one election cycle only. ••**  
(An election cycle includes a primary election, a general election, and any related runoffs.)

**•• Candidates for the office of state chair of a political party  
may NOT choose modified reporting. ••**

I do not intend to accept more than \$1,010 in political contributions or make more than \$1,010 in political expenditures (excluding filing fees) in connection with any future election within the election cycle. I understand that if either one of those limits is exceeded, I will be required to file pre-election reports and, if necessary, a runoff report.

Year of election(s) or election cycle to  
which declaration applies

Signature of Candidate

**This appointment is effective on the date it is filed with the appropriate filing authority.**

TEC Filers may send this form to the TEC electronically at [treasappoint@ethics.state.tx.us](mailto:treasappoint@ethics.state.tx.us)  
or mail to  
Texas Ethics Commission  
P.O. Box 12070  
Austin, TX 78711-2070

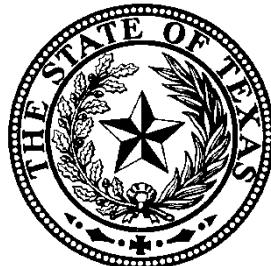
**Non-TEC Filers must file this form with the local filing authority  
DO NOT SEND TO TEC**

For more information about where to file go to:  
<https://www.ethics.state.tx.us/filinginfo/QuickFileAReport.php>

# TEXAS ETHICS COMMISSION

## AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

### FORM ACTA—INSTRUCTION GUIDE



Revised January 1, 2023

## FORM ACTA—AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

### GENERAL INSTRUCTIONS

*These instructions are for the AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (Form ACTA). Use this form for changing information previously reported on Form CTA and for renewing your choice to report under the modified schedule. The information you enter on this form will replace the information from your previous APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (Form (CTA)).*

If any of the information required to be reported on your CAMPAIGN TREASURER APPOINTMENT changes, you should file an amendment. Use the AMENDMENT form (Form ACTA) to report the changes. Do not use the APPOINTMENT form (Form CTA).

You must also use the AMENDMENT form to renew your option to file under the modified schedule.

Except for your name at the top of the form (and your filer account number, if you file with the Texas Ethics Commission (Commission)), enter only the information that is *different* from what is on your current campaign treasurer appointment. Do not repeat information that has not changed. The “NEW” boxes emphasize that the information entered on this form should only be information that is different from what was previously reported. Any information entered in a space with a “NEW” box will replace the existing information.

### SPECIFIC INSTRUCTIONS

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

#### **PAGE 1**

- 1. CANDIDATE NAME:** Enter your name as it is on your current campaign treasurer appointment. Enter your name in the same way on Page 2, Section 13, of this form. If you are reporting a name change, enter your new name under Section 4.
- 2. FILER ID #:** If you are filing with the Commission, you were assigned a filer account number when you filed your initial campaign treasurer appointment. You should have received a letter acknowledging receipt of the form and informing you of your account number. Enter this number wherever you see “FILER ID #.” If you do not file with the Ethics Commission, you are not required to enter an account number.
- 3. TOTAL PAGES FILED:** After you have completed the form, enter the total number of pages of this form and any additional pages. A “page” is one side of a two-sided form. If you are not using a two-sided form, a “page” is a single sheet.

4. **CANDIDATE NAME:** Complete this section only if your name has *changed*. If your name has changed, enter your complete new name, including nicknames and suffixes (e.g., Sr., Jr., III) if applicable.
5. **CANDIDATE MAILING ADDRESS:** Complete this section only if your mailing address has *changed*. If your mailing address has changed, enter your complete new address, including zip code. This information will allow your filing authority to correspond with you.
6. **CANDIDATE PHONE:** Complete this section only if your phone number has *changed*. If your phone number has changed, enter your new phone number, including the area code and extension, if applicable.
7. **OFFICE HELD:** If you are an officeholder, complete this section only if your office has *changed*. If your office has changed, please enter the new office held. Include the district, precinct, or other designation for the office, if applicable.
8. **OFFICE SOUGHT:** If you are a candidate, complete this section only if the office you seek has *changed*. If the office has changed, please enter the office you now seek, if known. Include the district, precinct, or other designation for the office, if applicable.

**Note:** Changing the office you are seeking may require you to file your reports with a different filing authority. See the Campaign Finance Guide for further information on filing with a different authority.

9. **CAMPAIGN TREASURER NAME:** Complete this section only if your campaign treasurer has *changed*. If your campaign treasurer has changed, enter the full name of your new campaign treasurer, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.

**Qualifications of Campaign Treasurer.** A person is ineligible for appointment as a campaign treasurer if the person is the campaign treasurer of a political committee that has outstanding filing obligations (including outstanding penalties). This prohibition does not apply if the committee in connection with which the ineligibility arose has not accepted more than \$5,000 in political contributions or made more than \$5,000 in political expenditures in any semiannual reporting period. A person who violates this prohibition is liable for a civil penalty not to exceed three times the amount of political contributions accepted or political expenditures made in violation of this provision.

10. **CAMPAIGN TREASURER STREET ADDRESS:** Complete this section only if your campaign treasurer's street address has *changed*. If your campaign treasurer's street address has changed, enter the complete new address of your campaign treasurer, including the zip code. You may enter either the treasurer's new business or residential street address. If you are your own treasurer, you may enter either your business or residential street address.

11. **CAMPAIGN TREASURER PHONE:** Complete this section only if your campaign treasurer's phone number has *changed*. If your campaign treasurer's phone number has

changed, enter the new phone number of your campaign treasurer, including the area code and extension, if applicable.

**12. CANDIDATE SIGNATURE:** Enter your signature after reading the summary. Your signature here indicates that you have read the following summary of the nepotism law; that you are aware of your responsibility to file timely reports; and that you are aware of the restrictions on contributions from corporations and labor organizations.

- The Texas nepotism law (Government Code, chapter 573) imposes certain restrictions on both officeholders and candidates. You should consult the statute in regard to the restrictions applicable to officeholders.
- A candidate may not take an affirmative action to influence an employee of the office to which the candidate seeks election in regard to the appointment, confirmation, employment or employment conditions of an individual who is related to the candidate within a prohibited degree.
- A candidate for a multi-member governmental body may not take an affirmative action to influence an officer or employee of the governmental body to which the candidate seeks election in regard to the appointment, confirmation, or employment of an individual related to the candidate in a prohibited degree.
- Two people are related within a prohibited degree if they are related within the third degree by consanguinity (blood) or the second degree by affinity (marriage). The *degree of consanguinity* is determined by the number of generations that separate them. If neither is descended from the other, the degree of consanguinity is determined by adding the number of generations that each is separated from a common ancestor. **Examples:** (1) first degree - parent to child; (2) second degree - grandparent to grandchild; or brother to sister; (3) third degree - great-grandparent to great-grandchild; or aunt to niece who is child of individual's brother or sister. A husband and wife are related in the first degree by affinity. A wife has the same degree of relationship by affinity to her husband's relatives as her husband has by consanguinity. For example, a wife is related to her husband's grandmother in the second degree by affinity.

**Note:** The changes you have made on this form will replace the information on your previous APPOINTMENT form (Form CTA).

**PAGE 2**

**13. CANDIDATE NAME:** Enter your name as you did on Page 1, Section 1.

**14. MODIFIED REPORTING DECLARATION:** Sign this option if you wish to report under the modified reporting schedule.

The modified reporting option is not available for candidates for the office of state chair of a political party.

To the left of your signature, enter the year of the election or election cycle to which your selection of modified reporting applies.

Your selection of modified reporting is valid for an entire election cycle. For example, if you choose modified reporting before a primary election, your selection remains in effect for any runoff and for the general election and any related runoff. You must make this selection at least 30 days before the first election to which your selection applies.

An opposed candidate in an election is eligible to report under the modified reporting schedule if he or she does not intend to accept more than \$1,010 in political contributions or make more than \$1,010 in political expenditures in connection with an election. The amount of a filing fee paid to qualify for a place on the ballot does not count against the \$1,010 expenditure limit. An opposed candidate who reports under the modified schedule is not required to file pre-election reports (due 30 days and 8 days before an election) or runoff reports (due 8 days before a runoff). (Note: An *unopposed* candidate is not required to file pre-election reports in the first place.) The obligations to file semi-annual reports, special pre-election reports, or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$1,010 maximums apply to each election within the cycle. In other words, you are limited to \$1,010 in contributions and expenditures in connection with the primary, an additional \$1,010 in contributions and expenditures in connection with the general election, and an additional \$1,010 in contributions and expenditures in connection with a runoff.

**Exceeding \$1,010 in contributions or expenditures.** If you exceed \$1,010 in contributions or expenditures in connection with an election, you must file according to the regular schedule. In other words, you must file pre-election reports and a runoff report, if you are in a runoff.

If you exceed either of the \$1,010 limits *after the 30th day before the election*, you must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, you must file any pre-election reports or runoff reports that are due under the regular filing schedule.

Your selection is not valid for other elections or election cycles. Use another amendment form (ACTA) to renew your option to file under the modified schedule.

*For more information, see the Commission's campaign finance guide that applies to you.*

# CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

FORM C/OH  
COVER SHEET PG 1

The C/OH Instruction Guide explains how to complete this form.			1 Filer ID (Ethics Commission Filers)	2 Total pages filed:		
3 CANDIDATE / OFFICEHOLDER NAME	MS / MRS / MR	FIRST	MI	OFFICE USE ONLY		
	NICKNAME	LAST	SUFFIX	Date Received		
4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS  <input type="checkbox"/> Change of Address	ADDRESS / PO BOX;	APT / SUITE #;	CITY;	STATE; ZIP CODE		
5 CANDIDATE/ OFFICEHOLDER PHONE	AREA CODE ( )	PHONE NUMBER	EXTENSION	Date Hand-delivered or Date Postmarked		
6 CAMPAIN TREASURER NAME	MS / MRS / MR	FIRST	MI	Receipt #   Amount \$		
	NICKNAME	LAST	SUFFIX	Date Processed		
7 CAMPAIN TREASURER ADDRESS  (Residence or Business)	STREET ADDRESS (NO PO BOX PLEASE); APT / SUITE #;			CITY; STATE; ZIP CODE		
8 CAMPAIN TREASURER PHONE	AREA CODE ( )	PHONE NUMBER	EXTENSION	Final Report (Attach C/OH - FR)		
9 REPORT TYPE	<input type="checkbox"/> January 15	<input type="checkbox"/> 30th day before election	<input type="checkbox"/> Runoff	<input type="checkbox"/> 15th day after campaign treasurer appointment (Officeholder Only)		
	<input type="checkbox"/> July 15	<input type="checkbox"/> 8th day before election	<input type="checkbox"/> Exceeded Modified Reporting Limit	<input type="checkbox"/> Final Report (Attach C/OH - FR)		
10 PERIOD COVERED	Month /	Day /	Year /	Month /	Day /	Year /
11 ELECTION	ELECTION DATE Month Day Year / / /	<input type="checkbox"/> Primary <input type="checkbox"/> General	<input type="checkbox"/> Runoff <input type="checkbox"/> Special	ELECTION TYPE <input type="checkbox"/> Other Description		
12 OFFICE	OFFICE HELD (if any)	13 OFFICE SOUGHT (if known)				
14 NOTICE FROM POLITICAL COMMITTEE(S)	THIS BOX IS FOR NOTICE OF POLITICAL CONTRIBUTIONS ACCEPTED OR POLITICAL EXPENDITURES MADE BY POLITICAL COMMITTEES TO SUPPORT THE CANDIDATE / OFFICEHOLDER. THESE EXPENDITURES MAY HAVE BEEN MADE WITHOUT THE CANDIDATE'S OR OFFICEHOLDER'S KNOWLEDGE OR CONSENT. CANDIDATES AND OFFICEHOLDERS ARE REQUIRED TO REPORT THIS INFORMATION ONLY IF THEY RECEIVE NOTICE OF SUCH EXPENDITURES.					
<input type="checkbox"/> Additional Pages		COMMITTEE TYPE	COMMITTEE NAME			
		<input type="checkbox"/> GENERAL	COMMITTEE ADDRESS			
		<input type="checkbox"/> SPECIFIC	COMMITTEE CAMPAIGN TREASURER NAME			
			COMMITTEE CAMPAIGN TREASURER ADDRESS			

GO TO PAGE 2

# CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

FORM C/OH  
COVER SHEET PG 2

**15** C/OH NAME

**16** Filer ID (Ethics Commission Filers)

<b>17</b> CONTRIBUTION TOTALS	1. TOTAL UNITEMIZED POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS, OR CONTRIBUTIONS MADE ELECTRONICALLY)	\$
	2. <b>TOTAL POLITICAL CONTRIBUTIONS</b> (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$
EXPENDITURE TOTALS	3. TOTAL UNITEMIZED POLITICAL EXPENDITURE.	\$
	4. <b>TOTAL POLITICAL EXPENDITURES</b>	\$
CONTRIBUTION BALANCE	5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF REPORTING PERIOD	\$
	6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$

**18** SIGNATURE I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.

\_\_\_\_\_  
Signature of Candidate or Officeholder

**Please complete either option below:**

**(1) Affidavit**

NOTARY STAMP/SEAL

Sworn to and subscribed before me by \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

**OR**

**(2) Unsworn Declaration**

My name is \_\_\_\_\_, and my date of birth is \_\_\_\_\_.

My address is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
(street) (city) (state) (zip code) (country)

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
(month) (year)

\_\_\_\_\_  
Signature of Candidate/Officeholder (Declarant)

**SUBTOTALS - C/OH****FORM C/OH  
COVER SHEET PG 3**

<b>19</b> FILER NAME	<b>20</b> Filer ID (Ethics Commission Filers)
<b>21</b> SCHEDULE SUBTOTALS NAME OF SCHEDULE	
1. <input type="checkbox"/> SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS	
2. <input type="checkbox"/> SCHEDULE A2: NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS	
3. <input type="checkbox"/> SCHEDULE B: PLEDGED CONTRIBUTIONS	
4. <input type="checkbox"/> SCHEDULE E: LOANS	
5. <input type="checkbox"/> SCHEDULE F1: POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS	
6. <input type="checkbox"/> SCHEDULE F2: UNPAID INCURRED OBLIGATIONS	
7. <input type="checkbox"/> SCHEDULE F3: PURCHASE OF INVESTMENTS MADE FROM POLITICAL CONTRIBUTIONS	
8. <input type="checkbox"/> SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD	
9. <input type="checkbox"/> SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS	
10. <input type="checkbox"/> SCHEDULE H: PAYMENT MADE FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH	
11. <input type="checkbox"/> SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS	
12. <input type="checkbox"/> SCHEDULE K: INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER	
SUBTOTAL AMOUNT	

# MONETARY POLITICAL CONTRIBUTIONS

## SCHEDULE A1

If the requested information is not applicable, **DO NOT include this page in the report.**

The Instruction Guide explains how to complete this form.		1 Total pages Schedule A1:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Date	5 Full name of contributor ..... 6 Contributor address; City; State; Zip Code	7 Amount of contribution (\$)
8 Principal occupation / Job title (See Instructions)		9 Employer (See Instructions)
Date	Full name of contributor ..... Contributor address; City; State; Zip Code	Amount of contribution (\$)
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
Date	Full name of contributor ..... Contributor address; City; State; Zip Code	Amount of contribution (\$)
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
Date	Full name of contributor ..... Contributor address; City; State; Zip Code	Amount of contribution (\$)
Principal occupation / Job title (See Instructions)		Employer (See Instructions)

**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

If contributor is out-of-state PAC, please see Instruction guide for additional reporting requirements.

## **NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS**

## **SCHEDULE A2**

If the requested information is not applicable, **DO NOT include this page in the report.**

The Instruction Guide explains how to complete this form.		1 Total pages Schedule A2:		
<b>2 FILER NAME</b>		<b>3 Filer ID (Ethics Commission Filers)</b>		
<b>4 TOTAL OF UNITEMIZED IN-KIND POLITICAL CONTRIBUTIONS</b>		\$		
<b>5 Date</b>	<b>6 Full name of contributor</b> <input type="checkbox"/> out-of-state PAC (ID#: _____)		<b>8 Amount of Contribution \$</b>	<b>9 In-kind contribution description</b>
	<b>7 Contributor address;</b> City; State; Zip Code			
<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.				
<b>10 Principal occupation / Job title (FOR NON-JUDICIAL)(See Instructions)</b>		<b>11 Employer (FOR NON-JUDICIAL)(See Instructions)</b>		
<b>12 Contributor's principal occupation (FOR JUDICIAL)</b>		<b>13 Contributor's job title (FOR JUDICIAL)(See Instructions)</b>		
<b>14 Contributor's employer/law firm (FOR JUDICIAL)</b>		<b>15 Law firm of contributor's spouse (if any) (FOR JUDICIAL)</b>		
<b>16 If contributor is a child, law firm of parent(s) (if any) (FOR JUDICIAL)</b>				
<b>Date</b>	<b>Full name of contributor</b> <input type="checkbox"/> out-of-state PAC (ID#: _____)		<b>Amount of Contribution \$</b>	<b>In-kind contribution description</b>
	<b>Contributor address;</b> City; State; Zip Code			
<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.				
<b>Principal occupation / Job title (FOR NON-JUDICIAL) (See Instructions)</b>		<b>Employer (FOR NON-JUDICIAL)(See Instructions)</b>		
<b>Contributor's principal occupation (FOR JUDICIAL)</b>		<b>Contributor's job title (FOR JUDICIAL) (See Instructions)</b>		
<b>Contributor's employer/law firm (FOR JUDICIAL)</b>		<b>Law firm of contributor's spouse (if any) (FOR JUDICIAL)</b>		
<b>If contributor is a child, law firm of parent(s) (if any) (FOR JUDICIAL)</b>				

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

# PLEDGED CONTRIBUTIONS

## SCHEDULE B

If the requested information is not applicable, **DO NOT include this page in the report.**

The Instruction Guide explains how to complete this form.		1 Total pages Schedule B:	
2 FILER NAME		3 Filer ID (Ethics Commission Filers)	
4 TOTAL OF UNITEMIZED PLEDGES		\$	
5 Date	6 Full name of pledgor <input type="checkbox"/> out-of-state PAC (ID#: .....)	8 Amount of Pledge \$	9 In-kind contribution description
	7 Pledgor address; City; State; Zip Code		
			<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.
10 Principal occupation / Job title (See Instructions)		11 Employer (See Instructions)	
Date	Full name of pledgor <input type="checkbox"/> out-of-state PAC (ID#: .....)	Amount of Pledge \$	In-kind contribution description
	Pledgor address; City; State; Zip Code		
			<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.
Principal occupation / Job title (See Instructions)		Employer (See Instructions)	
Date	Full name of pledgor <input type="checkbox"/> out-of-state PAC (ID#: .....)	Amount of Pledge \$	In-kind contribution description
	Pledgor address; City; State; Zip Code		
			<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.
Principal occupation / Job title (See Instructions)		Employer (See Instructions)	
Date	Full name of pledgor <input type="checkbox"/> out-of-state PAC (ID#: .....)	Amount of Pledge \$	In-kind contribution description
	Pledgor address; City; State; Zip Code		
			<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.
Principal occupation / Job title (See Instructions)		Employer (See Instructions)	

**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

If contributor is out-of-state PAC, please see Instruction guide for additional reporting requirements.

# LOANS

# SCHEDULE E

If the requested information is not applicable, **DO NOT include this page in the report.**

<b>The Instruction Guide explains how to complete this form.</b>			<b>1</b> Total pages Schedule E:
<b>2</b> FILER NAME			<b>3</b> Filer ID (Ethics Commission Filers)
<b>4</b> TOTAL OF UNITEMIZED LOANS			\$
<b>5</b> Date of loan	<b>7</b> Name of lender	<input type="checkbox"/> out-of-state PAC (ID#: _____)	<b>9</b> Loan Amount (\$)
<b>6</b> Is lender a financial Institution?  Y    N	<b>8</b> Lender address;	City;	State; Zip Code
			<b>10</b> Interest rate
			<b>11</b> Maturity date
<b>12</b> Principal occupation / Job title (See Instructions)		<b>13</b> Employer (See Instructions)	
<b>14</b> Description of Collateral  <input type="checkbox"/> none		<b>15</b> <input type="checkbox"/> Check if personal funds were deposited into political account (See Instructions)	
<b>16</b> GUARANTOR INFORMATION  <input type="checkbox"/> not applicable	<b>17</b> Name of guarantor	<b>19</b> Amount Guaranteed (\$)	
	<b>18</b> Guarantor address;      City;      State;      Zip Code		
<b>20</b> Principal Occupation (See Instructions)		<b>21</b> Employer (See Instructions)	
Date of loan	Name of lender	<input type="checkbox"/> out-of-state PAC (ID#: _____)	Loan Amount (\$)
Is lender a financial Institution?  Y    N	Lender address;	City;	State; Zip Code
			Interest rate
Principal occupation / Job title (See Instructions)		Employer (See Instructions)	
Description of Collateral  <input type="checkbox"/> none		<input type="checkbox"/> Check if personal funds were deposited into political account (See Instructions)	
<b>GUARANTOR INFORMATION</b>  <input type="checkbox"/> not applicable	Name of guarantor	Amount Guaranteed (\$)	
	Guarantor address;      City;      State;      Zip Code		
Principal Occupation (See Instructions)		Employer (See Instructions)	

**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

If lender is out-of-state PAC, please see Instruction guide for additional reporting requirements.

# POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

## SCHEDULE F1

If the requested information is not applicable, **DO NOT include this page in the report.**

### EXPENDITURE CATEGORIES FOR BOX 8(a)

Advertising Expense	Event Expense	Loan Repayment/Reimbursement	Solicitation/Fundraising Expense
Accounting/Banking	Fees	Office Overhead/Rental Expense	Transportation Equipment & Related Expense
Consulting Expense	Food/Beverage Expense	Polling Expense	Travel In District
Contributions/Donations Made By Candidate/Officeholder/Political Committee	Gift/Awards/Memorials Expense	Printing Expense	Travel Out Of District
Credit Card Payment	Legal Services	Salaries/Wages/Contract Labor	Other (enter a category not listed above)

**The Instruction Guide explains how to complete this form.**

1 Total pages Schedule F1:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)	
4 Date	5 Payee name		
6 Amount (\$)	7 Payee address;	City; State; Zip Code	
8  <b>PURPOSE OF EXPENDITURE</b>	(a) Category (See Categories listed at the top of this schedule)	(b) Description	
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense	
9 Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
Date	Payee name		
Amount (\$)	Payee address;	City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description	
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
Date	Payee name		
Amount (\$)	Payee address;	City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description	
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
<b>ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED</b>			

# UNPAID INCURRED OBLIGATIONS

# SCHEDULE F2

If the requested information is not applicable, **DO NOT include this page in the report.**

## EXPENDITURE CATEGORIES FOR BOX 10(a)

Advertising Expense	Event Expense	Loan Repayment/Reimbursement	Solicitation/Fundraising Expense
Accounting/Banking	Fees	Office Overhead/Rental Expense	Transportation Equipment & Related Expense
Consulting Expense	Food/Beverage Expense	Polling Expense	Travel In District
Contributions/Donations Made By	Gift/Awards/Memorials Expense	Printing Expense	Travel Out Of District
Candidate/Officeholder/Political Committee	Legal Services	Salaries/Wages/Contract Labor	Other (enter a category not listed above)

The Instruction Guide explains how to complete this form.

1 Total pages Schedule F2:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)	
4 TOTAL OF UNITEMIZED UNPAID INCURRED OBLIGATIONS		\$	
5 Date	6 Payee name		
7 Amount (\$)	8 Payee address;	City; State; Zip Code	
9 TYPE OF EXPENDITURE	<input type="checkbox"/> Political <input type="checkbox"/> Non-Political		
10 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description	
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense	
11 Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
Date	Payee name		
Amount (\$)	Payee address;	City;	State; Zip Code
TYPE OF EXPENDITURE	<input type="checkbox"/> Political <input type="checkbox"/> Non-Political		
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description	
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
<b>ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED</b>			

# PURCHASE OF INVESTMENTS MADE FROM POLITICAL CONTRIBUTIONS

## SCHEDULE F3

If the requested information is not applicable, **DO NOT include this page in the report.**

<p>The Instruction Guide explains how to complete this form.</p>		<b>1</b> Total pages Schedule F3:
<b>2</b> FILER NAME		<b>3</b> Filer ID (Ethics Commission Filers)
<b>4</b> Date	<b>5</b> Name of person from whom investment is purchased  .....	<b>6</b> Address of person from whom investment is purchased;      City;      State;      Zip Code
	<b>7</b> Description of investment	
	<b>8</b> Amount of investment (\$)	
	Date	Name of person from whom investment is purchased  ..... Address of person from whom investment is purchased;      City;      State;      Zip Code
Amount of investment (\$)		

**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

# EXPENDITURES MADE BY CREDIT CARD

## SCHEDULE F4

If the requested information is not applicable, **DO NOT include this page in the report.**

### EXPENDITURE CATEGORIES FOR BOX 10(a)

Advertising Expense	Event Expense	Loan Repayment/Reimbursement	Solicitation/Fundraising Expense
Accounting/Banking	Fees	Office Overhead/Rental Expense	Transportation Equipment & Related Expense
Consulting Expense	Food/Beverage Expense	Polling Expense	Travel In District
Contributions/Donations Made By Candidate/Officeholder/Political Committee	Gift/Awards/Memorials Expense	Printing Expense	Travel Out Of District
	Legal Services	Salaries/Wages/Contract Labor	Other (enter a category not listed above)

The Instruction Guide explains how to complete this form.

1 Total pages Schedule F4:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)	
4 TOTAL OF UNITEMIZED EXPENDITURES CHARGED TO A CREDIT CARD		\$	
5 Date	6 Payee name		
7 Amount (\$)	8 Payee address;	City; State; Zip Code	
9 TYPE OF EXPENDITURE	<input type="checkbox"/> Political	<input type="checkbox"/> Non-Political	
10 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)		
	(b) Description		
(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T. <input type="checkbox"/> Check if Austin, TX, officeholder living expense			
11 Candidate / Officeholder name		Office sought	Office held
Complete <u>ONLY</u> if direct expenditure to benefit C/OH			
Date	Payee name		
Amount (\$)	Payee address;	City;	State; Zip Code
TYPE OF EXPENDITURE	<input type="checkbox"/> Political	<input type="checkbox"/> Non-Political	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)		Description
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T. <input type="checkbox"/> Check if Austin, TX, officeholder living expense		
Candidate / Officeholder name		Office sought	Office held
Complete <u>ONLY</u> if direct expenditure to benefit C/OH			
ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED			

# POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS

## SCHEDULE G

If the requested information is not applicable, **DO NOT include this page in the report.**

### EXPENDITURE CATEGORIES FOR BOX 8(a)

Advertising Expense	Event Expense	Loan Repayment/Reimbursement	Solicitation/Fundraising Expense
Accounting/Banking	Fees	Office Overhead/Rental Expense	Transportation Equipment & Related Expense
Consulting Expense	Food/Beverage Expense	Polling Expense	Travel In District
Contributions/Donations Made By Candidate/Officeholder/Political Committee	Gift/Awards/Memorials Expense	Printing Expense	Travel Out Of District
Credit Card Payment	Legal Services	Salaries/Wages/Contract Labor	Other (enter a category not listed above)

**The Instruction Guide explains how to complete this form.**

1 Total pages Schedule G:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)	
4 Date	5 Payee name		
6 Amount (\$)	7 Payee address;	City; State; Zip Code	
8 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description	
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense	
9 Candidate / Officeholder name		Office sought	Office held
Complete <u>ONLY</u> if direct expenditure to benefit C/OH			
Date	Payee name		
Amount (\$)	Payee address;	City;	State; Zip Code
<input type="checkbox"/> Reimbursement from political contributions intended			
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description	
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense	
Candidate / Officeholder name		Office sought	Office held
Complete <u>ONLY</u> if direct expenditure to benefit C/OH			
Date	Payee name		
Amount (\$)	Payee address;	City;	State; Zip Code
<input type="checkbox"/> Reimbursement from political contributions intended			
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description	
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense	
Candidate / Officeholder name		Office sought	Office held
Complete <u>ONLY</u> if direct expenditure to benefit C/OH			
<b>ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED</b>			

# PAYMENT MADE FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH

## SCHEDULE H

If the requested information is not applicable, **DO NOT** include this page in the report.

### EXPENDITURE CATEGORIES FOR BOX 8(a)

Advertising Expense	Event Expense	Loan Repayment/Reimbursement	Solicitation/Fundraising Expense
Accounting/Banking	Fees	Office Overhead/Rental Expense	Transportation Equipment & Related Expense
Consulting Expense	Food/Beverage Expense	Polling Expense	Travel In District
Contributions/Donations Made By Candidate/Officeholder/Political Committee	Gift/Awards/Memorials Expense	Printing Expense	Travel Out Of District
Credit Card Payment	Legal Services	Salaries/Wages/Contract Labor	Other (enter a category not listed above)

The Instruction Guide explains how to complete this form.

1 Total pages Schedule H:	2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Date	5 Business name		
6 Amount (\$)	7 Business address;	City;	State; Zip Code
8  <b>PURPOSE OF EXPENDITURE</b>	(a) Category (See Categories listed at the top of this schedule)	(b) Description	
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense	
9 Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
Date	Business name		
Amount (\$)	Business address;	City;	State; Zip Code
  <b>PURPOSE OF EXPENDITURE</b>	Category (See Categories listed at the top of this schedule)	Description	
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
Date	Business name		
Amount (\$)	Business address;	City;	State; Zip Code
  <b>PURPOSE OF EXPENDITURE</b>	Category (See Categories listed at the top of this schedule)	Description	
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held

**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

# NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

## SCHEDULE I

If the requested information is not applicable, **DO NOT include this page in the report.**

The Instruction Guide explains how to complete this form.

<b>1</b> Total pages Schedule I:	<b>2</b> FILER NAME		<b>3</b> Filer ID (Ethics Commission Filers)	
<b>4</b> Date	<b>5</b> Payee name			
<b>6</b> Amount (\$)	<b>7</b> Payee address;		City	State Zip Code
<b>8</b> <b>PURPOSE OF EXPENDITURE</b>	<b>(a)</b> Category (See instructions for examples of acceptable categories.)	<b>(b)</b> Description (See instructions regarding type of information required.)		
Date	Payee name			
Amount (\$)	Payee address;		City	State Zip Code
<b>PURPOSE OF EXPENDITURE</b>	Category (See instructions for examples of acceptable categories.)	Description (See instructions regarding type of information required.)		
Date	Payee name			
Amount (\$)	Payee address;		City	State Zip Code
<b>PURPOSE OF EXPENDITURE</b>	Category (See instructions for examples of acceptable categories.)	Description (See instructions regarding type of information required.)		
Date	Payee name			
Amount (\$)	Payee address;		City	State Zip Code
<b>PURPOSE OF EXPENDITURE</b>	Category (See instructions for examples of acceptable categories.)	Description (See instructions regarding type of information required.)		

**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

# INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER

## SCHEDULE K

If the requested information is not applicable, **DO NOT include this page in the report.**

<b>The Instruction Guide explains how to complete this form.</b>		<b>1</b> Total pages Schedule K:
<b>2</b> FILER NAME		<b>3</b> Filer ID (Ethics Commission Filers)
<b>4</b> Date	<b>5</b> Name of person from whom amount is received  .....	<b>8</b> Amount (\$)
	<b>6</b> Address of person from whom amount is received; City; State; Zip Code	
	<b>7</b> Purpose for which amount is received  <input type="checkbox"/> Check if political contribution returned to filer	
Date	Name of person from whom amount is received  .....	Amount (\$)
	Address of person from whom amount is received; City; State; Zip Code	
	Purpose for which amount is received  <input type="checkbox"/> Check if political contribution returned to filer	
Date	Name of person from whom amount is received  .....	Amount (\$)
	Address of person from whom amount is received; City; State; Zip Code	
	Purpose for which amount is received  <input type="checkbox"/> Check if political contribution returned to filer	
Date	Name of person from whom amount is received  .....	Amount (\$)
	Address of person from whom amount is received; City; State; Zip Code	
	Purpose for which amount is received  <input type="checkbox"/> Check if political contribution returned to filer	

**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

# IN-KIND CONTRIBUTIONS OR POLITICAL EXPENDITURES FOR TRAVEL OUTSIDE OF TEXAS

## SCHEDULE T

If the requested information is not applicable, **DO NOT include this page in the report.**

<p><b>The Instruction Guide explains how to complete this form.</b></p>		<b>1</b> Total pages Schedule T:												
<b>2</b> FILER NAME		<b>3</b> Filer ID (Ethics Commission Filers)												
<b>4</b> Name of Contributor / Corporation or Labor Organization / Pledgor / Payee														
<b>5</b> Contribution / Expenditure reported on: <table style="margin-left: 20px;"> <tr> <td><input type="checkbox"/> Schedule A2</td> <td><input type="checkbox"/> Schedule B</td> <td><input type="checkbox"/> Schedule B(J)</td> <td><input type="checkbox"/> Schedule C2</td> <td><input type="checkbox"/> Schedule D</td> <td><input type="checkbox"/> Schedule F1</td> </tr> <tr> <td><input type="checkbox"/> Schedule F2</td> <td><input type="checkbox"/> Schedule F4</td> <td><input type="checkbox"/> Schedule G</td> <td><input type="checkbox"/> Schedule H</td> <td><input type="checkbox"/> Schedule COH-UC</td> <td><input type="checkbox"/> Schedule B-SS</td> </tr> </table>			<input type="checkbox"/> Schedule A2	<input type="checkbox"/> Schedule B	<input type="checkbox"/> Schedule B(J)	<input type="checkbox"/> Schedule C2	<input type="checkbox"/> Schedule D	<input type="checkbox"/> Schedule F1	<input type="checkbox"/> Schedule F2	<input type="checkbox"/> Schedule F4	<input type="checkbox"/> Schedule G	<input type="checkbox"/> Schedule H	<input type="checkbox"/> Schedule COH-UC	<input type="checkbox"/> Schedule B-SS
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<b>6</b> Dates of travel	<b>7</b> Name of person(s) traveling													
	<b>8</b> Departure city or name of departure location													
	<b>9</b> Destination city or name of destination location													
<b>10</b> Means of transportation	<b>11</b> Purpose of travel (including name of conference, seminar, or other event)													
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	Destination city or name of destination location													
Means of transportation	Purpose of travel (including name of conference, seminar, or other event)													
<b>ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED</b>														

# CANDIDATE / OFFICEHOLDER REPORT: DESIGNATION OF FINAL REPORT

FORM C/OH - FR

The Instruction Guide explains how to complete this form.

**•• Complete only if "Report Type" on page 1 is marked "Final Report" ••**

<b>1 C/OH NAME</b>	<b>2 Filer ID (Ethics Commission Filers)</b>
<b>3 SIGNATURE</b>	

I do not expect any further political contributions or political expenditures in connection with my candidacy. 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 or make any campaign expenditures without a campaign treasurer appointment on file.

\_\_\_\_\_  
Signature of Candidate / Officeholder

## 4 FILER WHO IS NOT AN OFFICEHOLDER

**•• Complete A & B below only if you are not an officeholder. ••**

### A. CAMPAIGN FUNDS

**Check only one:**

I do not have unexpended contributions or unexpended interest or income earned from political contributions.

I have unexpended contributions or unexpended interest or income earned from political contributions. I understand that I may not convert unexpended political contributions or unexpended interest or income earned on political contributions to personal use. I also understand that I must file an annual report of unexpended contributions and that I may not retain unexpended contributions or unexpended interest or income earned on political contributions longer than six years after filing this final report. Further, I understand that I must dispose of unexpended political contributions and unexpended interest or income earned on political contributions in accordance with the requirements of Election Code, § 254.204.

### B. ASSETS

**Check only one:**

I do not retain assets purchased with political contributions or interest or other income from political contributions.

I do retain assets purchased with political contributions or interest or other income from political contributions. I understand that I may not convert assets purchased with political contributions or interest or other income from political contributions to personal use. I also understand that I must dispose of assets purchased with political contributions in accordance with the requirements of Election Code, § 254.204.

\_\_\_\_\_  
Signature of Candidate

## 5 OFFICEHOLDER

**•• Complete this section only if you are an officeholder ••**

I am aware that I remain subject to filing requirements applicable to an officeholder who does not have a campaign treasurer on file. I am also aware that I will be required to file reports of unexpended contributions if, after filing the last required report as an officeholder, I retain political contributions, interest or other income from political contributions, or assets purchased with political contributions or interest or other income from political contributions.

\_\_\_\_\_  
Signature of Officeholder

# CORRECTION/AMENDMENT AFFIDAVIT FOR CANDIDATE/OFFICEHOLDER

FORM COR-C/OH

1 Filer ID (Ethics Commission Filers)		2 Total pages filed:		OFFICE USE ONLY			
3 CANDIDATE / OFFICEHOLDER NAME		MS / MRS / MR NICKNAME	FIRST LAST	MI SUFFIX	Date Received		
4 ORIGINAL REPORT TYPE		<input type="checkbox"/> January 15 <input type="checkbox"/> July 15 <input type="checkbox"/> 30th day before election <input type="checkbox"/> 8th day before election		<input type="checkbox"/> Runoff <input type="checkbox"/> Exceeded modified reporting limit <input type="checkbox"/> 15th day after treasurer appointment (officeholder only)	<input type="checkbox"/> Final report Other (specify) _____		
5 ORIGINAL PERIOD COVERED		Month /	Day /	Year /	Month /	Day /	Year /
6 EXPLANATION OF CORRECTION							

7 SIGNATURE I swear, or affirm, under penalty of perjury, that this corrected report is true and correct.

Check ONLY if applicable:

- Semiannual reports: I swear, or affirm, that the original report was made in good faith and without an intent to mislead or to misrepresent the information contained in the report.
- Other reports: I swear, or affirm, that I am filing this corrected report not later than the 14th business day after the date I learned that the report as originally filed is inaccurate or incomplete. I swear, or affirm, that any error or omission in the report as originally filed was made in good faith.

\_\_\_\_\_  
Signature of Candidate/Officeholder

**Please complete either option below:**

**(1) Affidavit**

NOTARY STAMP / SEAL

Sworn to and subscribed before me by \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

**(2) Unsworn Declaration**

My name is \_\_\_\_\_, and my date of birth is \_\_\_\_\_.

My address is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
(street) (city) (state) (zip code) (country)

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
(month) (year)

\_\_\_\_\_  
Signature of Candidate/Officeholder (Declarant)

**Remember To Attach Any Part Of The Campaign Finance Report Form Needed To Report And Explain Corrections**

# CORRECTION/AMENDMENT AFFIDAVIT FOR CANDIDATE/OFFICEHOLDER

**All Reports:** A filer who files a corrected report must submit a correction affidavit. The affidavit must identify the information that has changed.

**Reports filed with Texas Ethics Commission:** A corrected report (other than a report due 8 days before an election) filed with the Ethics Commission after its due date is not considered late for purposes of late-filing penalties if: (1) any error or omission in the report as originally filed was made in good faith, and (2) the person filing the report files a corrected report and a good-faith affidavit not later than the 14th business day after the date the person learns that the report as originally filed is inaccurate or incomplete.

**Semiannual Reports:** A semiannual report (due January 15 or July 15) that is amended/corrected before the eighth day after the original report was filed is considered to have been filed on the date the original report was filed. A semiannual report that is amended/corrected on or after the eighth day after the original report was filed is considered to have been filed on the date the original report was filed if: (1) the amendment/correction is made before any complaint is filed with regard to the subject of the amendment/correction; and (2) the original report was made in good faith and without intent to mislead or misrepresent the information contained in the report.

Attach additional pages as necessary.

## INSTRUCTIONS FOR COMPLETING THIS FORM

*The following numbers correspond to the numbered boxes on the other side.*

- 1. Filer ID.** If you file with the Ethics Commission, you should have received a letter acknowledging receipt of your campaign treasurer appointment and assigning you a Filer ID. Put that number in this box. If you do not file with the Ethics Commission, skip this box.
- 2. Total Pages Filed.** After completing this form and any attachments, count the number of pages. Enter that number in this box. Each side of a two-sided form counts as a page. In other words, this form is two pages.
- 3. Candidate/Officeholder Name.** Put your full name here. Enter your name in the same way as on the report you are correcting.
- 4. Original Report Type.** Mark the type of report you are correcting.
- 5. Original Period Covered.** Enter the period covered by the report you are correcting. The year is important because filers sometimes correct reports years after filing the original.
- 6. Explanation of Correction.** Attach any part of the campaign finance report form needed to report and explain corrections. Explain why there was an error on the original report. Also explain what information is being corrected and how the new information is different from the information on the original report. (Use additional pages if you need more space.) You may also use this area to request a waiver or reduction of a late-filing penalty and state the basis of your request.
- 7. Signature.** If you are using the paper form, fill this section out by hand after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Candidate/Officeholder" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Candidate/Officeholder (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

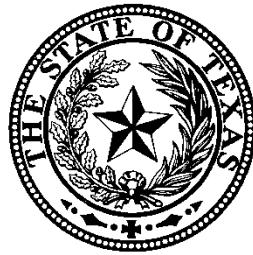
# TEXAS ETHICS COMMISSION

## CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT

### FORM C/OH – INSTRUCTION GUIDE

**(PAPER FILERS ONLY)**

**To Report Activity Occurring on or after January 1, 2022**



**Revised January 1, 2022**

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

[www.ethics.state.tx.us](http://www.ethics.state.tx.us)

(512) 463-5800 • TDD (800) 735-2989

*Promoting Public Confidence in Government*

# FORM C/OH – INSTRUCTION GUIDE

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*These instructions are for the CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT (Form C/OH) and all schedules that are filed with it. FORM C/OH includes a three-page cover sheet and Schedules A1, A2, B, E, F1, F2, F3, F4, G, H, I, K, and T. Candidates or officeholders filing a Final Report should also attach Form C/OH-FR. All filers must submit the cover sheet, but only the schedules on which there is information to report need to be included.*

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## GENERAL INSTRUCTIONS

*These general instructions apply to all C/OH forms required to be filed under title 15, Texas Election Code, for activity that occurs on or after January 1, 2022. For a report that includes activity occurring before January 1, 2022, you must use the instructions applicable before calendar year 2022, which are available on the Texas Ethics Commission's website at <https://www.ethics.state.tx.us/forms/coh/cohfrm.php>.*

## IMPORTANT UPDATES

### Increased Disclosure Thresholds

On January 1, 2020, the Texas Ethics Commission began adjusting certain reporting thresholds to account for inflation. As directed by section 571.064 of the Texas Election Code, the Commission is required to annually adjust these thresholds upward to the nearest multiple of \$10 in accordance with the percentage increase for the previous year in the Consumer Price Index for Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor. Accordingly, one or more thresholds will generally be adjusted each year, depending upon the figures in the index.

These changes will be made effective January 1<sup>st</sup> of each calendar year; the affected numbers and corresponding new thresholds are located in 1 T.A.C. §18.31, which can be found here: <https://www.ethics.state.tx.us/rules/>. The higher itemization thresholds will be reflected on the paper forms and in these instructions, as applicable.

Please verify that you are using the correct thresholds and forms that apply to your filing. For example, if you are filing a campaign finance report or lobby activities report that is due in January of 2021, you must use the forms and instructions that are applicable to the period ending December 31, 2020.

### Contributions Made Electronically Must Be Itemized

Beginning on September 1, 2019, all political contributions that are made electronically and accepted by a filer during the reporting period must be itemized in the filer's campaign finance report. This change is made by House Bill 2586, adopted by the 86th Texas Legislature.

## ELECTRONIC FILING

All persons filing campaign finance reports with the Texas Ethics Commission (Commission) are required to file those reports electronically unless the person is eligible to claim an exemption. Please check the Commission's website at <https://www.ethics.state.tx.us> for information about exemptions from the electronic filing requirement.

## FILLING OUT THE FORMS

All reports filed on paper must be either handwritten in ink or typewritten. If you complete the report by hand, please print everything other than your signature.

If you are filing with the Commission, and you are eligible to claim an exemption to electronic filing, ***you may use your own computer-generated form*** if it provides for disclosure of all the information required on the Commission's form and it is *substantially identical* in paper size, color, layout, and format. A substitute form that is substantially identical to the Commission's prescribed form must be submitted for pre-approval by the Commission's executive director.

Always file the cover sheet of the campaign finance report form. You need to file only those schedules on which you have information to report.

You must keep an exact copy of each report filed and all records necessary to complete the report for at least two (2) years after the deadline for filing the report.

If you have questions, please call our office at (512) 463-5800.

## **TEXAS ETHICS COMMISSION GUIDES**

The Commission publishes a Campaign Finance Guide for each type of filer. These guides are designed to explain your responsibilities as a filer. The Commission encourages you to read the appropriate guide before you begin accepting political contributions or making or authorizing political expenditures.

## **PHOTOCOPIES OF FORMS**

You may use photocopies of Commission forms. For example, if the space provided on Schedule A1 is insufficient, you may make copies of a blank Schedule A1 form and attach more pages as needed.

## **FILING DATE**

For most reporting deadlines, a document is considered timely filed if it is properly addressed with postage or handling charges prepaid and bears a postmark or receipt mark of a common or contract carrier indicating a time on or before the deadline.

**Pre-Election Reports:** A report due 30 days before an election and a report due 8 days before an election must be *received* by the appropriate filing authority no later than the report due date.

If you are filing with the Commission, please address your reports and correspondence to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070. For hand-deliveries, the Commission's street address is 201 East 14th Street, Sam Houston Building, 10th Floor, Austin, Texas 78701.

If the due date for a report falls on a Saturday, Sunday, or legal holiday, the report is due on the next regular business day.

## FORM C/OH: CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT

*These instructions are for the CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT (Form C/OH). A complete report includes the Form C/OH cover sheet, and any of the following schedules on which there is information to report: A1, A2, B, E, F1, F2, F3, F4, G, H, I, K, and T. A complete Final Report must also include Form C/OH-FR.*

*Note: Judicial candidates and officeholders must use a different form, Form JC/OH.*

### GENERAL INFORMATION

Use Form C/OH for filing the following reports:

- Semiannual reports (January 15 and July 15)
- Pre-election reports (30th day before election, 8th day before election)
- Runoff report (8th day before runoff election)
- Exceeded Modified Reporting Limit report
- 15th day after officeholder campaign treasurer appointment
- Final Report

See the instructions for sections 9 and 10 of the Cover Sheet for help in deciding which reports you are required to file.

### OFFICEHOLDER ACTIVITY

An officeholder may make officeholder expenditures and accept officeholder contributions without having a campaign treasurer appointment on file. However, an officeholder must have a campaign treasurer appointment on file before the officeholder may make campaign expenditures or accept campaign contributions.

### DUTIES OF CANDIDATE OR OFFICEHOLDER

As a candidate or officeholder, you alone, not the campaign treasurer, are responsible for filing this form. Failing to file a report on time or filing an incomplete report may subject you to criminal or civil penalties.

### DUTIES OF CAMPAIGN TREASURER

State law does not impose any reporting or record-keeping obligations on a candidate's campaign treasurer.

## **WHERE TO FILE**

This form is filed with the same filing authority with which you were required to file your Campaign Treasurer Appointment (Form CTA). If you are an officeholder who does not have a campaign treasurer appointment on file, file your reports with the same authority with which a candidate for your office must file the campaign treasurer appointment.

## **FILING A FINAL REPORT**

For filing purposes, you are a “candidate” as long as you have an appointment of campaign treasurer on file. If you do not expect to accept any further campaign contributions or to make any further campaign expenditures, you may file a Final Report of contributions and expenditures. A Final Report terminates your appointment of campaign treasurer and relieves you of the obligation of filing further reports *as a candidate*. If you are an officeholder at the time of filing a Final Report, you may be required to file semiannual reports of contributions and expenditures as an officeholder. The only officeholders who are not required to file semiannual reports are officeholders who file locally, who do not have a campaign treasurer appointment on file, *and* who do not exceed \$940 in contributions or expenditures during the reporting period.

If you are not an officeholder at the time of filing a Final Report *and* if you have surplus funds or retain assets purchased with political funds, you will be required to file annual reports of Unexpended Contributions. (*See instructions for Form C/OH-UC.*)

To file a Final Report, you must complete the “C/OH CAMPAIGN FINANCE REPORT” (Form C/OH), check the “final” box in section 9 on the Cover Sheet, and complete and attach the “C/OH REPORT: DESIGNATION OF FINAL REPORT” (Form C/OH- FR).

## COMPLETING THE COVER SHEET

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

### **PAGE 1**

- 1. FILER ID:** If you are filing with the Commission, you were assigned a filer identification number when you filed your initial campaign treasurer appointment. You should have received a letter acknowledging receipt of the form and informing you of your Filer ID. Enter this number wherever you see “FILER ID.” If you do not file with the Commission, you are not required to enter a Filer ID.
- 2. TOTAL PAGES FILED:** After you have completed the form, count the total number of pages of this form and any attached schedules. Enter that number where indicated on the top line of page 1 only. Each side of a two-sided form counts as one page.
- 3. CANDIDATE/OFFICEHOLDER NAME:** Enter your full name, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.
- 4. CANDIDATE/OFFICEHOLDER MAILING ADDRESS:** Enter your complete mailing address. If your mailing address has changed since you last gave notice of your address, check the “Change of Address” box.
- 5. CANDIDATE/OFFICEHOLDER PHONE:** Enter your phone number including the area code, and your extension, if applicable.

*Sections 6 - 8 pertain to a candidate’s campaign treasurer. If you are an officeholder who does not have a campaign treasurer appointment on file, skip these sections.*

- 6. CAMPAIGN TREASURER NAME:** Enter the full name of your campaign treasurer, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.
- 7. CAMPAIGN TREASURER ADDRESS:** Enter the complete address of your campaign treasurer.
- 8. CAMPAIGN TREASURER PHONE:** Enter the phone number of your campaign treasurer including the area code, and the extension, if applicable.
- 9. REPORT TYPE:** Check the box that describes the type of report you are filing, according to the descriptions below. See the instructions for section 10 for the periods covered by each type of report.

**January 15 Report:** All candidates and most officeholders must file a semiannual report by January 15. The only officeholders who are not required to file this report are officeholders who file locally, who do not have a campaign treasurer appointment on file, **and** who do not exceed \$940 in contributions or expenditures during the reporting period.

All candidates and officeholders who file with the Commission must file this report by midnight Central Time on the January 15 report due date. All candidates and officeholders who file locally must file this report by 5 p.m. on the January 15 report due date.

Note: Anyone who has a campaign treasurer appointment (Form CTA) on file must file semiannual reports, even after an election has ended and even if the filer lost the election. To end this semiannual filing requirement, the filer must cease campaign activity and file a Final Report. (See “Final Report” below for more information.)

**July 15 Report:** All candidates and most officeholders must file a semiannual report by July 15. The only officeholders who are not required to file this report are officeholders who file locally, who do not have a campaign treasurer appointment on file, **and** who do not exceed \$940 in contributions or expenditures during the reporting period.

See “January 15 Report” above for more information on filing requirements and deadlines for semiannual reports.

**30th Day Before Election Report:** Opposed candidates in an election who did not choose the modified reporting schedule must file this pre-election report. If an opposed candidate chose modified reporting, but then exceeded a threshold before the 30th day before the election, the candidate must file this report.

The report is due no later than 30 days before the election. For all candidates and officeholders who file with the Commission, this report must be received by the Commission no later than midnight Central Time on the report due date. For all candidates and officeholders who file locally, this report must be received by the filing authority no later than 5 p.m. on the report due date.

You are an “opposed” candidate if you have an opponent, including a minor party candidate, whose name is printed on the ballot. If your only opposition is a write-in candidate, you are not considered opposed for filing purposes. If you are a write-in candidate, you are an “opposed” candidate subject to the reporting requirements if you accept political contributions or make political expenditures. Candidates who are unopposed in an election are not required to file pre-election reports for that election.

**8th Day Before Election Report:** Opposed candidates in an election who did not choose the modified reporting schedule must file this pre-election report. If an opposed candidate chose modified reporting but then exceeded a threshold before the 8th day before the election, the candidate must file this report.

The report is due no later than 8 days before the election. For all candidates and officeholders who file with the Commission, this report must be received by the Commission no later than midnight Central Time on the report due date. For all candidates and officeholders who file locally, this report must be received by the filing authority no later than 5 p.m. on the report due date.

See “30<sup>th</sup> Day Before Election Report” above for the definition of an opposed candidate.

**Runoff Report:** Opposed candidates who are participating in a runoff election and who did not choose the modified reporting schedule must file this runoff report. The report is due no later than 8 days before the runoff election. For all candidates and officeholders who file with the Commission, this report must be received by the Commission no later than midnight Central Time on the report due date. For all candidates and officeholders who file

locally, this report must be received by the filing authority no later than 5 p.m. on the report due date.

See “30<sup>th</sup> Day Before Election Report” above for the definition of an opposed candidate.

**Exceeded Modified Reporting Limit Report:** Candidates who chose to file under the modified reporting schedule but then, after the 30th day before the election, exceeded \$940 in contributions or \$940 in expenditures in connection with the election must file this Exceeded Modified Reporting Limit report within 48 hours after exceeding the \$940 limit. The candidate must meet this deadline even if it falls on a weekend or a holiday.

**15th Day After Campaign Treasurer Appointment Report (Officeholders Only):** An officeholder must file this report if he or she appoints a campaign treasurer after a period of not having a campaign treasurer appointment (Form CTA) on file. For all officeholders who file with Commission, this report is due no later than midnight Central Time on the 15th day after an officeholder files Form CTA with the Commission. For all officeholders who file locally, this report is due no later than 5 p.m. on the 15th day after an officeholder files Form CTA with the filing authority. It is not required of officeholders who are merely changing their campaign treasurer. It is not required of an officeholder who files locally if the officeholder did not exceed \$940 in either contributions or expenditures during the period covered by the report. Candidates who are not officeholders do not file this report.

**Final Report:** A person who has a campaign treasurer appointment on file may file this report when he or she does not expect to accept any further campaign contributions or make or authorize any further campaign expenditures. There is not a fixed deadline for this report. This report must have a completed “C/OH REPORT: DESIGNATION OF FINAL REPORT” (Form C/OH-FR) attached.

A candidate must have a CTA on file to accept campaign contributions or make campaign expenditures, including contributions intended to offset campaign debts or expenditures made to pay campaign debts. A candidate who intends to continue campaign activity should not file a Final Report.

A Final Report terminates a candidate’s CTA and relieves the candidate from any additional filing obligations as a candidate. Officeholders who file a Final Report will still be subject to the filing requirements applicable to officeholders. A person who is not an officeholder but who has surplus political funds or assets after filing a Final Report will be required to file annual Unexpended Contribution reports. (See “Form C/OH-FR: Designation of Final Report” for more information.) A candidate or officeholder who does not have a CTA on file may still be required to file a personal financial statement (PFS).

Filing a Final Report does not relieve a candidate of responsibility for any delinquent reports or outstanding civil penalties.

**Daily Pre-Election Report of Contributions:** A candidate or officeholder who files with the Commission may be required to file daily pre-election reports disclosing contributions during the period beginning the 9th day before an election and ending at 12 noon on the day before the election. This information can be disclosed on Form C/OH-T. For more information, please see the instructions for Form C/OH-T.

**Legislative Special Session Report:** A candidate or officeholder who files with the Commission and who accepts a political contribution during the period beginning on the date the governor signs the proclamation calling a special legislative session and continuing through the date of final adjournment is required to file a report after a special session of the legislature. This information can be disclosed on Form C/OH-SS. For more information, please see the instructions for Form C/OH-SS.

**10. PERIOD COVERED:** A reporting period includes the start date and the end date. The *due date* for filing will generally be *after* the end of the period. Generally, a report picks up where the last report left off, and there should be no gaps or overlapping periods. The exceptions are Daily Pre-election reports, which do create overlaps because you are required to report the activity twice.

**First Reports:** If this is the first report of contributions and expenditures that you have filed, the beginning date will depend on the date your campaign treasurer appointment (Form CTA) was filed or the date you took office.

- If you are a candidate (a person who has filed a Form CTA) and you are filing your first report, the start date will be the date your Form CTA was filed.
- If you are an officeholder who was appointed to an elective office and who did not have a Form CTA on file at the time of the appointment, the start date for your first report will be the date you took office.

**January 15th Semiannual Report:** The start date is July 1 of the previous year or the day after the last day covered by your last required report, whichever is later. If this is the first report you have filed, please see the “First Reports” section above. The end date is December 31 of the previous year.

**July 15th Semiannual Report:** The start date is January 1 or the day after the last day covered by your last required report, whichever is later. If this is the first report you have filed, please see the “First Reports” section above. The end date is June 30.

**30th Day Before Election Report:** The start date is the day after the last day covered by your last required report. If this is the first report you have filed, please see the “First Reports” section above. The end date is the 40th day before the election. This report is not required for unopposed candidates or candidates who are filing under the modified reporting schedule.

**8th Day Before Election Report:** The start date is the 39th day before the election if you filed a 30th Day Before Election Report. If you did not file the 30th Day Before Election Report, the day after the last day covered by your last required report is the start date. If this is the first report you have filed, please see the “First Reports” section above. The end date is the 10th day before the election. This report is not required for unopposed candidates or candidates who are filing under the modified reporting schedule.

**Runoff Report:** The start date is the 9th day before the main election if you filed an 8th Day Before Election Report. Otherwise, the start date is the day after the last day covered by your last required report or the day you appointed a campaign treasurer,

whichever is later. The end date is the 10th day before the runoff election. This report is not required for candidates who are filing under the modified reporting schedule.

**Exceeded Modified Reporting Limit Report:** The start date for the report is either the day you appointed your campaign treasurer or the day after the last day covered by your last required report, whichever is later. The end date is the day you exceeded the \$940 limit for contributions or expenditures.

**15th Day After Campaign Treasurer Appointment Report (Officeholders Only):** The start date is either the day after the last day covered by your last required report or the day you began serving an appointment to elective office. The end date is the day before the campaign treasurer appointment was filed. This report is due no later than 15 days after the campaign treasurer appointment was filed.

**Final Report:** The start date is the day after the last day covered by your last required report. The end date is the day the final report is filed.

*If you are an officeholder without a campaign treasurer appointment on file, or if you have a campaign treasurer appointment on file but you are not a candidate in an upcoming election and were not a candidate in a recent election, you may skip Section 11.*

**11. ELECTION:** If you are a candidate in an upcoming election or were a candidate in a recently held election, provide the following information concerning the upcoming or recent election.

**Election Date:** Enter the month, day, and year of the election for which this report is filed, if known.

**Candidate in an Upcoming Election:** If the political activity in the report primarily pertains to an upcoming election, provide the date of the upcoming election in which you intend to participate as a candidate that most immediately follows the deadline for this report.

**Candidate in a Recently Held Election:** If the political activity in this report primarily pertains to a recently held election, provide the date of the recently held election in which you participated as a candidate that most immediately precedes the deadline for this report.

**Election Type:** Check the box next to the type of election that most accurately describes the election for which this report is filed.

**Primary:** An election held by a political party to select its nominees for office.

**Runoff:** An election held if no candidate for a particular office receives the vote necessary to be elected in an election requiring a majority vote.

**General:** An election, other than a primary election, that regularly occurs at fixed dates.

**Special:** An election that is neither a general election nor a primary election nor a runoff election.

**Other:** If none of the listed election types apply, check “Other” and provide your own description of the election for which the report is filed.

**12. OFFICE HELD:** If you are an officeholder, please enter the office you currently hold. Include the district, precinct, or other designation for the office, if applicable.

**13. OFFICE SOUGHT:** If you are a candidate in an upcoming election, please enter the office you seek. If you were a candidate in a recently held election, but were unsuccessful or are not currently an officeholder, please enter the office you sought during the election that most immediately precedes the deadline for this report. Include the district, precinct, or other designation for the office, if applicable.

**14. NOTICE FROM POLITICAL COMMITTEE(S):** Complete this section if you received notice from a political committee that it accepted political contributions or made political expenditures on your behalf. You are required to disclose the receipt of such a notice in the report covering the period in which you receive the notice. If you have not received such notice, you may skip this section.

The political committee is required to include in the notice the full name and address of the committee, the full name and address of the committee’s campaign treasurer, and a statement indicating whether the committee is a general-purpose committee or a specific-purpose committee. If the notice also describes the expenditure, do not include the description in this section.

**“Additional Pages” box:** If you received notice from more than one committee, check this box and attach an additional page listing the names and addresses of the other committees and of their campaign treasurers.

**Committee Type:**

**“General” box:** Check this box if the notice is from a general-purpose committee.

**“Specific” box:** Check this box if the notice is from a specific-purpose committee.

**Committee Name:** Enter the full name of the committee as reported in the notice.

**Committee Address:** Enter the address of the committee as reported in the notice.

**Committee Campaign Treasurer Name:** Enter the name of the committee’s campaign treasurer as reported in the notice.

**Committee Campaign Treasurer Address:** Enter the address of the committee’s campaign treasurer as reported in the notice.

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**15. C/OH (CANDIDATE/OFFICEHOLDER) NAME:** Enter your full name.

**16. FILER ID:** See instructions for section 1.

**17. TOTALS:** Complete this section only after you have completed all applicable schedules.

**Line 1- Total Unitemized Political Contributions:** Enter the total of all unitemized contributions (other than pledges, loans, guarantees of loans, or contributions made electronically) of \$90 or less. Do not include any contributions itemized on Schedules A1 or A2 or any contribution made electronically. Enter a “0” if you did not receive any unitemized contributions during the period covered.

On Schedules A1 and A2, you are required to itemize political contributions that totaled more than \$90 from one person and any political contribution that is made electronically. You also may itemize contributions of \$90 or less from one person. Do not include any itemized contributions in the total entered on line 1, regardless of amount.

**Line 2- Total Political Contributions:** Add the total contributions listed on Schedules A1 and A2 to the amount you entered on line 1. Enter that total on line 2. Enter a “0” if you did not receive any contributions during the period covered.

**Line 3- Total Unitemized Political Expenditures:** Enter the total of all unitemized political expenditures of \$190 or less. Do not include any expenditures itemized on Schedules F1, F2, F3, F4, G, or H. Enter a “0” if you did not make any unitemized expenditures during the period covered.

On Schedule F1, you were required to itemize political expenditures that totaled more than \$190 to one payee. You also had the option of itemizing expenditures totaling \$190 or less to one payee. Do not include any expenditures itemized on Schedule F1 in the total entered on line 3, regardless of amount.

On Schedule F2, you were required to itemize incurred but not yet paid political expenditures that totaled more than \$190 to one payee. You also had the option of itemizing incurred political expenditures totaling \$190 or less to one payee. Do not include any political or non-political expenditures itemized on Schedule F2 in the total entered on line 3, regardless of amount.

On Schedule F4, you were required to itemize political expenditures made by a credit card that totaled more than \$190 to one payee. You also had the option of itemizing political expenditures totaling \$190 or less to one payee. Do not include any political or non-political expenditures itemized on Schedule F4 in the total entered on line 3, regardless of amount.

On Schedule G, you were required to itemize political expenditures from personal funds if you intend to seek reimbursement from political contributions. Do not include any expenditures itemized on Schedule G in the total entered on line 3, regardless of amount.

On Schedule H, you were required to itemize payments from political contributions made to certain businesses. Do not include any expenditures itemized on Schedule H in the total entered on line 3, regardless of amount.

**Line 4- Total Political Expenditures:** Add the following:

- (a) the total expenditures itemized on Schedule F1;
- (b) the total political expenditures itemized on Schedule F2;
- (c) the total political expenditures itemized on Schedule F4;
- (d) the total political expenditures itemized on Schedule G;
- (e) the total political expenditures itemized on Schedule H; and
- (f) the amount you entered on line 3.

Enter that total on line 4.

Enter a “0” if you did not make any expenditures during the period covered.

**Line 5- Total Political Contributions Maintained:** Enter the total amount of political contributions, including interest or other income on those contributions, maintained as of the last day of the reporting period. Enter “0” if you do not maintain political contributions, including interest or other income on those contributions, as of the last day of the reporting period. This is different from the total contributions reported on line 2. Only contributions accepted during the period covered by the report are entered on line 2.

The law requires you to disclose the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period.

The “total amount of political contributions maintained” includes the total amount of political contributions maintained in one or more accounts, including the balance on deposit in banks, savings and loan institutions and other depository institutions; the present value of any investments that can be readily converted to cash, such as certificates of deposit, money market accounts, stocks, bonds, treasury bills, etc.; and the balance of political contributions accepted and held in any online fundraising account over which the filer can exercise control by making a withdrawal, expenditure, or transfer.

The total amount of political contributions maintained does **not** include personal funds that the filer intends to use for political expenditures, *unless* the personal funds have been disclosed as a loan to your campaign and deposited into an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. Any unexpended funds from such a loan are required to be included in the total amount of political contributions maintained as of the last day of the reporting period.

Note: Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.

**Line 6- Total Principal Amount of All Outstanding Loans:** Enter the aggregate outstanding principal amount of all loans accepted for campaign or officeholder purposes as of the last day of the reporting period. Enter a “0” if you did not accept any loans during the period covered and have no outstanding loans as of the last day of the reporting period. This is different from the information reported on Schedule E. This line must include outstanding principal of loans made in this reporting period as well as outstanding principal of loans made previously.

**18. SIGNATURE:** Complete this section only after you have completed all applicable sections and schedules. You must always sign a report that you file. You must complete this section even if you have no schedules to attach. *Only the candidate or officeholder filing the report may sign the report.*

If you are using the paper form, fill this section out by hand after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says “Signature of Candidate/Officeholder (Declarant)” (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say “Signature of Candidate/Officeholder (Declarant)” (an electronic signature is not acceptable), and fill out the unsworn declaration section.

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**19. C/OH (CANDIDATE/OFFICEHOLDER) NAME:** Enter your full name.

**20. FILER ID:** See instructions for section 1.

**21. SCHEDULE SUBTOTALS:** Complete this section only after you have completed all applicable schedules.

Check the appropriate boxes to indicate which schedules are attached to your report. If a schedule is not included in the report, leave the check box blank.

**Line 1- Schedule A1:** Add the total amount of contributions itemized on Schedule A1 to the amount of unitemized monetary political contributions accepted during the period covered. Enter that total on line 1. Enter a “0” if you did not accept any contributions during the period covered.

**Line 2- Schedule A2:** Add the total amount of non-monetary in-kind contributions itemized on Schedule A2 to the amount of unitemized non-monetary in-kind contributions accepted during the period covered. Enter that total on line 2. Enter a “0” if you did not accept any non-monetary in-kind contributions during the period covered.

**Line 3- Schedule B:** Add the total amount of pledged contributions itemized on Schedule B to the amount of unitemized pledged contributions accepted during the

period covered. Enter that total on line 3. Enter a “0” if you did not accept any pledged contributions during the period covered.

**Line 4- Schedule E:** Add the total amount of loans itemized on Schedule E to the amount of unitemized loans accepted during the period covered. Enter that total on line 4. Enter a “0” if you did not accept any loans during the period covered.

**Line 5- Schedule F1:** Add the total amount of political expenditures from political contributions itemized on Schedule F1 to the amount of unitemized political expenditures from political contributions made during the period covered. Enter that total on line 5. Enter a “0” if you did not make any political expenditures from political contributions during the period covered.

**Line 6- Schedule F2:** Add the total amount of unpaid incurred obligations itemized on Schedule F2 to the amount of unitemized unpaid obligations incurred during the period covered. Enter that total on line 6. Enter a “0” if you did not incur any unpaid obligations during the period covered.

**Line 7- Schedule F3:** Enter the total amount of investments purchased from political contributions itemized on Schedule F3. Enter a “0” if you did not purchase any investments from political contributions during the period covered.

**Line 8- Schedule F4:** Add the total amount of expenditures made by a credit card itemized on Schedule F4 to the amount of unitemized expenditures made by a credit card during the period covered. Enter that total on line 8. Enter a “0” if you did not make any expenditures by credit card during the period covered.

**Line 9- Schedule G:** Add the total amount of political expenditures from personal funds itemized on Schedule G to the amount of unitemized political expenditures from personal funds made during the period covered. Enter that total on line 9. Enter a “0” if you did not make any political expenditures from personal funds during the period covered.

**Line 10- Schedule H:** Enter the total amount of payments from political contributions to a business of the candidate or officeholder itemized on Schedule H. Enter a “0” if you did not make any payments from political contributions to a business of the candidate or officeholder during the period covered.

**Line 11- Schedule I:** Enter the total amount of non-political expenditures from political contributions itemized on Schedule I. Enter a “0” if you did not make any non-political expenditures from political contributions during the period covered.

**Line 12- Schedule K:** Enter the total amount of interests, credits, gains, refunds, and contributions returned to the filer itemized on Schedule K. Enter a “0” if you did not have any such activity during the period covered.

## SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS

*These instructions are for candidates and officeholders using SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS.*

Use this schedule to disclose information about monetary campaign and officeholder contributions accepted during the reporting period. Do not enter on this schedule information on non-monetary, in-kind contributions, pledges, loans, or guarantees of loans. Once you actually receive pledged money, it must be reported on Schedule A1. (Report non-monetary, in-kind contributions on Schedule A2; report pledges on Schedule B; report loans and guarantees of loans on Schedule E.)

**Itemization:** You must enter incoming monetary contributions that exceed \$90 from one person, and any monetary contribution made electronically, during a reporting period on this schedule. If you accepted two or more contributions from the same person, the total of which exceeds \$90, enter each contribution separately. Although you are not required to do so, you may also report contributions from one person that do not exceed \$90 in the period on this schedule. If you do not itemize contributions of \$90 and less on this schedule, you must total all such contributions and report them on the Cover Sheet, page 2, section 17, line 1.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. TOTAL PAGES SCHEDULE A1:** After you have completed Schedule A1, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date you *accepted* the contribution. Accepting a contribution is different from receiving a contribution. You accept a contribution when you decide to accept it rather than reject it. This may or may not be the same day that you receive the contribution.
- 5. FULL NAME OF CONTRIBUTOR:** Enter the full name of the contributor. If the contributor is an individual, enter the full first and last name, and suffix (Jr., III, etc.) if applicable. If the contributor is an entity, enter the full name of the entity.

**“Out-of-State PAC” box:** If the contributor is an out-of-state political committee, check the box. Certain restrictions apply to contributions from out-of-state PACS. The fact that a political committee has a mailing address outside of Texas does not mean that the committee is an out-of-state PAC for purposes of these restrictions. A political committee that has a campaign treasurer appointment on file in Texas is not an out-of-state PAC. A political committee that makes most of its political expenditures outside of Texas may be an out-of-state PAC. A political committee must determine if it is an out-of-state PAC.

If the contributor is an out-of-state political committee from which you accepted more than \$940 in the reporting period (including pledges or loans from sources other than financial institutions that have been in business for more than a year), you must include one of the following with your report:

- a written statement, certified by an officer of the out-of-state political committee, listing the full name and address of each person who contributed more than \$190 to the out-of-state political committee during the 12 months immediately preceding the contribution; *or*
- a copy of the out-of-state political committee's statement of organization filed as required by law with the FEC and certified by an officer of the out-of-state committee.

If the contributor is an out-of-state political committee from which you accepted \$940 or less (including pledges) during the reporting period, you must include one of the following with your report:

- a copy of the out-of-state political committee's statement of organization filed as required by law with the FEC and certified by an officer of the out-of-state committee; *or*
- a document listing the committee's name, address and phone number; the name of the person appointing the committee's campaign treasurer; and the name, address and phone number of the committee's campaign treasurer.

**“ID #” Line (Electronic Filing Only):** If you are filing your report electronically, you may enter in this field the out-of-state committee's Federal Election Commission (FEC) identification number. If you do not have an FEC # for the out-of-state PAC or are not filing electronically with the Commission, you must provide other documentation as explained above.

6. **CONTRIBUTOR ADDRESS:** Enter the complete address of the contributor.
7. **AMOUNT OF CONTRIBUTION:** Enter the amount of the contribution.
8. **PRINCIPAL OCCUPATION OR JOB TITLE:** Candidates for and holders of statewide offices in the executive branch and candidates for and holders of legislative offices must disclose the principal occupation or job title of an individual from whom the candidate or officeholder has accepted contributions (including pledges) of \$940 or more during the reporting period. In other circumstances, filers are not required to report this information but may do so.
9. **EMPLOYER:** Candidates for and holders of statewide offices in the executive branch and candidates for and holders of legislative offices must disclose the employer of an individual from whom the candidate or officeholder has accepted contributions (including pledges) of \$940 or more during the reporting period. In other circumstances, filers are not required to report this information but may do so.

## **SCHEDULE A2: NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS**

*These instructions are for candidates and officeholders using SCHEDULE A2: NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS.*

Use this schedule to disclose information about non-monetary, in-kind campaign and officeholder contributions received during the reporting period. An in-kind contribution is a contribution of goods, services, or any other thing of value **other than money** that is given to your campaign. You are not required to include contributions of an individual's personal services or travel if the individual receives no compensation from any source for the services. Do not enter on this schedule information on monetary political contributions, pledges, loans, or guarantees of loans. Once you actually receive a pledged in-kind contribution, it must be reported on Schedule A2. (Report monetary contributions on Schedule A1; report pledges on Schedule B; report loans and guarantees of loans on Schedule E.)

**Itemization:** You must enter non-monetary (in-kind) contributions of goods, services, or other things of value that exceed \$90 from one person, and any non-monetary contribution made electronically, during a reporting period on this schedule. If you accepted two or more non-monetary contributions from the same person, the total of which exceeds \$90, enter each contribution separately. Although you are not required to do so, you may also report contributions from one person that do not exceed \$90 in the period on this schedule. If you do not itemize contributions of \$90 and less on this schedule, you must total all such contributions and report them on the Cover Sheet, page 2, section 17, line 1.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. TOTAL PAGES SCHEDULE A2:** After you have completed Schedule A2, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. TOTAL OF UNITEMIZED IN-KIND POLITICAL CONTRIBUTIONS:** Enter the total amount of in-kind political contributions of \$90 or less that you accepted during the period covered that are not itemized on this schedule. If you choose to itemize an in-kind contribution of \$90 or less on this schedule, do not include it in this total. All contributions made electronically must be itemized.
- 5. DATE:** See instructions for Schedule A1, section 4.
- 6. FULL NAME OF CONTRIBUTOR:** See instructions for Schedule A1, section 5.

**“Out-of-State PAC” box:** See instructions for Schedule A1, section 5.

- 7. CONTRIBUTOR ADDRESS:** Enter the complete address of the contributor.
- 8. AMOUNT OF CONTRIBUTION:** Enter the fair market value of the in-kind contribution.

**9. IN-KIND CONTRIBUTION DESCRIPTION:** Enter a description of the contribution. The description should be sufficiently detailed to allow a person reviewing your report to understand what was contributed.

**“Travel Outside of Texas” box:** If the contribution was for travel outside of Texas, please check the box and *report this information on Schedule T*.

**10. PRINCIPAL OCCUPATION OR JOB TITLE:** See instructions for Schedule A1, section 8.

**11. EMPLOYER:** See instructions for Schedule A1, section 9.

*Sections 12-16 pertain to judicial candidates and officeholders only. Do not complete these sections. If you are a judicial candidate or officeholder, please use form JC/OH and the corresponding instructions.*

## SCHEDULE B: PLEDGED CONTRIBUTIONS

*These instructions are for candidates and officeholders using SCHEDULE B: PLEDGED CONTRIBUTIONS.*

Use this schedule to disclose information about pledges accepted during the reporting period for campaign or officeholder purposes. You are not required to include pledges of an individual's personal services or travel if the individual receives no compensation from any source for the services. Do not enter on this schedule information on contributions actually received, loans, or guarantees of loans. (Report contributions actually received on Schedule A1 or Schedule A2, as applicable; report loans and guarantees of loans on Schedule E.)

If you accept a pledge from a person to give you money, goods, services, or anything of value, that pledge is a reportable contribution and you must include the pledge on this schedule for the report covering the period in which you accept the pledge.

**Itemization:** You must itemize pledges that exceed \$90 in the aggregate from one person during the reporting period. If you received pledges totaling more than \$90 from one person during the reporting period, you must itemize all of those pledges, even if individual pledges were for \$90 or less. Although you are not required to do so, you may also itemize pledges for \$90 or less from one person. You must also disclose the receipt of the pledged contribution on Schedule A1 (used for monetary contributions) or A2 (used for non-monetary contributions), as applicable, in the reporting period in which you actually receive the pledged money or thing of value. If the pledge is accepted and received in the same reporting period, it is not required to be reported on Schedule B.

Note: See the Campaign Finance Guide for more information on pledges.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. TOTAL PAGES SCHEUDLE B:** After you have completed Schedule B, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. TOTAL OF UNITEMIZED PLEDGES:** Enter the total amount of pledges that you accepted during the period that did not exceed \$90 in the aggregate per person. Although you are not required to do so, you may also itemize pledges of \$90 or less on this schedule. If you itemize some pledges of \$90 or less, do not include those pledges in the total entered here. If you choose to itemize all pledges of \$90 or less, do not enter a total amount here.
- 5. DATE:** Enter the date you *accepted* the pledge. Accepting a pledge is different from receiving a contribution. You accept a pledge when you decide to accept it rather than reject it.

Pledge accepted and received in different reporting periods: If you accept a pledge in one reporting period and then receive the pledged money or other thing of value in a later reporting period, you will disclose the pledge on this schedule in

the reporting period in which you accepted the pledge. You will also disclose the receipt of the pledged money or other thing of value on the appropriate incoming funds schedule (report monetary contributions on Schedule A1; report in-kind contributions on Schedule A2; report loans on Schedule E) in the reporting period in which you received the pledge.

Pledge received in same reporting period as accepted: If you receive a pledge in the same reporting period in which it was accepted, then you will not report the pledge on this schedule. You will only disclose the contribution on the appropriate incoming funds schedule (report monetary contributions on Schedule A1; report in-kind contributions on Schedule A2; report loans on Schedule E). The date of the contribution will be the date you accepted the pledged contribution, regardless of when the pledged contribution was actually received.

Pledge accepted but never received: You will disclose the pledge on this schedule in the reporting period in which you accepted the pledge. If you never actually receive the pledge, it is not necessary to correct your report to delete the pledge.

Example: In June a supporter promises that he will give Juan Garcia \$1,000 in the last week before the November election. Juan accepts his promise. Juan must disclose the pledge on his July 15 report covering the period in which he accepted the pledge. (Note: When he receives the \$1,000, he will disclose it as a monetary contribution on Schedule A1 of the report covering the period in which he received the money. Also, if he never receives the \$1,000, he does not correct/amend his report to delete the entry for the pledge.)

**6. FULL NAME OF PLEDGOR:** Enter the full name of the person who made the pledge.

**“Out-of-State PAC” box:** See instructions for Schedule A1, section 5.

**7. PLEDGOR ADDRESS:** Enter the complete address of the person who made the pledge.

**8. AMOUNT OF PLEDGE:** Enter the amount of the pledge or the fair market value of any pledged goods or services or other thing of value, as applicable.

**9. IN-KIND DESCRIPTION:** If the pledge was for goods or services or any other thing of value, enter a description of the pledged goods or services or other thing of value. The description should be sufficiently detailed to allow a person reviewing your report to understand what was pledged.

**“Travel Outside of Texas” box:** If the pledged contribution was an in-kind contribution for travel outside of Texas, please check the box and *report this information on Schedule T*.

**10. PRINCIPAL OCCUPATION OR JOB TITLE:** See instructions for Schedule A1, section 8.

**11. EMPLOYER:** See instructions for Schedule A1, section 9.

*You do not need Schedules C1-4 and D. These schedules are for political committees to report contributions from corporations and labor organizations. Candidates and officeholders are generally prohibited from accepting such contributions.*

## SCHEDULE E: LOANS

*These instructions are for candidates and officeholders using SCHEDULE E: LOANS.*

Use this schedule to disclose information about loans and guarantees of loans accepted during the reporting period for campaign or officeholder purposes. This schedule must also be used to disclose deposits of personal funds into an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. This schedule may also be used to disclose political expenditures from personal funds.

**Loans to Your Campaign from Your Personal Funds:** You may disclose political expenditures from personal funds as a loan to your campaign on Schedule E. Outgoing political expenditures made from that loan must then be disclosed as if they were made from political contributions. The amount you disclose as a loan from yourself in a reporting period may NOT exceed the amount you actually spent from personal funds in that reporting period. In other words, do not report a \$100,000 loan to your campaign if the amount actually spent from your personal funds in the reporting period was \$5,000. When you reimburse yourself, disclose the reimbursement as an outgoing political expenditure on Schedule F1. The reimbursement may not exceed the amount disclosed as a loan. (You may also disclose political expenditures from personal funds on Schedule G. See the Schedule G instructions below for more information.)

**Personal Funds Deposited into a Political Account:** If you deposit personal funds in an account in which political contributions are held, you must disclose the deposited amount as a loan on Schedule E and check the box indicating "Personal Funds Deposited into Political Account." Personal funds deposited in an account in which political contributions are held are subject to the personal use restriction. Disclose the outgoing political expenditures made from that loan as if they were made from political contributions. When you reimburse yourself, disclose the reimbursement as an outgoing political expenditure on Schedule F1. The reimbursement may not exceed the amount disclosed as a loan.

**Itemization:** You must itemize loans (including loans from personal funds) that exceed \$90 that you accepted during the period from one person. If you accepted two or more loans from the same person, the total of which exceeds \$90, itemize each loan separately. You must also itemize loans that are made electronically by a person other than a financial institution. Although you are not required to do so, you may also itemize any other loans that do not exceed \$90.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. TOTAL PAGES SCHEDULE E:** After you have completed Schedule E, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.

**4. TOTAL OF UNITEMIZED LOANS:** Enter the total amount of loans accepted during the reporting period that did not exceed \$90 in the aggregate per person and were not from financial institutions, unless the loans were made electronically.

Although you are not required to do so, you may itemize loans of \$90 or less from persons other than financial institutions on this schedule. If you itemize some loans of \$90 or less, do not include those loans in the total you enter here. If you choose to itemize all loans of \$90 or less, enter a “0” here.

**5. DATE OF LOAN:** Enter the date you *accepted* the loan.

**6. IS LENDER A FINANCIAL INSTITUTION?:** If you accepted the loan from a corporation that has been legally engaged in the business of making loans for more than one year, circle “Y” for yes. If you accepted the loan from any other source, circle “N” for no. A loan from a corporation that has not been legally engaged in the business of making loans for more than one year is a corporate contribution. Candidates and officeholders may not accept corporate contributions.

**7. NAME OF LENDER:** Enter the full name of the person or financial institution that made the loan. If the lender is an individual, enter the full first and last name and suffix (Jr., III, etc.) if applicable. If the lender is an entity, enter the full name of the entity.

**“Out-of-State PAC” box:** See instructions for Schedule A1, section 5.

Note: See the Campaign Finance Guide for detailed information on accepting and reporting contributions from out-of-state political committees.

**8. LENDER ADDRESS:** Enter the complete address of the person or financial institution that made the loan.

**9. LOAN AMOUNT:** Enter the principal amount of the loan.

**10. INTEREST RATE:** Enter the interest rate.

**11. MATURITY DATE:** Enter the maturity date.

**12. PRINCIPAL OCCUPATION OR JOB TITLE:** Candidates for and holders of statewide offices in the executive branch and candidates for and holders of legislative offices must disclose the principal occupation or job title of each individual from whom the candidate or officeholder has accepted a loan (including a pledge of a loan) of \$940 or more during the reporting period. Other types of filers are not required to report this information but may do so.

**13. EMPLOYER:** Candidates for and holders of statewide offices in the executive branch and candidates for and holders of legislative offices must disclose the full name of the employer of an individual from whom the candidate or officeholder has accepted a loan (including a pledge of a loan) of \$940 or more during the reporting period. Other types of filers are not required to report this information but may do so.

- 14. DESCRIPTION OF COLLATERAL:** If there is no collateral for the loan, check the “none” box and go to section 15. If there is collateral for the loan, enter a description of the collateral for the loan.
- 15. “Check if personal funds were deposited into political account” box:** Check this box *only if* the loan is a deposit of your personal funds into an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. Political expenditures made from that loan, and any subsequent expenditures to reimburse the candidate or officeholder, must be reported as if they were made from political contributions. The reimbursement may not exceed the amount reported as a loan. Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.
- 16. GUARANTOR INFORMATION:** If there are no guarantors for the loan, check the “Not Applicable” box and go to the next loan. If you have no further loans to report, go to the next applicable schedule.

A person who guarantees all or part of a loan makes a reportable contribution in the amount of the guarantee. You must report such a contribution on this schedule, and not on the contributions schedule.
- 17. NAME OF GUARANTOR:** Enter the full name of the person guaranteeing the loan. If the guarantor is an individual, enter the full first and last name and suffix (Jr., III, etc.) if applicable. If the guarantor is an entity, enter the full name of the entity.
- 18. GUARANTOR ADDRESS:** Enter the complete address of the guarantor.
- 19. AMOUNT GUARANTEED:** Enter the dollar amount of the loan that the guarantor has agreed to guarantee.
- 20. PRINCIPAL OCCUPATION:** Enter the principal occupation of the guarantor.
- 21. EMPLOYER:** Enter the employer of the guarantor.

## **SCHEDULE F1: POLITICAL EXPENDITURES FROM POLITICAL CONTRIBUTIONS**

*These instructions are for candidates and officeholders using SCHEDULE F1: POLITICAL EXPENDITURES FROM POLITICAL CONTRIBUTIONS.*

Use this schedule to disclose information about political expenditures from political contributions that were made during the reporting period. Do not enter on this schedule unpaid incurred obligations, political expenditures made from personal funds, the purchase of investments from political contributions, expenditures made by credit card, or payments from political contributions made to a business that you own or control. (Report unpaid incurred obligations on Schedule F2; report expenditures from personal funds on Schedule G; report the purchase of investments from political contributions on Schedule F3; report expenditures made by credit card on Schedule F4; and report payments from political contributions made to a business that you own or control on Schedule H.)

Expenditures Made by Credit Card: You must disclose expenditures charged to a credit card on Schedule F4 and *not* on this schedule. When you pay the credit card bill, you must disclose the payment to the credit card company on Schedule F1 (used for political payments from political contributions), Schedule G (used for political payments from personal funds), Schedule H (used for payments from political contributions made to a business that you own or control), or Schedule I (used for nonpolitical payments from political contributions), as applicable. See instructions for Schedule F4: [Expenditures Made by Credit Card](#) for more information.

See the *Campaign Finance Guide for Candidates and Officeholders* for important restrictions regarding the use of political funds to rent or purchase real property.

**Itemization:** You must enter expenditures paid to one individual or entity during a reporting period that in the aggregate exceed \$190 on this schedule. If you made more than one expenditure to the same payee, the total of which exceeded \$190, enter each expenditure separately. Although you are not required to do so, you may also report expenditures to one person that do not exceed \$190 in the period on this schedule. If you choose not to itemize expenditures of \$190 and less on this schedule, you must total all unitemized expenditures and report them on the Cover Sheet, page 2, section 17, line 3.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. TOTAL PAGES SCHEDULE F1:** After you have completed Schedule F1, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date the expenditure payment was made. Remember: Expenditure obligations you incurred in this reporting period *but have not yet paid* are entered on Schedule F2. Expenditures made by credit card are entered on Schedule F4.
- 5. PAYEE NAME:** Enter the full name of the person to whom the expenditure was made.

Note: If you make an expenditure for goods or services to benefit another candidate, officeholder, or committee, enter the name of the vendor who sold you the goods or services. Do not enter the name of the person for whose benefit you made the expenditure. Include that information under section 8, “Purpose of Expenditure.”

6. **AMOUNT:** Enter the exact amount of the expenditure.
7. **PAYEE ADDRESS:** Enter the complete address of the person to whom the expenditure was made.
8. **PURPOSE OF EXPENDITURE:** You must disclose the purpose of the expenditure in two parts: Category and Description. Merely disclosing the category of goods, services, or other thing of value for which the expenditure is made does not adequately describe the purpose of an expenditure.

(a) **Category:** Select a category of goods, services, or other thing of value for which an expenditure is made. If none of the listed categories apply, select “Other” and enter your own category. Examples of acceptable categories include:

Advertising Expense

Accounting/Banking

Consulting Expense

Contributions/Donations Made By Candidate/Officeholder/Political Committee

Credit Card Payment

Event Expense

Fees

Food/Beverage Expense

Gifts/Awards/Memorials Expense

Legal Services

Loan Repayment/Reimbursement

Office Overhead/Rental Expense

Polling Expense

Printing Expense

Salaries/Wages/Contract Labor

Solicitation/Fundraising Expense

Transportation Equipment and Related Expense

Travel In District

Travel Out Of District

Other

**(b) Description:** Enter a brief statement or description of the candidate or officeholder activity that is conducted by making the expenditure. The brief statement or description must include the item or service purchased and must be sufficiently specific, when considered within the context of the description of the category, to make the reason for the expenditure clear. Merely disclosing the category of goods, services, or other thing of value for which the expenditure is made does not adequately describe the purpose of an expenditure.

For examples of acceptable ways to disclose the purpose of an expenditure, please see the "Examples: Purpose of Expenditures" on page 46.

**"Check if travel outside of Texas" box:** Check this box if the expenditure is for travel outside of Texas. The description of a political expenditure for travel outside of the state of Texas must include detailed information. Please report this information on Schedule T.

**"Check if Austin, TX, officeholder living expense" box:** Check this box if the expenditure is an officeholder expense for living in Austin, Texas.

**9. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:**

If you made a direct campaign expenditure to benefit another candidate or officeholder, enter the full name of the candidate or officeholder and the name of the office sought or held, including the district, precinct, or other designation of the office, as applicable. (Attach additional sheets to list multiple candidates.) Do not complete this section if the expenditure was not a direct campaign expenditure.

A "direct campaign expenditure" to benefit another candidate is not a "political contribution" to that other candidate. A direct campaign expenditure is a campaign expenditure that you make on someone else's behalf and without the prior consent or approval of that person. This is in contrast to a political contribution, which the person has the opportunity to accept or reject.

**Example:** If you made expenditures to prepare and distribute an endorsement letter in support of a candidate after first asking for and getting the candidate's approval, you made an *in-kind contribution*. However, if you did not get the candidate's approval *before* you made the expenditure, you made a *direct campaign expenditure*.

## SCHEDULE F2: UNPAID INCURRED OBLIGATIONS

*These instructions are for candidates and officeholders using SCHEDULE F2: UNPAID INCURRED OBLIGATIONS.*

Use this schedule to disclose information about obligations to make an expenditure that you incurred during the reporting period but have not yet paid. Do not enter on this schedule obligations that were incurred and paid during the reporting period, or other outgoing funds. (Report obligations incurred and paid during the reporting period on Schedule F1, F3, G, H, or I as appropriate, and report expenditures made by credit card on Schedule F4.)

See the *Campaign Finance Guide for Candidates and Officeholders* for important restrictions regarding the use of political funds to rent or purchase real property.

**Itemization:** Itemization requirements differ depending on whether the unpaid incurred obligation is for a political or non-political expenditure.

**Unpaid Incurred Political Obligations:** You must enter political obligations incurred but not yet paid to one individual or entity during a reporting period that in the aggregate exceed \$190 on this schedule. If you incurred more than one obligation to the same payee, the total of which exceeded \$190, enter each expenditure separately. Although you are not required to do so, you may also report political obligations incurred to one person that do not exceed \$190 in the period on this schedule. If you choose not to itemize incurred political obligations of \$190 and less on this schedule, you must total all unitemized obligations and report them in section 4 of this Schedule. You must also include that amount in the total unitemized political expenditures of \$190 or less on C/OH Cover Sheet, page 2, section 17, line 3.

**Unpaid Incurred Non-Political Obligations:** You must enter non-political obligations incurred but not yet paid to one individual or entity during a reporting period on this schedule, regardless of the amount.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. TOTAL PAGES SCHEDULE F2:** After you have completed Schedule F2, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. TOTAL OF UNITEMIZED UNPAID INCURRED OBLIGATIONS:** Enter the total amount of political obligations incurred during the reporting period that do not exceed \$190 in the aggregate per person, unless itemized on this schedule. You are not required to itemize unpaid incurred political obligations of \$190 or less, but if you choose to do so, do not include those unpaid incurred obligations in the total you enter here.
- 5. DATE:** Enter the date the obligation was incurred. Obligations you incurred **and** paid during the reporting period are not entered on this schedule.

**6. PAYEE NAME:** See instructions for Schedule F1, section 5.

Note: If you incurred an obligation for goods or services to benefit another candidate, officeholder, or committee, enter the name of the vendor of the goods or services. Do not enter the name of the person for whose benefit you incurred the obligation. Include that information under section 10, “Purpose of Expenditure.”

**7. AMOUNT:** Enter the exact amount of the incurred obligation.

**8. PAYEE ADDRESS:** Enter the complete address of the person to whom the obligation is owed.

**9. TYPE OF EXPENDITURE:** Check only one box to indicate whether the incurred obligation was political or non-political.

A non-political expenditure is an expenditure that is neither a campaign expenditure nor an officeholder expenditure. As a practical matter, *very few* expenditures made from political contributions are non-political expenditures. For instance, expenditures for administrative expenses, banking fees, and professional dues are typically political expenditures.

**10. PURPOSE OF EXPENDITURE:** See instructions for Schedule F1, section 8.

**11. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:**  
See instructions for Schedule F1, section 9.

## **SCHEDULE F3: PURCHASE OF INVESTMENTS FROM POLITICAL CONTRIBUTIONS**

*These instructions are for candidates and officeholders using SCHEDULE F3: PURCHASE OF INVESTMENTS FROM POLITICAL CONTRIBUTIONS.*

Use this schedule to disclose information about investments purchased from political contributions during the reporting period. Do not enter on this schedule political expenditures from political contributions, unpaid incurred obligations, expenditures made by credit card, political expenditures made from personal funds, or payments from political contributions made to a business that you own or control. (Report political expenditures from political contributions on Schedule F1; report unpaid incurred obligations on Schedule F2; report expenditures made by credit card on Schedule F4; report expenditures from personal funds on Schedule G; and report payments from political contributions made to a business that you own or control on Schedule H.)

See the *Campaign Finance Guide for Candidates and Officeholders* for important restrictions regarding the use of political funds to rent or purchase real property.

**Itemization:** You must enter investments purchased with political contributions during a reporting period that in the aggregate exceed \$120 on this schedule. Although you are not required to do so, you may also report investments purchased with political contributions that do not exceed \$120 in the period on this schedule.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. TOTAL PAGES SCHEDULE F3:** After you have completed Schedule F3, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date you purchased the investment.
- 5. NAME OF PERSON FROM WHOM INVESTMENT IS PURCHASED:** Enter the full name of the person or entity from whom you purchased the investment. If you purchased the investment from an individual, enter the full first and last name, and suffix (Jr., III, etc.) if applicable (title is optional). If you purchased the investment from an entity, enter the full name of the entity.
- 6. ADDRESS OF PERSON FROM WHOM INVESTMENT IS PURCHASED:** Enter the complete address of the person or entity from whom you purchased the investment.
- 7. DESCRIPTION OF INVESTMENT:** Enter a brief statement or description of the investment. For example, “Ten shares of stock in ABC company.”
- 8. AMOUNT OF INVESTMENT:** Enter the amount of the investment purchased.

## **SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD**

*These instructions are for candidates and officeholders using SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD.*

Use this schedule to disclose information about expenditures made by a credit card. You must disclose expenditures charged to a credit card on this schedule and identify the individual, entity, or vendor who receives payment from the credit card company. When you pay the credit card bill, you must disclose the payment to the credit card company on Schedule F1 (used for political payments from political contributions), Schedule G (used for political payments from personal funds), Schedule H (used for payments from political contributions made to a business that you own or control), or Schedule I (used for nonpolitical payments from political contributions), as applicable.

Do not enter on this schedule political expenditures from political contributions, unpaid incurred obligations, political expenditures made from personal funds, or payments from political contributions made to a business that you own or control. (Report political expenditures from political contributions on Schedule F1; report unpaid incurred obligations on Schedule F2; report the purchase of investments from political contributions on Schedule F3; report expenditures from personal funds on Schedule G; and report payments from political contributions made to a business that you own or control on Schedule H.)

For examples regarding the disclosure of expenditures made by credit card, please see “Examples: Reporting Expenditures Made by Credit Card” on page 43.

**Itemization:** Itemization requirements differ depending on whether the expenditure made by a credit card is for a political or non-political expenditure.

Political Expenditures Made by Credit Card: You must itemize political expenditures made by credit card that exceed \$190 (in the aggregate) to a single payee. If you made two or more expenditures to the same payee, the total of which exceeded \$190, enter each expenditure made by credit card separately. Although you are not required to do so, you may also report political expenditures made by credit card that do not exceed \$190 in the reporting period on this schedule. If you choose not to itemize political expenditures made by credit card of \$190 and less on this schedule, you must total all unitemized political expenditures and report them in section 4 of this Schedule. You must also include that amount in the total unitemized political expenditures of \$190 or less on C/OH Cover Sheet, page 2, section 17, line 3.

Non-Political Expenditures Made by Credit Card: You must itemize any non-political expenditure made by credit card, regardless of the amount.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. TOTAL PAGES SCHEDULE F4:** After you have completed Schedule F4, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.

3. **FILER ID:** See instructions for Cover Sheet, page 1, section 1.
4. **TOTAL OF UNITEMIZED EXPENDITURES CHARGED TO A CREDIT CARD:**  
Enter the total amount of political expenditures charged to a credit card during the reporting period that do not exceed \$190 in the aggregate per person, unless itemized on this schedule. You are not required to itemize political expenditures made by credit card of \$190 or less, but if you choose to do so, do not include those political expenditures made by credit card in the total you enter here.
5. **DATE:** Enter the date you made the expenditure by credit card.  
  
Note: There is a special reporting rule for expenditures made by credit card. For reports due 30 days and 8 days before an election (pre-election reports) and for runoff reports, the date of the credit card expenditure is the date the credit card is used. For other reports, the date of the credit card expenditure is either the date of the charge or the date the credit card statement is received. *A filer can never go wrong by disclosing the date of the expenditure as the date of the charge.*
6. **PAYEE NAME:** See instructions for Schedule F1, section 5. Disclose the name of the vendor who sold you the goods or services as the payee, NOT the credit card company. You do not report the name of the credit card company on this schedule.  
  
Note: If you made an expenditure for goods or services to benefit another candidate, officeholder, or committee, enter the name of the vendor of the goods or services. Do not enter the name of the person for whose benefit you made the expenditure. Include that information under section 10, “Purpose of Expenditure.”
7. **AMOUNT:** Enter the amount of the credit card expenditure.
8. **PAYEE ADDRESS:** Enter the complete address of the payee of the credit card expenditure.
9. **TYPE OF EXPENDITURE:** Check only one box to indicate whether the credit card expenditure was political or non-political.  
  
A non-political expenditure is an expenditure that is neither a campaign expenditure nor an officeholder expenditure. As a practical matter, *very few* expenditures made from political contributions are non-political expenditures. For instance, expenditures for administrative expenses, banking fees, and professional dues are typically political expenditures.
10. **PURPOSE OF EXPENDITURE:** See instructions for Schedule F1, section 8.  
  
Note: Do not choose “Credit Card Payment” as the category for an expenditure made by credit card when an individual, entity, or vendor receives payment from the credit card company. Instead, choose the category that corresponds to the goods, services, or other thing of value purchased from the individual, entity, or vendor.
11. **DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:**  
See instructions for Schedule F1, section 9.

## **SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS**

*These instructions are for candidates and officeholders using SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS.*

You may use this schedule to disclose information about political expenditures from personal funds that were made during the reporting period. Alternatively, you may choose to disclose political expenditures from personal funds as a loan on Schedule E (see the Schedule E instructions above for more information). Do not enter on this schedule information about personal funds deposited in an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. (Report the deposit of personal funds into a political account as a loan on Schedule E.)

**Expenditures Made by Credit Card:** You must disclose expenditures charged to a credit card on Schedule F4 and *not* on this schedule. When you pay the credit card bill, you must disclose the payment to the credit card company on Schedule F1 (used for political payments from political contributions), Schedule G (used for political payments from personal funds), Schedule H (used for payments from political contributions made to a business that you own or control), or Schedule I (used for nonpolitical payments from political contributions), as applicable. See instructions for Schedule F4: Expenditures Made by Credit Card for more information.

If you intend to seek reimbursement *in any amount* from political contributions for a political expenditure made from personal funds, you must either report the expenditure on Schedule E or itemize the expenditure on this schedule and check the box in Section 6 to indicate that you intend to seek reimbursement from political contributions. ***You may not correct a report to allow reimbursement.*** When you reimburse yourself, disclose the reimbursement as an outgoing political expenditure on Schedule F1.

See the Campaign Finance Guide for important restrictions regarding the use of political funds to rent or purchase real property.

**Itemization:** If you choose to report political expenditures from personal funds on this schedule, you must itemize political expenditures paid to one individual or entity during a reporting period that in the aggregate exceed \$190 on this schedule. If you made more than one expenditure to the same payee, the total of which exceeded \$190, enter each expenditure separately. Although you are not required to do so, you may also report expenditures to one person that do not exceed \$190 in the period on this schedule. You must total all political expenditures from personal funds that you do not itemize on this schedule and include them in the total of unitemized political expenditures on the C/OH Cover Sheet, page 2, section 17, line 3.

Officeholder expenditures from personal funds for which you do not intend to seek reimbursement are not required to be reported on this schedule or included in the total of unitemized political expenditures.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1 TOTAL PAGES SCHEDULE G:** After you have completed Schedule G, count the total number of pages. Each side of a two-sided form counts as one page.

- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date the expenditure was made.
- 5. PAYEE NAME:** See instructions for Schedule F1, section 7.
- 6. AMOUNT:** Enter the exact amount of the expenditure.

**“Reimbursement from Political Contributions Intended” box:** Check this box if you intend to reimburse yourself for the expenditure. (In order to be reimbursed from political contributions in any amount for an expenditure made out of personal funds, you must itemize the expenditure on this schedule and check this box or you must report the expenditure as a loan to yourself on Schedule E.)

- 7. PAYEE ADDRESS:** Enter the complete address of the person to whom the expenditure was made.
- 8. PURPOSE OF EXPENDITURE:** See instructions for Schedule F1, section 8.
- 9. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:**  
See instructions for Schedule F1, section 9.

## **SCHEDULE H: PAYMENT FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH**

*These instructions are for candidates and officeholders using SCHEDULE H: PAYMENT FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH.*

Use this schedule to disclose information about payments from political contributions that were made to a business in which you have an interest of more than 10%, a position on the governing body, or a position as an officer. Do not enter on this schedule other payments from political contributions made during the reporting period.

See the *Campaign Finance Guide for Candidates and Officeholders* for a discussion on the important restrictions on making and reporting payments from political contributions to a business in which you have an interest.

This schedule is for payments to a business in which you have one or more of the following interests or positions:

- 1) a participating interest of more than 10%;
- 2) a position on the governing body of the business; or
- 3) a position as an officer of the business.

**Itemization:** You must enter all payments from political contributions made to certain businesses (as defined above) of a candidate or officeholder made during the reporting period on this schedule, regardless of the amount.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. TOTAL PAGES SCHEDULE H:** After you have completed Schedule H, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date you made the payment.
- 5. BUSINESS NAME:** Enter the full name of the business to which you made the payment.
- 6. AMOUNT:** Enter the dollar amount of the payment.
- 7. BUSINESS ADDRESS:** Enter the complete address of the business to which you made the payment.
- 8. PURPOSE OF EXPENDITURE:** See instructions for Schedule F1, section 8.
- 9. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:**  
See instructions for Schedule F1, section 9.

## **SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS**

*These instructions are for candidates and officeholders using SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS.*

Use this schedule to disclose information about non-political expenditures from political contributions made during the reporting period. Do not enter political expenditures on this schedule. Also, do not enter non-political expenditure obligations you incurred in this reporting period but have not yet paid or non-political expenditures made by credit card. (Report unpaid incurred obligations on Schedule F2; report expenditures made by a credit card on Schedule F4.)

**Expenditures Made by Credit Card:** You must disclose non-political expenditures charged to a credit card on Schedule F4 and *not* on this schedule. When you pay the credit card bill, you must disclose the payment to the credit card company on Schedule F1 (used for political payments from political contributions), Schedule G (used for political payments from personal funds), Schedule H (used for payments from political contributions made to a business that you own or control), or Schedule I (used for nonpolitical payments from political contributions), as applicable. See instructions for Schedule F4: Expenditures Made by Credit Card for more information.

**Itemization:** You must enter all non-political expenditures from political contributions on this schedule, regardless of the amount. A non-political expenditure is an expenditure that is neither a campaign expenditure nor an officeholder expenditure. As a practical matter, *very few* expenditures made from political contributions are non-political expenditures. For instance, expenditures for administrative expenses, banking fees, and professional dues are typically political expenditures. You may not convert political contributions to personal use.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. TOTAL PAGES SCHEDULE I:** After you have completed Schedule I, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date the expenditure payment was made.
- 5. PAYEE NAME:** See instructions for Schedule F1, section 5.
- 6. AMOUNT:** Enter the exact amount of the expenditure payment.
- 7. PAYEE ADDRESS:** Enter the complete address of the person to whom the expenditure was made.
- 8. PURPOSE OF EXPENDITURE:** See instructions for Schedule F1, section 8.

## **SCHEDULE K: INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER**

*These instructions are for candidates and officeholders using SCHEDULE K: INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER.*

Use this schedule to report information regarding any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting from the use of a political contribution or an asset purchased with a political contribution, any proceeds of the sale of an asset purchased with a political contribution, the amount of which exceeds \$120, and any other gain from a political contribution received during the reporting period.

**Itemization:** You must enter interest, credits, gains, refunds and returned contributions received during a reporting period that in the aggregate exceed \$120 on this schedule. Although you are not required to do so, you may also report any credit/gain/refund, or interest that does not exceed \$120 in the period on this schedule.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. TOTAL PAGES SCHEDULE K:** After you have completed Schedule K, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date the credit/gain/refund was received or the interest was earned, as applicable.
- 5. NAME OF PERSON FROM WHOM AMOUNT IS RECEIVED:** Enter the full name of the person or business from whom the credit/gain/refund/returned contribution or interest was received.
- 6. ADDRESS OF PERSON FROM WHOM AMOUNT IS RECEIVED:** Enter the complete address of the person or business from whom the credit/gain/refund/returned contribution or interest was received.
- 7. PURPOSE FOR WHICH AMOUNT IS RECEIVED:** Enter a brief statement or description of the purpose for which the amount was received (for example, “phone service deposit return” “returned contribution” or “interest on savings account”).  
  
**“Check if political contribution returned to filer” box:** If the incoming credit/gain was originally made by you in the form of a political contribution to another candidate or political committee and was returned to you in this reporting period, check this box.
- 8. AMOUNT:** Enter the exact dollar amount of the credit/gain/refund/returned contribution, or interest.

## **SCHEDULE T: IN-KIND CONTRIBUTIONS OR POLITICAL EXPENDITURES FOR TRAVEL OUTSIDE OF TEXAS**

*These instructions are for candidates and officeholders using SCHEDULE T: IN-KIND CONTRIBUTIONS OR POLITICAL EXPENDITURES FOR TRAVEL OUTSIDE OF TEXAS.*

Use this schedule to disclose information about contributions accepted or expenditures made during the reporting period. In addition to completing this schedule, you must also report the actual contribution or expenditure on the appropriate schedule or form. The law requires detailed information regarding in-kind contributions or political expenditures for travel outside of the state of Texas.

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. TOTAL PAGES SCHEDULE T:** After you have completed Schedule T, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter the full name of the candidate, committee, or party on whose report you are including this schedule.
- 3. FILER ID:** If you are filing with the Commission, enter your filer account number. If you do not file with the Commission, you are not required to enter a filer account number.
- 4. NAME OF CONTRIBUTOR/CORPORATION OR LABOR ORGANIZATION/PLEDGOR / PAYEE:** Enter the full name of the contributor / corporation or labor organization / pledgor / payee as it appears on the schedule or form on which you reported the actual contribution or expenditure.
- 5. CONTRIBUTION / EXPENDITURE REPORTED ON:** Check the appropriate box for the schedule or form on which you reported the actual contribution or expenditure.
- 6. DATES OF TRAVEL:** Enter the dates on which the travel occurred.
- 7. NAME OF PERSON(S) TRAVELING:** Enter the full name of the person or persons traveling on whose behalf the travel was accepted or on whose behalf the expenditure was made.
- 8. DEPARTURE CITY OR NAME OF DEPARTURE LOCATION:** Enter the name of the departure city or the name of each departure location.
- 9. DESTINATION CITY OR NAME OF DESTINATION LOCATION:** Enter the name of the destination city or the name of each destination location.
- 10. MEANS OF TRANSPORTATION:** Enter the method of travel (e.g., airplane, bus, boat, car, etc.)
- 11. PURPOSE OF TRAVEL:** Enter the campaign or officeholder purpose of the travel, including the name of a conference, seminar, or other event.

## FORM C/OH-FR: DESIGNATION OF FINAL REPORT

*These instructions are for candidates and officeholders using Form C/OH-FR: C/OH REPORT: DESIGNATION OF FINAL REPORT. A final report must include this form (Form C/OH-FR) and the CAMPAIGN FINANCE REPORT (Form C/OH) with the “Final Report” box checked on page 1, section 9. It must also include Schedules A1, A2, B, E, F1, F2, F3, F4, G, H, I, K, and T, as applicable.*

### GENERAL INFORMATION

For filing purposes, you are a “candidate” as long as you have an appointment of campaign treasurer on file. If you do not expect to accept any further campaign contributions or to make any further campaign expenditures, you may file a final report of contributions and expenditures. A final report terminates your appointment of campaign treasurer and relieves you of the obligation of filing further reports as a candidate.

If you do not have an appointment of campaign treasurer on file, you may not accept **campaign** contributions or make **campaign** expenditures. A payment on a campaign debt is a campaign expenditure. An officeholder who does not have an appointment of campaign treasurer on file may accept **officeholder** contributions and make **officeholder** expenditures.

The effect of filing a final report differs depending on whether you are an officeholder at the time you file a final report.

**Officeholders Filing a Final Report:** You will not have to worry about surplus political funds and assets until you cease to be an officeholder. You may still be required to file semiannual reports of contributions and expenditures as an officeholder. The only officeholders who are not required to file semiannual reports are local officeholders who do not exceed \$940 in contributions or \$940 in expenditures during the reporting period.

If you cease to be an officeholder at a time when you do not have a campaign treasurer appointment on file, and you retain political contributions, interest or other income from political contributions, or assets purchased with political contributions or interest or other income from political contributions after filing the last required report as an officeholder, you **must** file an annual report of unexpended contributions not earlier than January 1 and not later than January 15 of each year following the year in which you filed the last required report as an officeholder. You may not retain these unexpended funds longer than six years after the date you ceased to be an officeholder. For information about important restrictions regarding the use and reporting of unexpended contributions, see the Campaign Finance Guide.

**Non-Officeholders Filing a Final Report:** You will no longer be required to file reports **unless** you retain political contributions, interest or other income from political contributions, or assets purchased with political contributions or interest or other income from political contributions. If you retain any of those items, you must file an annual report of unexpended contributions not earlier than January 1 and not later than January 15 of each year after the year in which you filed your final report. You may not retain these unexpended funds longer than six years after the date of filing a final report. For information about important restrictions regarding the use and reporting of unexpended contributions, see the Campaign Finance Guide.

## COMPLETING THE FORM

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

- 1. C/OH NAME:** Enter your full name.
- 2. FILER ID:** If you are filing with the Commission, enter your Filer ID. If you do not file with the Commission, you are not required to enter a Filer ID.
- 3. SIGNATURE:** You must sign this section to indicate that you understand the consequences of filing a final report.
- 4. FILER WHO IS NOT AN OFFICEHOLDER:** Complete this section if you are not an officeholder at the time of filing your final report. Be sure to check the appropriate box in both sections A and B and sign on the “Signature” line.
- 5. OFFICEHOLDER:** Complete this section if you are an officeholder at the time of filing your final report. You must check the box to indicate awareness of further filing requirements.

## ADDITIONAL INFORMATION REGARDING EXPENDITURES

### EXAMPLES: REPORTING EXPENDITURES MADE BY CREDIT CARD

*This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting expenditures made by credit card and payments made to credit card companies.*

#### **Example #1: Candidate Using Credit Card to Make Political Expenditures and Using Political Contributions to Pay the Credit Card Bill in the Same Reporting Period**

A candidate for office uses her credit card to buy \$1,000 in campaign office supplies from an office store. During the same reporting period, the candidate uses her credit card to buy \$500 in political advertising signs from a sign company. During the same reporting period, the candidate makes a single payment from her political contributions account to pay the \$1,500 credit card bill.

To report that activity, the candidate would report all of the following on a campaign finance report (Form C/OH) covering the period in which she made the credit card charges and sent the payment to the credit card company:

1. For the credit card charges: a \$1,000 expenditure on the “Expenditures Made by Credit Card” Schedule (F4). The schedule identifies the office store as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Office Overhead/Rental Expense,” and a description as “Campaign Office Supplies.” In Section 9 of the schedule, the box for “Political” is also checked. The candidate also reports the \$500 expenditure on the “Expenditures Made by Credit Card” Schedule and identifies the sign company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Advertising Expense,” and a description as “Political Advertising Signs.” In Section 9 of the schedule, the box for “Political” is also checked.
2. For the payment to the credit card company: a \$1,500 expenditure on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Credit Card Payment,” and a description as “Payment of credit card bill for credit card expenditures.”
3. Both \$1,500 amounts reported on each schedule will also be included in the appropriate totals sections of Cover Sheet Pages 2 and 3.

#### **Example #2: Candidate Using Credit Card to Make a Political Expenditure and Using Personal Funds to Pay the Credit Card Bill in the Same Reporting Period**

A candidate for *non-judicial* office uses his credit card to purchase \$3,000 in political advertising materials from a print shop. During the same reporting period, the candidate makes a payment from his personal funds account to pay the \$3,000 credit card bill.

To report that activity, the candidate would report all of the following on a campaign finance report (Form C/OH) covering the period in which he made the credit card charge and sent the payment to the credit card company:

1. For the credit card charge: a \$3,000 expenditure on the “Expenditures Made by Credit Card” Schedule (F4). The schedule identifies the print shop as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Advertising Expense,” and a description as “Political Advertising Materials.” In Section 9 of the schedule, the box for “Political” is also checked.
2. For the payment to the credit card company: a \$3,000 expenditure on the “Political Expenditures Made from Personal Funds” Schedule (G). The schedule identifies the credit card company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Credit Card Payment,” and a description as “Payment of credit card bill for political advertising materials.” If the candidate intends to seek reimbursement from political contributions, the candidate may also check the appropriate box in Section 6.
3. Both \$3,000 amounts reported on each schedule will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

**Example #3: Political Committee Using Credit Card to Make a Political Expenditure and Using Political Contributions to Pay the Credit Card Bill in Different Reporting Periods**

A general-purpose committee uses its credit card to buy \$500 in political advertising in a newspaper. The committee receives the statement from the credit card company but does not send a payment until after the reporting period ends. When the committee sends a payment to the credit card company, it makes a \$500 payment from its political contributions account.

To report the credit card charge, the committee’s campaign treasurer would report all of the following on a campaign finance report (Form GPAC) covering the period in which it made the credit card charge:

1. A \$500 expenditure on the “Expenditures Made by Credit Card” Schedule (F4). The schedule identifies the newspaper as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Advertising Expense,” and a description as “Political Advertising.” In Section 9 of the schedule, the box for “Political” is also checked.
2. The \$500 amount reported on the “Expenditures Made by Credit Card” Schedule (F4) will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

To report the payment to the credit card company, the committee’s campaign treasurer would also report all of the following on a campaign finance report (Form GPAC) covering the period in which it made the payment to the credit card company:

1. A \$500 expenditure on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as

“Credit Card Payment,” and a description as “Payment of credit card bill for political advertising.”

2. The \$500 amount reported on the “Political Expenditures from Political Contributions” Schedule (F1) will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

**Example #4: Candidate Using Credit Card to Make a Political Expenditure and Using Political Contributions to Pay the Credit Card Bill in Different Reporting Periods**

A candidate for *judicial* office uses her credit card to buy \$500 in political advertising in a newspaper. The candidate receives the statement from the credit card company but does not send a payment until after the reporting period ends. When the candidate sends a payment to the credit card company, she makes a \$500 payment from her political contributions account.

To report the credit card charge, the candidate would report all of the following on a campaign finance report (Form JC/OH) covering the period in which she made the credit card charge:

1. A \$500 expenditure on the “Expenditures Made by Credit Card” Schedule (F4). The schedule identifies the newspaper as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Advertising Expense,” and a description as “Political Advertising.” In Section 9 of the schedule, the box for “Political” is also checked.
2. The \$500 amount reported on the “Expenditures Made by Credit Card” Schedule (F4) will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

To report the payment to the credit card company, the candidate would also report all of the following on a campaign finance report (Form JC/OH) covering the period in which the payment to the credit card company was made:

1. A \$500 expenditure on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Credit Card Payment,” and a description as “Payment of credit card bill for political advertising.”
2. The \$500 amount reported on the “Political Expenditures from Political Contributions” Schedule (F1) will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

## EXAMPLES: PURPOSE OF EXPENDITURES

*This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting the purpose of an expenditure. However, it is not, and is not intended to be, an exhaustive or an exclusive list of how a filer may permissibly report the purpose of an expenditure.*

- (1) Example: Candidate X is seeking the office of State Representative, District 2000. She purchases an airline ticket from ABC Airlines to attend a campaign rally within District 2000. The acceptable category for this expenditure is “travel in district.” The candidate activity that is accomplished by making the expenditure is to attend a campaign rally. An acceptable brief statement is “airline ticket to attend campaign event.”
- (2) Example: Candidate X purchases an airline ticket to attend a campaign event outside of District 2000 but within Texas, the acceptable category is “travel out of district.” The candidate activity that is accomplished by making the expenditure is to attend a campaign event. An acceptable brief statement is “airline ticket to attend campaign or officeholder event.”
- (3) Example: Candidate X purchases an airline ticket to attend an officeholder related seminar outside of Texas. The acceptable method for the purpose of this expenditure is by selecting the “travel out of district” category and completing the “Schedule T” (used to report travel outside of Texas).
- (4) Example: Candidate X contracts with an individual to do various campaign related tasks such as work on a campaign phone bank, sign distribution, and staffing the office. The acceptable category is “salaries/wages/contract labor.” The candidate activity that is accomplished by making the expenditure is to compensate an individual working on the campaign. An acceptable brief statement is “contract labor for campaign services.”
- (5) Example: Officeholder X is seeking re-election and makes an expenditure to purchase a vehicle to use for campaign purposes and permissible officeholder purposes. The acceptable category is “transportation equipment and related expenses” and an acceptable brief description is “purchase of campaign/officeholder vehicle.”
- (6) Example: Candidate X makes an expenditure to repair a flat tire on a campaign vehicle purchased with political funds. The acceptable category is “transportation equipment and related expenses” and an acceptable brief description is “campaign vehicle repairs.”
- (7) Example: Officeholder X purchases flowers for a constituent. The acceptable category is “gifts/awards/memorials expense” and an acceptable brief description is “flowers for constituent.”
- (8) Example: Political Committee XYZ makes a political contribution to Candidate X. The acceptable category is “contributions/donations made by candidate/officeholder/political committee” and an acceptable brief description is “campaign contribution.”
- (9) Example: Candidate X makes an expenditure for a filing fee to get his name on the ballot. The acceptable category is “fees” and an acceptable brief description is “candidate filing fee.”

(10) Example: Officeholder X makes an expenditure to attend a seminar related to performing a duty or engaging in an activity in connection with the office. The acceptable category is “fees” and an acceptable brief description is “attend officeholder seminar.”

(11) Example: Candidate X makes an expenditure for political advertising to be broadcast by radio. The acceptable category is “advertising expense” and an acceptable brief description is “political advertising.” Similarly, Candidate X makes an expenditure for political advertising to appear in a newspaper. The acceptable category is “advertising expense” and an acceptable brief description is “political advertising.”

(12) Example: Officeholder X makes expenditures for printing and postage to mail a letter to all of her constituents, thanking them for their participation during the legislative session. Acceptable categories are “advertising expense” OR “printing expense” and an acceptable brief description is “letter to constituents.”

(13) Example: Officeholder X makes an expenditure to pay the campaign office electric bill. The acceptable category is “office overhead/rental expense” and an acceptable brief description is “campaign office electric bill.”

(14) Example: Officeholder X makes an expenditure to purchase paper, postage, and other supplies for the campaign office. The acceptable category is “office overhead/rental expense” and an acceptable brief description is “campaign office supplies.”

(15) Example: Officeholder X makes an expenditure to pay the campaign office monthly rent. The acceptable category is “office overhead/rental expense” and an acceptable brief description is “campaign office rent.”

(16) Example: Candidate X hires a consultant for fundraising services. The acceptable category is “consulting expense” and an acceptable brief description is “campaign services.”

(17) Example: Candidate/Officeholder X pays his attorney for legal fees related to either campaign matters or officeholder matters. The acceptable category is “legal services” and an acceptable brief description is “legal fees for campaign” or “for officeholder matters.”

(18) Example: Candidate/Officeholder X makes food and beverage expenditures for a meeting with her constituents. The acceptable category is “food/beverage expense” and an acceptable brief statement is “meeting with constituents.”

(19) Example: Candidate X makes food and beverage expenditures for a meeting to discuss candidate issues. The acceptable category is “food/beverage expense” and an acceptable brief statement is “meeting to discuss campaign issues.”

(20) Example: Officeholder X makes food and beverage expenditures for a meeting to discuss officeholder issues. The acceptable category is “food/beverage expense” and an acceptable brief statement is “meeting to discuss officeholder issues.”

(21) Example: Candidate/Officeholder X makes food and beverage expenditures for a meeting to discuss campaign and officeholder issues. The acceptable category is “food/beverage expense” and an acceptable brief statement is “meeting to discuss campaign/officeholder issues.”

## EXAMPLES: REPORTING EXPENDITURES FROM PERSONAL FUNDS

*This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting expenditures from personal funds.*

If you intend to seek reimbursement of any amount from political contributions for a political expenditure made from your personal funds, you must report the expenditure in one of three ways. Keep in mind that this reporting system is not an accounting system and duplication of expenditures is not uncommon when reporting transactions related to expenditures made from personal funds.

**Method #1:** Itemize the expenditure on the “Political Expenditures Made from Personal Funds” schedule (Schedule G) and check the box to indicate that you intend to seek reimbursement from political contributions. You may not correct a report to allow reimbursement without subjecting yourself to a possible penalty. When you reimburse yourself, which could be months or years later, report the reimbursement on the “Political Expenditures” schedule (Schedule F1).

**Example:** On December 1, 2007, Candidate A spends \$500 of her own personal funds to purchase political advertising signs. She reports the expenditure to the vendor on Schedule G and checks the box to indicate that reimbursement is intended. One year later, Candidate A reimburses herself from political contributions. She reports the reimbursement on Schedule F1. Candidate A is the payee and the purpose of the expenditure is to reimburse herself for a political expenditure made from personal funds on December 1, 2007.

If you intend to seek reimbursement from political contributions for a political expenditure of any amount made from personal funds, you must itemize the expenditure on Schedule G.

**Method #2:** Report the political expenditures made from your personal funds as a loan to your campaign on the “Loans” schedule (Schedule E). Next, report the political expenditures made from that loan as if they were made from political funds (report on Schedules F1, F2, F3, F4, or H as appropriate). Do NOT report political expenditures made from the loan on Schedule G.

The amount you report as a loan in a reporting period may NOT exceed the amount you actually spent from personal funds in that reporting period. In other words, do not report a \$100,000 loan to your campaign if the amount actually spent from personal funds in the reporting period was \$5,000. When you reimburse yourself, which could be months or years later, report the reimbursement on the Schedule F1.

**Example:** In one reporting period, Candidate B spends \$5,000 of his own personal funds to purchase political advertising materials. He spends \$3,000 at Business One and \$2,000 at Business Two. He reports the expenditures as a \$5,000 loan on Schedule E and then itemizes each of the two expenditures as a political expenditure on Schedule F1. A year later, Candidate B reimburses himself from political contributions by disclosing the reimbursement on Schedule F1. He reports the reimbursement on Schedule F1. The payee in this instance is Candidate B, the category of the expenditure is “Loan Repayment/Reimbursement,” and “political expenditure made from personal funds reported as a loan” is an acceptable brief description.

**Method #3:** Deposit personal funds in an account in which your political contributions are maintained and report that amount as a loan on the "Loans" schedule (Schedule E). Next, report the political expenditures made from that loan as if they were made from political funds (report on Schedules F1, F2, F3, or H as appropriate). When you reimburse yourself, which could be months or years later, report the reimbursement on the Schedule F1. The reimbursement may not exceed the amount reported as a loan. Personal funds deposited in an account in which political contributions are held are subject to the personal use restriction.)

**Example:** In one reporting period, Candidate C opens a campaign bank account and deposits \$5,000 of her own personal funds into the account. She makes one \$3,000 expenditure for political advertising. Candidate C has no other activity in the reporting period. She reports the \$5,000 as a loan on Schedule E, itemizes the \$3,000 expenditure for the political advertising on Schedule F1, and includes the remaining \$2,000 on her contributions maintained at the end of the reporting period total. A year later, Candidate C reimburses herself from political contributions by disclosing the reimbursement on Schedule F1. The payee in this instance is Candidate C, the category of expenditure is "Loan Repayment/Reimbursement," and "political expenditure made from personal funds reported as a loan" is an acceptable brief description.

## EXAMPLES: REPORTING STAFF REIMBURSEMENT

*This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting staff reimbursements.*

When a staff member makes political payment(s) out of his or her personal funds, how you disclose the payment(s) depends on two things: 1) the aggregate total of those payments in the reporting period; and 2) whether or not you reimburse the staff worker in the same reporting period.

**Example #1:** The payment out of the staff worker's personal funds does not exceed \$5,000 in the reporting period **and** you reimburse the staff worker from political funds in the same reporting period – You will simply itemize the payment (if over the \$190 itemization threshold) on Schedule F1 as if you made the expenditure directly to the vendor out of your political funds, with the name of the vendor who sold the goods or services as the payee for the expenditure. **Do not** disclose as the payee the name of your staff worker.

**Example #2:** The payment(s) out of the staff worker's personal funds are over \$5,000 in the aggregate in the reporting period **and** you reimburse the staff worker from political funds in the same reporting period – You will use a 3-step process, disclosing everything on the same report: (1) On Schedule E, disclose the total amount paid from the staff worker's personal funds as a loan from the staff worker to your campaign; (2) On Schedule F1, itemize the payments made by your staff worker separately, with the names of the vendors who sold the goods or services to your staff worker as the payees for the expenditures. **Do not** disclose as the payee the name of your staff worker; and (3) On Schedule F1, disclose the payment to your staff worker for the reimbursement of the loan.

**Example #3:** The payment(s) out of the staff worker's personal funds do not exceed \$5,000 in the aggregate in the reporting period **but** you reimburse the staff worker from political funds in a different reporting period – You will use a 3-step process, disclosing steps 1 and 2 on the same report and step 3 later, when the reimbursement occurs: (1) On Schedule E, disclose the total amount paid from the staff worker's personal funds as a loan from the staff worker to your campaign; (2) On Schedule F1, itemize the payments made by your staff worker separately, with the names of the vendors who sold the goods or services to your staff worker as the payees for the expenditures. **Do not** disclose as the payee the name of your staff worker; and (3) When you reimburse your staff worker, if ever, disclose on Schedule F1 of the report covering the period in which the reimbursement occurs the payment to your staff worker for the reimbursement of the loan.

# CANDIDATE / OFFICEHOLDER REPORT OF UNEXPENDED CONTRIBUTIONS

FORM C/OH-UC  
COVER SHEET PG 1

<p>The C/OH-UC Instruction Guide explains how to complete this form.</p>						1 Filer ID (Ethics Commission Filers)	
2 CANDIDATE / OFFICEHOLDER NAME	MS/MRS/MR	FIRST		MI	OFFICE USE ONLY		
		NICKNAME	LAST	SUFFIX	Date Received		
3 CANDIDATE / OFFICEHOLDER ADDRESS	ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE					Date Hand-delivered or Date Postmarked	
	<input type="checkbox"/> change of address					Receipt #	Amount \$
4 REPORT TYPE	<input type="checkbox"/> Annual <input type="checkbox"/> Final Disposition					Date Processed	
5 PERIOD COVERED	Month /	Day /	Year /	Month /	Day /	Year /	Date Imaged
6 TOTALS	1. TOTAL AMOUNT OF UNEXPENDED POLITICAL CONTRIBUTIONS AS OF DECEMBER 31 OF THE PREVIOUS YEAR.					\$	
	2. TOTAL AMOUNT OF INTEREST AND OTHER INCOME EARNED ON UNEXPENDED POLITICAL CONTRIBUTIONS DURING THE PREVIOUS YEAR.					\$	

7 SIGNATURE I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.

\_\_\_\_\_  
Signature of Candidate/Officeholder

**Please complete either option below:**

**(1) Affidavit**

NOTARY STAMP/SEAL

Sworn to and subscribed before me by \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

**(2) Unsworn Declaration**

My name is \_\_\_\_\_, and my date of birth is \_\_\_\_\_.

My address is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

(street)

(city)

(state)

(zip code)

(country)

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
(month) (year)

\_\_\_\_\_  
Signature of Candidate/Officeholder (Declarant)

**C/OH REPORT OF UNEXPENDED CONTRIBUTIONS:  
EXPENDITURES****FORM C/OH-UC****PG 2**

<b>8 C/OH NAME</b>			<b>9 Filer ID (Ethics Commission Filers)</b>
<b>10 Date</b>	<b>11 Payee name</b>		<b>13 Amount (\$)</b>
	<b>12 Payee address; City; State; Zip Code</b>		
<b>14 Purpose of expenditure (See instructions regarding type of information required.)</b>			<b>15 Is expenditure a contribution to a candidate, officeholder, or political committee?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.			
Date	Payee name		Amount (\$)
	Payee address; City; State; Zip Code		
<b>Purpose of expenditure (See instructions regarding type of information required.)</b>			<b>Is expenditure a contribution to a candidate, officeholder, or political committee?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.			
Date	Payee name		Amount (\$)
	Payee address; City; State; Zip Code		
<b>Purpose of expenditure (See instructions regarding type of information required.)</b>			<b>Is expenditure a contribution to a candidate, officeholder, or political committee?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.			
Date	Payee name		Amount (\$)
	Payee address; City; State; Zip Code		
<b>Purpose of expenditure (See instructions regarding type of information required.)</b>			<b>Is expenditure a contribution to a candidate, officeholder, or political committee?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.			

**ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED**

# TEXAS ETHICS COMMISSION

## CANDIDATE/OFFICEHOLDER REPORT OF UNEXPENDED CONTRIBUTIONS

### FORM C/OH-UC – INSTRUCTION GUIDE

**(PAPER FILERS ONLY)**



**Revised August 14, 2020**

**Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711**

[www.ethics.state.tx.us](http://www.ethics.state.tx.us)

**(512) 463-5800 • TDD (800) 735-2989**

*Promoting Public Confidence in Government*

## FORM C/OH-UC: CANDIDATE/OFFICEHOLDER REPORT OF UNEXPENDED CONTRIBUTIONS

*These instructions are for candidates and officeholders using FORM C/OH-UC: CANDIDATE / OFFICEHOLDER REPORT OF UNEXPENDED CONTRIBUTIONS. Use Form C/OH-UC for filing either an annual report of unexpended contributions or a report of the final disposition of unexpended contributions.*

### GENERAL INSTRUCTIONS

**ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS.** You must file this report if one of the following descriptions applies to you:

- (1) You filed a final report as a candidate at a time when you were not an officeholder and you had unexpended political contributions, interest, assets, or other money earned from political contributions at the time you filed the final report; *or*
- (2) You ceased to be an officeholder at a time when you did not have a campaign treasurer on file, and you had unexpended political contributions, interest, assets, or other money earned from political contributions at the time you ceased to be an officeholder.

You must file an Unexpended Contributions - Annual report not earlier than January 1 and not later than January 15 of the year after each year in which you maintained unexpended contributions or assets. You must complete Form C/OH-UC and designate the report as an annual report by checking the “Annual” box.

You must continue to file Unexpended Contributions - Annual reports until you have disposed of all your unexpended contributions or assets. Once you have disposed of all your contributions or assets, you must file an Unexpended Contributions - Final report.

You may not retain unexpended contributions or assets longer than six years after the date you filed your final report or ceased being an officeholder, as applicable. If you still maintain unexpended assets at the end of the six-year period, you must dispose of the assets in one of the following ways:

- (1) You may give them to the political party with which you were affiliated when your name was last on the ballot.
- (2) You may give them to a candidate or a political committee. If you do so, however, you must file a report on Form AS IF-SPAC as described below under “Extra Reporting for a Contribution to a Candidate or Political Committee.”
- (3) You may give them to the comptroller for deposit in the state treasury to be used to finance primary elections.
- (4) You may give them to one or more persons from whom you received political contributions, but the total returned to any person may not exceed the aggregate

amount accepted from that person during the last two years during which you were accepting political contributions.

- (5) You may give them to a recognized charitable organization formed for educational, religious, or scientific purposes that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, and its subsequent amendments.
- (6) You may give them to a public or private post-secondary educational institution or an institution of higher education as defined by Section 61.003(8), Education Code, for the purpose of assisting or creating a scholarship program.

You may dispose of unexpended contributions or assets in this manner at any time during the six-year period.

**EXTRA REPORTING FOR CONTRIBUTION TO CANDIDATE OR POLITICAL COMMITTEE.** If you contribute unexpended contributions or assets to another candidate or political committee, you must report the contribution twice. You must include the contribution on your Annual Report and you must also report the contribution on a AS IF-SPECIFIC-PURPOSE COMMITTEE CAMPAIGN FINANCE REPORT (Form AS IF-SPAC). You must file the AS IF-SPAC report with the filing authority with whom the candidate or political committee files reports by the date by which the candidate or political committee receiving the contribution must report the receipt of the contribution.

**NOTE:** If the candidate or political committee files with the Texas Ethics Commission (Commission), you will need a separate “AS IF-SPAC” filer ID to file the AS IF-SPAC report. Please contact the Commission for help in establishing an AS IF-SPAC filer ID.

**FINAL DISPOSITION OF UNEXPENDED CONTRIBUTIONS REPORT.** You must file a report of the final disposition of your unexpended contributions or assets. Complete Form C/OH-UC and designate the report as an “Unexpended Contributions – Final” report by checking the “Final Disposition” box. The report is due no later than the 30th day after the end of the six-year period.

## **SPECIFIC INSTRUCTIONS**

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

### **PAGE 1**

- 1. FILER ID:** If you are filing with the Commission, you were assigned a filer identification (ID) number when you filed your initial campaign treasurer appointment. You should have received a letter acknowledging receipt of the form and informing you of your filer ID number. Enter this number wherever you see “Filer ID.” If you do not file with the Commission, you are not required to enter a filer ID number.
- 2. CANDIDATE/OFFICEHOLDER NAME:** Enter your full name, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable. Your entry here should be the same as in your APPOINTMENT OF CAMPAIGN TREASURER BY A CANDIDATE (CTA). Enter your name in the same way wherever you see “C/OH NAME”.

**3. CANDIDATE/OFFICEHOLDER ADDRESS:** Enter your complete mailing address. Your entry here should be the same as the address in your APPOINTMENT OF CAMPAIGN TREASURER BY A CANDIDATE (CTA). If your mailing address has changed since you last gave notice of your address, check the “Change of Address” box.

**4. REPORT TYPE:** Check the appropriate box.

**“Annual” Box:** Check this box if you are filing an Unexpended Contributions - Annual report.

**“Final Disposition” Box:** Check this box if you are filing an Unexpended Contributions - Final report.

**5. PERIOD COVERED:**

Annual Reports. For your first Unexpended Contributions - Annual report, the start date is the day after the day you filed your Final Report. The start date for all other Unexpended Contributions - Annual reports is January 1 of the previous year. The end date for all Unexpended Contributions - Annual reports is December 31 of the previous year.

Final Disposition Report. For an Unexpended Contributions – Final report, the start date is the day after the period covered by your most recent Unexpended Contributions - Annual report. The end date is the date you file the report.

**6. TOTALS:** Complete this section only if you are filing an Annual Report. If you are not filing an Annual Report, go to section 7.

**Line 1.** Enter the total amount of unexpended political contributions and assets that you maintained as of December 31 of the previous year. (Note: Unlike other reports, you are not required to also disclose the total amount of expenditures entered in this Unexpended Contributions report. You are only required to disclose your unexpended balance as of December 31.)

**Line 2.** Enter the total amount of interest and other income earned on unexpended political contributions and assets during the previous year ending December 31.

**7. SIGNATURE:** Complete this section only after you have completed all other appropriate sections and schedules. You must always sign a report that you file. You must complete this section even if you have no schedules to attach. **ONLY THE CANDIDATE OR OFFICEHOLDER FILING THE REPORT MAY SIGN THE REPORT.**

If you are using the paper form, fill this section out by hand after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says “Signature of Candidate/Officeholder” (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say “Signature of Candidate/Officeholder (Declarant)” (an electronic signature is not acceptable), and fill out the unsworn declaration section.

**PAGE 2**

**8. C/OH (CANDIDATE/OFFICEHOLDER) NAME:** Enter your full name as you did on Form C/OH-UC, Page 1.

**9. FILER ID:** If you are filing with the Commission, enter your filer ID number. If you do not file with the Commission, you are not required to enter a filer ID number.

**10. DATE:** Enter the date the expenditure was made.

**Credit Card Expenditures:** There is a special reporting rule for expenditures made by credit card. The date of a credit card expenditure is either the date of the charge or the date the credit card statement is received. *A filer can never go wrong by disclosing the date of the expenditure as the date of the charge.*

**11. PAYEE NAME:** Enter the full name of the payee. If the payee is an individual, enter the full name, first, last, and suffix (Jr., III, etc.) if applicable (title is optional). If the payee is an entity, enter the full name of the entity.

**12. PAYEE ADDRESS:** Enter the complete address of the payee.

**13. AMOUNT:** Enter the amount of the expenditure payment.

**14. PURPOSE OF EXPENDITURE:** Enter a brief statement or description of the expenditure. The brief statement or description must include the item or service purchased and must be sufficiently specific to make the reason for the expenditure clear.

**Reporting Travel Outside of Texas:** The law requires detailed information regarding in-kind contributions and political expenditures for travel outside of Texas. This information should be reported on Schedule T and attached to this form. Schedule T can be found on the Commission's website at [https://www.ethics.state.tx.us/forms/Schedule\\_T.pdf](https://www.ethics.state.tx.us/forms/Schedule_T.pdf).

**15. IS THE EXPENDITURE A CONTRIBUTION TO A CANDIDATE, OFFICEHOLDER, OR POLITICAL COMMITTEE?** If the expenditure was a contribution to a candidate, officeholder, or political committee, check the “Yes” box. The purpose of this box is to allow you to see that you must file an additional report for this expenditure on Form AS IF-SPAC. See the “**Extra Reporting For Contribution To Candidate Or Political Committee**” section in the General Instructions for this form.

If the expenditure was not a contribution to a candidate, officeholder, or political committee, check the “No” box.

## Sec. 2.07.001 Definitions

(a) General rules. Words and phrases used in this code shall have the meanings set forth in this section. Words and phrases which are not defined in this code but which are defined in other ordinances of the city shall be given the same meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this article.

(b) Specific definitions.

Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

Candidate has the meaning assigned by section 251.001 of the Texas Election Code.

City employee means both full-time and part-time employees of the city.

City official means the mayor, every member of the city council, the city administrator, the city secretary, the city attorney, the city engineer or any city officer and all members of any commission, committee, or board appointed by the city council or the mayor. This term also includes city employees.

Confidential information means any information that a city official would be privy to because of the official's position but otherwise is not available to the public under the provisions of the Texas Public Information Act (Texas Government Code section 552.001 et seq.).

Conflict of interest questionnaire means a completed state ethics commission conflict of interest questionnaire that complies with the requirements of chapter 176 of the Texas Local Government Code. For ease of reference, a blank conflict of interest questionnaire that meets the requirements of this code is attached to Ordinance 2006-010 as exhibit 2.

Conflicts disclosure statement means a completed state ethics commission conflicts disclosure form that complies with the requirements of chapter 176 of the Texas Local Government Code. For ease of reference, a blank conflicts disclosure form that meets the requirements of this code is attached to Ordinance 2006-010 as exhibit 1.

Economic benefit means any taxable income or any money, real or personal property, contract rights, sale, lease, option, credit, loan, discount, service, or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.

Economic interest means receipt of an economic benefit or a legal or equitable interest in real or personal property or a fiduciary obligation to such property. Service by a city official as an officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create an economic interest in the property of that organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an economic interest in the securities or other assets unless the city official participates in the management of the fund. A city official does not have an economic interest in a matter if the economic impact on the city official is indistinguishable from the impact on the public or on the particular group affected by the matter.

Family member means a person related to another person within the first degree by consanguinity or affinity as described by [section 2.07.002\(c\)\(4\)](#) of this code.

First degree of consanguinity or affinity has the meaning assigned by the chart in [section 2.07.002\(c\)\(4\)](#) of this code.

Gift means a favor, hospitality, or economic benefit other than compensation but does not include the following:

- (1) Campaign contributions reported as required by state law;
- (2) Gifts received from a relative if given on account of kinship;
- (3) Any value received by will, intestate succession, or as a distribution from an inter vivos or testamentary trust; or
- (4) Gifts of food, lodging, transportation, or entertainment accepted as a guest.

Income means economic benefit received.

Indirect ownership means an equity interest in a business entity in which the interest is held through a series of business entities, some of which own interests in others.

Property means real estate, personal items, equipment, goods, crops, livestock, or an equitable right to income from real estate, personal items, equipment, goods, crops, or livestock.

Second degree of consanguinity or affinity has the meaning assigned by the chart in [section 2.07.002\(c\)\(4\)](#) of this

code.

Source of income means any business entity, employment, investment, or activity which earned or produced income, including interest, dividends, royalties or rents, which has been paid to or for the credit of a city official, candidate, or family member or which would be taxable to said city official, candidate, or family member under the United States Internal Revenue Code, as amended, even though not actually paid or credited.

Substantial interest in a business entity means the interest that a city official and/or a family member has in a business or business entity as described below:

- (1) The city official or family member owns ten percent (10%) or more of voting stock or shares of the business entity;
- (2) The city official or family member owns ten percent (10%) or more, or \$15,000.00 or more, of the fair market value of the business entity; or
- (3) The funds received by the city official or family member from the business entity exceed ten percent (10%) or more of the person's gross income for the previous year.

Substantial interest in real property means the interest that a city official and/or the city official's parent, child, spouse or spouse's parent controls or has an interest in real property if the interest has a market value of \$2,500.00 or more.

Third degree of consanguinity has the meaning assigned by the chart in [section 2.07.002\(c\)\(4\)](#) of this code.

(Ordinance 2006-010, exh. A, sec. I, adopted 9/18/06; Ordinance 2016-006 adopted 3/3/16; Ordinance 2016-018 adopted 5/19/16)

**City of Wimberley  
221 Stillwater  
Wimberley, TX 78676**

**DISCLOSURE STATEMENT OF APPOINTED OR ELECTED OFFICIAL\***

Date of Filing: \_\_\_\_\_

Name: \_\_\_\_\_ Phone No. \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ TX Zip \_\_\_\_\_

**(1) Any and all substantial interests in real property located within the city limits of the City of Wimberley:**

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**(2) Substantial interest in any business entity located within the city limits of the City of Wimberley:**

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Signed: \_\_\_\_\_

State of Texas              )

County of Hays              )

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the individual filing the above Disclosure Statement, who swore upon his/her oath that the statements made herein are, within his/her knowledge, true and correct.

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

(SEAL)

**\*Any individual Applying for a Place on the General Election Ballot must file a Financial Disclosure Statement within 10 days of filing.**

**TEXAS ETHICS COMMISSION**  
**CHAPTER 258, ELECTION CODE**  
**FAIR CAMPAIGN PRACTICES**



**Effective September 1, 1997**  
**(Revised 9/1/2019)**

**Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711**  
[www.ethics.state.tx.us](http://www.ethics.state.tx.us)  
**(512) 463-5800 • TDD (800) 735-2989**  
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## CHAPTER 258, ELECTION CODE

### FAIR CAMPAIGN PRACTICES

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## ELECTION CODE

### TITLE 15. REGULATING POLITICAL FUNDS AND CAMPAIGNS

#### CHAPTER 258. FAIR CAMPAIGN PRACTICES

**Sec. 258.001. SHORT TITLE.** This chapter may be cited as the Fair Campaign Practices Act.

**Sec. 258.002. PURPOSE.**

(a) The purpose of this chapter is to encourage every candidate and political committee to subscribe to the Code of Fair Campaign Practices.

(b) It is the intent of the legislature that every candidate and political committee that subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play to encourage healthy competition and open discussion of issues and candidate qualifications and to discourage practices that cloud the issues or unfairly attack opponents.

**Sec. 258.003. DELIVERY OF COPY OF CODE.**

(a) When a candidate or political committee files its campaign treasurer appointment, the authority with whom the appointment is filed shall give the candidate or political committee a blank form of the Code of Fair Campaign Practices and a copy of this chapter.

(b) The authority shall inform each candidate or political committee that the candidate or committee may subscribe to and file the code with the authority and that subscription to the code is voluntary.

**Sec. 258.004. TEXT OF CODE.** The Code of Fair Campaign Practices reads as follows:

#### CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate and political committee in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional rights to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues.

**THEREFORE:**

(1) I will conduct the campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and stated positions on issues.

(2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.

(3) I will not use or permit any appeal to negative prejudice based on race, sex, religion, or national origin.

(4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at

creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.

(5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.

(6) I will defend and uphold the right of every qualified voter to full and equal participation in the electoral process, and will not engage in any activity aimed at intimidating voters or discouraging them from voting.

(7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Texas or campaign treasurer of a political committee, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct the campaign in accordance with the above principles and practices.

## VOID – COPY ONLY - VOID<sup>1</sup>

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Date

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Signature

**Sec. 258.005. FORMS.** The commission shall print copies of the Code of Fair Campaign Practices and shall supply the forms to the authorities with whom copies of the code may be filed in quantities and at times requested by the authorities.

**Sec. 258.006. ACCEPTANCE AND PRESERVATION OF COPIES.**

(a) An authority with whom a campaign treasurer appointment is filed shall accept each completed copy of the code submitted to the authority that is properly subscribed to by a candidate or the campaign treasurer of a political committee.

(b) Each copy of the code accepted under this section shall be preserved by the authority with whom it is filed for the period prescribed for the filer's campaign treasurer appointment.

**Sec. 258.007. SUBSCRIPTION TO CODE VOLUNTARY.** The subscription to the Code of Fair Campaign Practices by a candidate or a political committee is voluntary.

**Sec. 258.008. INDICATION ON POLITICAL ADVERTISING.** A candidate or a political committee that has filed a copy of the Code of Fair Campaign Practices may so indicate on political advertising in a form to be determined by the commission.

**Sec. 258.009. CIVIL CAUSE OF ACTION.** This chapter does not create a civil cause of action for recovery of damages or for enforcement of this chapter.

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<sup>1</sup> This document is a copy of chapter 258, Election Code. To subscribe to the Code of Fair Campaign Practices, a candidate or campaign treasurer of a political committee must submit Texas Ethics Commission FORM CFCP, not a signed copy of this document.

# CODE OF FAIR CAMPAIGN PRACTICES

FORM CFCP  
COVER SHEET

Pursuant to chapter 258 of the Election Code, every candidate and political committee is encouraged to subscribe to the Code of Fair Campaign Practices. The Code may be filed with the proper filing authority upon submission of a campaign treasurer appointment form. Candidates or political committees that already have a current campaign treasurer appointment on file as of September 1, 1997, may subscribe to the code at any time.

*Subscription to the Code of Fair Campaign Practices is voluntary.*

## OFFICE USE ONLY

Date Received

Date Hand-delivered or Postmarked

Date Processed

Date Imaged

**1 ACCOUNT NUMBER**  
(Ethics Commission Filers)

**2 TYPE OF FILER**

CANDIDATE

POLITICAL COMMITTEE

*If filing as a candidate, complete boxes 3 - 6, then read and sign page 2.*

*If filing for a political committee, complete boxes 7 and 8, then read and sign page 2.*

**3 NAME OF CANDIDATE**  
(PLEASE TYPE OR PRINT)

TITLE (Dr., Mr., Ms., etc.)

FIRST

MI

NICKNAME

LAST

SUFFIX (SR., JR., III, etc.)

**4 TELEPHONE NUMBER OF CANDIDATE**  
(PLEASE TYPE OR PRINT)

AREA CODE

(      )

PHONE NUMBER

EXTENSION

**5 ADDRESS OF CANDIDATE**  
(PLEASE TYPE OR PRINT)

STREET / PO BOX;

APT / SUITE #;

CITY;

STATE;

ZIP CODE

**6 OFFICE SOUGHT BY CANDIDATE**  
(PLEASE TYPE OR PRINT)

**7 NAME OF COMMITTEE**  
(PLEASE TYPE OR PRINT)

**8 NAME OF CAMPAIGN TREASURER**  
(PLEASE TYPE OR PRINT)

TITLE (Dr., Mr., Ms., etc.)

FIRST

MI

NICKNAME

LAST

SUFFIX (SR., JR., III, etc.)

**GO TO PAGE 2**

# CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate and political committee in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional rights to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues.

## THEREFORE:

- (1) I will conduct the campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and stated positions on issues.
- (2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.
- (3) I will not use or permit any appeal to negative prejudice based on race, sex, religion, or national origin.
- (4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.
- (5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.
- (6) I will defend and uphold the right of every qualified voter to full and equal participation in the electoral process, and will not engage in any activity aimed at intimidating voters or discouraging them from voting.
- (7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Texas or campaign treasurer of a political committee, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct the campaign in accordance with the above principles and practices.

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Signature

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Date



## **Conflict of Interest/Disclosure Laws Applicable to City Officials, Employees, and Vendors**

This publication is for educational purposes and meant to provide basic information regarding *state* conflict of interest and disclosure laws applicable to city officials, employees, and vendors. A home rule charter, local policy, or ordinance may provide for more stringent requirements in some circumstances. This paper is neither an exhaustive treatment of the law on this subject nor a substitute for the advice of an attorney. It is important to consult the individual state laws cited for detailed information about the issues discussed here and to consult an attorney in order to apply these legal principles to specific fact situations. You can find additional resources regarding many of the topics discussed in this paper on our Web site at [www.tml.org](http://www.tml.org).

*Updated August 2019*

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A common source of alleged wrongdoing revolves around conflicts of interest. Whether real or perceived, these allegations often arise out of situations involving personal financial gain, employment, or special treatment for family members or business relations. To protect city transactions from the undue influence of such conflicts, various state laws require disclosure of city officer, employee, and vendor interests. In the past decade, the number and type of interests that must be disclosed have increased. Keep in mind that each state law discussed here comes with its own separate legal requirements. Thus, complying with one does not fulfill the obligations imposed by the other. In some circumstances, the same financial interest may require a city officer, employee, or vendor to file more than one disclosure form.

## **I. Local Government Code Chapter 171: Real Property and Business Interests**

Chapter 171 of the Local Government Code regulates local public officials' conflicts of interest.<sup>1</sup> It prohibits a local public official from voting on or participating in a matter involving a business entity or real property in which the official has a substantial interest if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public, or in the case of a substantial interest in real property, it is reasonably foreseeable that the action will have a special economic effect on the value of the property, distinguishable from its effect on the public.<sup>2</sup>

A public official who has such interest is required to file, before a vote or decision on any matter involving the business entity or real property, an affidavit with the city's official record keeper (usually the city secretary), stating the nature and extent of the interest.<sup>3</sup> In addition, a public official is required to abstain from further participation in the matter except when a majority of the members of the governing body also have a substantial interest and are required to file and do file affidavits of similar interests on the same official matter.<sup>4</sup>

The term "local public official" is defined to mean "a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any . . . municipality . . . or other local governmental entity who exercises responsibilities beyond those that are advisory in nature."<sup>5</sup> This term includes a member of a planning and zoning commission.<sup>6</sup>

A public official has a substantial interest in a business entity if the official:

1. owns 10 percent or more of the voting stock or shares of the business entity;
2. owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or

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<sup>1</sup> TEX. LOC. GOV'T CODE §§ 171.001–.010.

<sup>2</sup> *Id.* § 171.004.

<sup>3</sup> *Id.* An example (not a model) affidavit is available here: <https://www.tml.org/DocumentCenter/View/276/Chapter-171-Conflict-of-Interest-Affidavit-Sample-PDF>.

<sup>4</sup> TEX. LOC. GOV'T CODE § 171.004.

<sup>5</sup> *Id.* § 171.001(1).

<sup>6</sup> Tex. Att'y Gen. Op. Nos. KP-0105 (2016), DM-309 (1994).

3. receives funds from the business entity that exceed 10 percent of the person's gross income for the preceding year.<sup>7</sup>

A public official has a substantial interest in real property if the interest is an equitable or legal ownership interest with a fair market value of \$2,500 or more.<sup>8</sup>

A public official is also considered to have a substantial interest in a business entity or real property if the official's relative within the first degree of consanguinity (blood) or affinity (marriage) has a substantial interest in the business entity or real property.<sup>9</sup> As such, any "substantial interest" that a public official's spouse, parent, child, step-child, father or mother-in-law, or son or daughter-in-law has is imputed to the public official. For example, a public official has a "substantial interest" in a business that employs the official's daughter if the official's daughter earns a small income which exceeds ten percent of her gross income.<sup>10</sup>

A business entity is defined as "a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law."<sup>11</sup> A nonprofit corporation is considered a business entity.<sup>12</sup> The term also includes a business entity that represents an entity or person with an interest in a matter before the city council.<sup>13</sup> Public entities such as a city, state university or school district, are not business entities.<sup>14</sup>

The limit on "further participation" by a public official who has a conflict does not preclude the public official from attending meetings, including executive session meetings, relevant to the matter in which he has a substantial interest, provided that the official remains silent during the deliberations.<sup>15</sup> Thus, an interested public official does not participate in a matter by merely attending an executive session on the matter and remaining silent during the deliberations.<sup>16</sup>

The question of whether a vote or decision has a "special economic effect" on a business entity or on the value of real property is generally a question of fact.<sup>17</sup> However, a vote or decision will, as a matter of law, have a "special economic effect" if the governing body considers purchasing goods or services from a business entity in which a local public official has a substantial interest.<sup>18</sup> Additionally, the issue of whether a vote or decision has a special economic effect may be answered as a matter of law in the context of the purchase or sale of an interest in real property.<sup>19</sup>

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<sup>7</sup> TEX. LOC. GOV'T CODE § 171.002(a).

<sup>8</sup> *Id.* § 171.002(b).

<sup>9</sup> *Id.* § 171.002(c).

<sup>10</sup> Tex. Att'y Gen. Op. No. JC-0063 (1999).

<sup>11</sup> TEX. LOC. GOV'T CODE § 171.001(2).

<sup>12</sup> Tex. Att'y Gen. Op. No. JM-424 (1986), at 2.

<sup>13</sup> Tex. Att'y Gen. Op. No. DM-309 (1994), at 2.

<sup>14</sup> Tex. Att'y Gen. Op. Nos. GA-0826 (2010), at 1, DM-267 (1993), at 2, JM-852 (1988), at 2.

<sup>15</sup> Tex. Att'y Gen. Op. No. GA-0334 (2005), at 6.

<sup>16</sup> *Id.*

<sup>17</sup> Tex. Att'y Gen. Op. No. GA-0796, at 4 (2010); Tex. Att'y Gen. LO-98-052.

<sup>18</sup> Tex. Att'y Gen. Op. No. GA-0136 (2004), at 3.

<sup>19</sup> Tex. Att'y Gen. Op. No. GA-0796 (2010), at 4 (discussing *Dallas Cty. Flood Control Dist. No. 1 v. Cross*, 815 S.W.2d 271, 281-82 (Tex. App.—Dallas 1991, writ denied)).

Whether it is “reasonably foreseeable” that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public, is fact specific.<sup>20</sup> In instances where the economic effect is direct and apparent at the time of the action, both a court and the attorney general have concluded that the economic effect was “reasonably foreseeable.”<sup>21</sup>

There are special rules beyond the filing of an affidavit and abstaining from voting that apply to the adoption of a budget. If an item of the budget is specifically dedicated to a contract with a business entity in which a member of the governing body has a substantial interest, the governing body must vote on that line item separately.<sup>22</sup> The affected member may not generally participate in consideration of that item.<sup>23</sup>

If a public official votes on a matter that he or she has a substantial interest in or fails to abstain from further participation, the action of the governing body on the matter is not voidable, unless the matter that was the subject of the action would not have passed without the vote of the person who had a substantial interest.<sup>24</sup> A knowing violation of Chapter 171 is a Class A misdemeanor, which is punishable by a fine and/or confinement.<sup>25</sup>

## **II. Local Government Code Chapter 176: Income and Gifts from, and Family Relationships with Vendors**

Chapter 176 of the Local Government Code requires certain local government officers to disclose the receipt of gifts from and employment, business, and familial relationships with vendors who conduct business, or consider conducting business, with local government entities. The requirements apply to most political subdivisions, including cities.<sup>26</sup> The Chapter also applies to a “local government corporation, a board, commission, district, or authority” whose members are appointed by a mayor or the city council.<sup>27</sup>

A “local government officer” (officer) includes: (1) a mayor or city councilmember; (2) a director, administrator, or other person designated as the executive officer of the city; and (3) an agent (including an employee) of the city who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.<sup>28</sup>

An officer is required to file a conflicts disclosure statement in three situations.

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<sup>20</sup> Tex. Att'y Gen. LO-96-049.

<sup>21</sup> *Dallas Cty. Flood Control Dist. No. 1 v. Cross*, 815 S.W.2d 271, 278 (Tex. App.—Dallas 1991, writ denied); Tex. Att'y Gen. Op. No. GA-0796 (2010), at 6.

<sup>22</sup> TEX. LOC. GOV'T CODE § 171.005.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* § 171.006.

<sup>25</sup> *Id.* § 171.003; *see also Marra v. State*, 399 S.W.3d 664 (2013) (overturning a conviction under Local Government Code Section 171.003).

<sup>26</sup> TEX. LOC. GOV'T CODE § 176.001.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

1. An officer must file a statement if the officer or officer's family member<sup>29</sup> has an employment or other business relationship with a vendor that results in the officer or officer's family member receiving taxable income of more than \$2,500 in the preceding twelve months.<sup>30</sup> An officer who only receives investment income, regardless of amount, is not required to file a disclosure statement. Investment income includes dividends, capital gains, or interest income gained from a personal or business checking or savings account or other similar account, a personal or business investment, or a personal or business loan.<sup>31</sup>
2. An officer is required to file a statement if the officer or officer's family member accepts one or more gifts (including lodging, transportation, and entertainment accepted as a guest) from a vendor that has an aggregate value of more than \$100 in the preceding twelve months.<sup>32</sup> An officer is not required to file a statement in relation to a gift, regardless of amount, if the gift: (1) is a political contribution; (2) is food accepted as a guest; or (3) is offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient.<sup>33</sup>
3. An officer is required to file a statement if the officer has a family relationship with the vendor.<sup>34</sup>

There is at least one exception to the three situations set out above. A local government officer does not have to file a statement if the vendor is an administrative agency supervising the performance of an interlocal agreement.<sup>35</sup>

An officer is required to file a statement no later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of facts that require a filing of the statement.<sup>36</sup>

A “vendor” includes any person that enters or seeks to enter into a contract with a city.<sup>37</sup> The term also includes: (1) an agent of a vendor; (2) an officer or employee of a state agency when that individual is acting in a private capacity; and (3) Texas Correctional Industries (but no other state agency).<sup>38</sup>

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<sup>29</sup> An officer's “family member” is a person related to the officer within the first degree by consanguinity (blood) or affinity (marriage). *Id.*

<sup>30</sup> *Id.* § 176.003(a)(2)(A).

<sup>31</sup> *Id.* § 176.001.

<sup>32</sup> *Id.* § 176.003(a)(2)(B). It is important to remember that state law prohibits the acceptance of certain gifts. *See, e.g.*, TEX. PENAL CODE §§ 36.02, 36.08.

<sup>33</sup> TEX. LOC. GOV'T CODE §§ 176.001(2-b), 176.003(a-1).

<sup>34</sup> *Id.* § 176.003(a)(2)(C). An officer has a family relationship with a vendor if they are related within the third degree by consanguinity (blood) or second degree by affinity (marriage). *Id.* § 176.001.

<sup>35</sup> *Id.* § 176.003(a-2).

<sup>36</sup> *Id.* § 176.003(b).

<sup>37</sup> *Id.* § 176.001.

<sup>38</sup> *Id.*

Chapter 176 applies to any written contract for the sale or purchase of real property, goods (personal property), or services.<sup>39</sup> A contract for services includes one for skilled or unskilled labor, as well as professional services.<sup>40</sup>

A vendor is required to file a conflict of interest questionnaire if the vendor has a business relationship with the city and has: (1) an employment or other business relationship with an officer or an officer's family member that results in the officer receiving taxable income that is more than \$2,500 in the preceding twelve months; (2) has given an officer or an officer's family member one or more gifts totaling more than \$100 in the preceding twelve months; or (3) has a family relationship with an officer.<sup>41</sup>

A vendor is required to file a questionnaire not later than the seventh business day after the later of the following: (1) the date that the vendor begins discussions or negotiations to enter into a contract with the city or submits an application or response to a bid proposal; or (2) the date that the vendor becomes aware of a relationship or gives a gift to an officer or officer's family member, or becomes aware of a family relationship with an officer.<sup>42</sup>

The statements and disclosures must be filed with the records administrator of the city.<sup>43</sup> A records administrator includes a city secretary, a person responsible for maintaining city records, or a person who is designated by the city to maintain the statements and disclosures filed under Chapter 176.<sup>44</sup>

A city that maintains a Web site is required to post on that site statements and disclosures that are required to be filed under Chapter 176.<sup>45</sup> However, a city that does not have a Web site is not required to create or maintain one.<sup>46</sup>

An officer or vendor who knowingly fails to file a statement or a disclosure when required to do so commits a Class A, B, or C misdemeanor, depending on the amount of the contract.<sup>47</sup> It is an exception to prosecution that an officer/vendor files a statement/questionnaire not later than the seventh day after the date the person receives notice from the city of the alleged violation.<sup>48</sup> The validity of a contract between a city and a vendor is not affected solely because a vendor fails to file a questionnaire.<sup>49</sup>

The Texas Ethics Commission is charged with creating statements and disclosure forms. The forms (Form CIS and Form CIQ) may be found at <https://www.ethics.state.tx.us/forms/conflict/>.

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<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* §176.006(a).

<sup>42</sup> *Id.* §176.006(a-1).

<sup>43</sup> *Id.* §§176.003(b), 176.006(a-1).

<sup>44</sup> *Id.* §176.001(5).

<sup>45</sup> *Id.* § 176.009.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* §§ 176.013.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* § 176.006(i).

### III. Government Code Chapter 553: Property Acquired with Public Funds

Chapter 553 of the Government Code provides that a “[a] public servant who has a legal or equitable interest in property that is to be acquired with public funds shall file an affidavit within 10 days before the date on which the property is to be acquired by purchase or condemnation.”<sup>50</sup>

Chapter 553’s affidavit requirement applies to a “public servant,” defined as a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as: (1) a candidate for nomination or election to public office; or (2) an officer of government.<sup>51</sup>

The term “public funds” is defined to “include[] only funds collected by or through a government.”<sup>52</sup> The language of Chapter 553 suggests that a public servant is required to disclose his/her interest in property even when the property is to be acquired by a separate governmental entity with which the public servant is not affiliated. There appears to be no case or attorney general opinion that addresses this issue. Thus, a public servant or official subject to Chapter 553 should consult his/her private legal counsel regarding the application of Chapter 553 in this scenario.

Chapter 553 is not, by its language, limited to real property interests. Thus, if a public servant has a legal or equitable interest in any real (e.g., land) or personal (e.g., a vehicle) property acquired with public funds, and has actual notice of the acquisition or intended acquisition of the property, the public servant should file a Chapter 553 affidavit.<sup>53</sup>

A Chapter 553 affidavit has to be filed within ten days before the date on which the property is to be acquired by purchase or condemnation.<sup>54</sup> The affidavit is filed with the county clerk of the county in which the public servant resides as well as the county clerk of each county in which the property is located.<sup>55</sup>

The affidavit must include: (1) the name of the public servant; (2) the public servant’s office, public title, or job designation; (3) a full description of the property; (4) a full description of the nature, type, and amount of interest in the property, including the percentage of ownership interest; (5) the date the public servant acquired an interest in the property; (6) the following verification: “I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code;” and (7) an acknowledgement of the same type required for recording a deed in the deed records of the county.<sup>56</sup> An affidavit example is available on our Web site at: <https://www.tml.org/DocumentCenter/View/275/Chapter-553-Property-Affidavit-Sample-PDF>.

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<sup>50</sup> TEX. GOV’T CODE § 553.002(a).

<sup>51</sup> *Id.* § 553.001(2).

<sup>52</sup> *Id.* § 553.001(1).

<sup>53</sup> *Id.* § 553.002.

<sup>54</sup> TEX. GOV’T CODE § 553.002(a).

<sup>55</sup> *Id.* § 553.002(c).

<sup>56</sup> *Id.* § 553.002(b).

A person who violates Section 553.002 of the Government Code by failing to file the required affidavit is presumed to have committed a Class A misdemeanor offense if the person had actual notice of the acquisition or intended acquisition of the legal or equitable interest in the property.<sup>57</sup>

#### **IV. Local Government Code Chapter 145: Financial Disclosure in Cities with a population of 100,000 or more**

Local Government Code Chapter 145's financial disclosure requirements apply *only in a city with a population of 100,000 or more*.<sup>58</sup> In general terms, Chapter 145:

1. requires each mayor, each member of a city council, each city attorney, each city manager, and each candidate for city office filled by election to file an annual financial statement with the city clerk or secretary;<sup>59</sup>
2. requires that the financial statement include an account of the financial activity of the covered individual and the individual's spouse and dependent children, if the individual had control over that activity; and<sup>60</sup>
3. requires that the financial statement include all sources of income; shares of stocks owned, acquired, or sold; bonds, notes, or other paper held, acquired, or sold; any interest, dividend, royalty, or rent exceeding \$500; each person or institution to whom a personal debt of \$1,000 or more exists; all beneficial interests in real property or businesses owned, acquired, or sold; certain gifts received; income in excess of \$500 from a trust; and a list of all boards of directors on which the individual serves; and information about certain contracts with a governmental entity.<sup>61</sup>

Candidates for elected city office are required to file the financial disclosure statement not later than the earlier of: (1) the twentieth day after the deadline for filing an application for a place on the ballot in the election; or (2) the fifth day before the date of the election.<sup>62</sup> Annually, the mayor, city councilmembers, the city manager, and the city attorney<sup>63</sup> must file a financial disclosure statement for the preceding year by April 30.<sup>64</sup> A new city manager or a new city

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<sup>57</sup> *Id.* § 553.003.

<sup>58</sup> TEX. LOC. GOV'T CODE § 145.001.

<sup>59</sup> *Id.* §§ 145.002–003.

<sup>60</sup> TEX. LOC. GOV'T CODE § 145.003(b)(2), TEX. GOV'T CODE § 572.023(a).

<sup>61</sup> TEX. LOC. GOV'T CODE § 145.003(b)(2), TEX. GOV'T CODE § 572.023(b).

<sup>62</sup> TEX. LOC. GOV'T CODE § 145.004(c).

<sup>63</sup> While there appears to be no case or opinion directly on point, advisory opinions issued by the Texas Ethics Commission suggest that an interim city manager or city attorney that has all the duties and powers of a permanent city manager or attorney would also be subject to this requirement. *See* Ethics Advisory Opinion Nos. 27 (1992), 265 (1995).

<sup>64</sup> TEX. LOC. GOV'T CODE § 145.004, TEX. GOV'T CODE § 572.026(a).

attorney must file a financial disclosure statement within forty-five days of assuming the duties of office.<sup>65</sup>

City officers and candidates for elected city office must generally file the financial statement on a form (Form PFS-LOCAL) provided by the Texas Ethics Commission, available here: <https://www.ethics.state.tx.us/forms/QuickFindAForm.php>.<sup>66</sup> A detailed listing of the required contents is found in Section 572.023 of the Texas Government Code. If information in the financial disclosure form is required to be filed by category, Section 572.022 sets forth reporting categories. The city secretary must deliver (by mail, personal delivery, e-mail, or other electronic transfer) copies of the form to city officers and candidates for city office within certain time deadlines.<sup>67</sup>

The completed financial disclosure statement is filed with the city clerk or secretary.<sup>68</sup> These statements are public records and are to be maintained so as to be accessible to the public during regular office hours.<sup>69</sup>

Both criminal and civil penalties may be imposed for failure to file a financial disclosure statement. An offense under Chapter 145 is a Class B misdemeanor, which is punishable by a fine up to \$2,000 and/or confinement up to 180 days.<sup>70</sup> Section 145.010 sets forth a process whereby a civil penalty up to \$1,000 may be assessed upon failure to comply after notice is received from the city attorney.

The city secretary shall grant an extension of not more than sixty days for the filing of the financial disclosure statement to a city officer or a person appointed to a city office if: (1) the individual makes an extension request before the filing deadline; or (2) the individual's physical or mental capacity prevents either the filing or the request for an extension before the filing date.<sup>71</sup> Extensions shall not be granted to candidates for elected city office.<sup>72</sup>

The city secretary shall maintain a list of the city officers and candidates required to file a financial disclosure statement. No later than ten days after the filing deadline, the city secretary shall provide a list to the city attorney showing for each city officer and candidate for city office: (1) whether the individual filed a timely statement; (2) whether the individual was granted an extension and the new filing deadline; or (3) whether the individual did not timely file a financial statement or receive an extension of time.<sup>73</sup>

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<sup>65</sup> TEX. LOC. GOV'T CODE § 145.004, TEX. GOV'T CODE § 572.026(c).

<sup>66</sup> TEX. LOC. GOV'T CODE § 145.005(a).

<sup>67</sup> *Id.* §§ 145.002, 145.005(b).

<sup>68</sup> *Id.* § 145.003(b).

<sup>69</sup> *Id.* § 145.007(a). On the written request of the municipal court judge or a candidate for municipal court judge, the residence address of the judge, the judge's spouse, or the candidate for judge shall be removed or redacted before the financial statement is made available to the public. *Id.* § 145.007(d). (Note: A municipal court judge appears to be subject to Chapter 145 only if the office is filled by election.)

<sup>70</sup> *Id.* § 145.009.

<sup>71</sup> *Id.* § 145.004(e).

<sup>72</sup> *Id.* § 145.004(f).

<sup>73</sup> *Id.* § 145.008.

## V. Government Code Section 2252.908: Vendor Disclosure of Interested Parties

Government Code Section 2252.908 is a governmental transparency law originally enacted by H.B. 1295 in 2015. It prohibits a governmental entity (defined to include a city<sup>74</sup>) or state agency from entering into certain contracts with a business entity unless the business entity submits a disclosure of interested parties (a Form 1295).

The Texas Ethics Commission (Commission) is charged with adopting rules to implement the statute, developing the disclosure of interested parties form, and posting the form on its Web site.<sup>75</sup>

This new disclosure law applies only to contracts that: (1) require an action or vote by the city council before the contract may be signed; (2) have a value of at least \$1 million; or (3) are for services that would require a person to register as a lobbyist under Chapter 305.<sup>76</sup> Pursuant to the Commission's rules, a contract does not require an action or vote by the city council if:

1. The governing body has legal authority to delegate to its staff the authority to execute the contract;
2. The governing body has delegated to its staff the authority to execute the contract; and
3. The governing body does not participate in the selection of the business entity with which the contract is entered into.<sup>77</sup>

It is important to note that the Commission defines the term "contract" to include an amended, extended, or renewed contract.<sup>78</sup> A new rule, effective January 1, 2017, further clarifies when a change to an existing contract triggers the filing of a disclosure form.<sup>79</sup>

The business entities subject to this law are those entities "recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation."<sup>80</sup> The Commission's rules clarify that the term "business entity" includes nonprofits, but does not include a governmental entity.<sup>81</sup> That means, for instance, if a city executes an interlocal agreement with another city the disclosure requirements of Section 2252.908 are not triggered.

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<sup>74</sup> TEX. GOV'T CODE § 2252.908(a)(2) (defining "governmental entity" to include a city, county, public school district, or special-purpose district or authority).

<sup>75</sup> *Id.* § 2252.908(g).

<sup>76</sup> *Id.* § 2252.908(b); *but see id.* § 2252.908(c) (expressly exempting certain contracts including a contract with a publicly traded business entity, a contract with an electric utility, and a contract with a gas utility).

<sup>77</sup> 1 T.A.C. § 46.1(c).

<sup>78</sup> *Id.* § 46.3(a).

<sup>79</sup> *Id.* § 46.4.

<sup>80</sup> TEX. GOV'T CODE § 2252.908(a)(1).

<sup>81</sup> 1 T.A.C. § 46.3(b).

Exactly what types of interested parties must a business entity disclose? A business entity must disclose: (1) a person who has a controlling interest in the business; and (2) any intermediary.<sup>82</sup> The Commission defines the terms “controlling interest” and “intermediary” as follows:

“Controlling interest” means: (1) an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent; (2) membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or (3) service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers.

“Intermediary,” . . . means, a person who actively participates in the facilitation of the contract or negotiating the contract, including a broker, adviser, attorney, or representative of or agent for the business entity who:

- (1) receives compensation from the business entity for the person’s participation;
- (2) communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and
- (3) is not an employee of the business entity or of an entity with a controlling interest in the business entity.<sup>83</sup>

It is quite possible that, although a business entity is subject to Section 2252.908, no interested parties will exist. Thus, a business entity may end up filing a form that has very little information on it.

The process for completing and submitting Form 1295 is as follows:

1. A business entity must use the Commission’s online filing application to enter the required information on Form 1295.<sup>84</sup>
2. The completed Form 1295 must be filed with the city “at the time the business entity submits the signed contract” to the city.<sup>85</sup>
3. The city must notify the Commission, using the Commission’s filing application, of the receipt of the filed Form 1295 and certification of filing not later than the 30th day after the date the city receives the disclosure.<sup>86</sup>

To further explain the process, the Commission has prepared instructional videos and a “FAQ” document, available here: <https://www.ethics.state.tx.us/filinginfo/QuickFileAReport.php> (under “Filing a 1295 Certificate”).

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<sup>82</sup> *Id.* § 46.3(d).

<sup>83</sup> *Id.* § 46.3(c),(e).

<sup>84</sup> *Id.* § 46.5.

<sup>85</sup> TEX. GOV’T CODE § 2252.908(d).

<sup>86</sup> *Id.* § 2252.908(f), 1 T.A.C. § 46.5(c).

In order for a business entity to complete Form 1295, it will need some information from the city. Although not required by Section 2252.908, the Commission's rules provide that the business entity must include on the form an "identification number used by the [city] . . . to track or identify the contract for which the form is being filed."<sup>87</sup> Even though the rules provide for such a number, nothing in the rule requires a city to create a numbering system of any type.

The whole purpose behind this new disclosure requirement is to give the public more information about government contracts. To that end, the Commission is required to post the completed Form 1295 on its Web site within seven business days after receiving notice from the city that the city has received the filed Form 1295 and certification of filing.<sup>88</sup> In addition, cities must provide the completed forms in accordance with the Public Information Act.

The Commission takes the position that it does not have any authority (beyond rulemaking and adoption of the form) to enforce or interpret Government Code Section 2252.908.<sup>89</sup> All the possible ramifications for a city's failure to comply with Section 2252.908 are unclear at this time. As for a business entity, the statute requires a Form 1295 disclosure contain "a written, unsworn declaration subscribed by the authorized agent of the contracting business entity as true under penalty of perjury."<sup>90</sup>

## **VI. Miscellaneous Conflicts Provisions**

### **A. Plat Approval**

A provision governing conflicts of interest in the plat approval process was added to state law in 1989. It requires "[a] member of a municipal authority responsible for approving plats [who] has a substantial interest in a subdivided tract" to file an affidavit stating the nature and extent of the interest and abstain from further participation in the matter.<sup>91</sup> The affidavit must be filed with the municipal secretary or clerk before a vote or decision regarding the approval of a plat for the tract.

For purposes of this disclosure requirement, "subdivided tract" means a tract of land, as a whole, that is subdivided. The term does not mean an individual lot in a subdivided tract of land.<sup>92</sup>

A person has a substantial interest in a subdivided tract if the person:

1. has an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more;

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<sup>87</sup> 1 T.A.C. § 46.5(a)(4).

<sup>88</sup> TEX. GOV'T CODE § 2252.908(g), 1 T.A.C. § 46.5(d).

<sup>89</sup> Cf., e.g., TEX. GOV'T CODE §§ 571.061 (listing the laws that the Commission administers and enforces), 571.091 (listing the statutes about which the Commission may issue advisory opinions).

<sup>90</sup> *Id.* § 2252.908(e)(2); *see also* TEX. PENAL CODE ch. 37 (providing for offense of perjury).

<sup>91</sup> TEX. LOC. GOV'T CODE § 212.017(d).

<sup>92</sup> *Id.* § 212.017(a).

2. acts as a developer of the tract;
3. owns 10% or more of the voting stock or shares of or owns either 10% or more or \$5,000 or more of the fair market value of a business entity that:
  - (A) has an equitable or legal ownership interest in the tract with a fair market value of 2,500 or more; or
  - (B) acts as a developer of the tract; or
4. receives in a calendar year funds from a business entity described in (3) that exceed 10% of the person's gross income for the previous year.<sup>93</sup>

A person is also considered to have a substantial interest in a subdivided tract if the person is related in the first degree by consanguinity or affinity to another person who has a substantial interest in the tract. An offense under this subsection is a Class A misdemeanor.<sup>94</sup> The finding by a court of a violation of this requirement does not render voidable an action of the municipal authority responsible for approving plats, unless the measure would not have passed without the vote of the member who violated the requirement.<sup>95</sup>

## **B. Selection of City Depository**

Local Government Code Section 131.903 regulates conflicts of interest with respect to a city's selection of a depository. A bank is disqualified from serving as the depository of the city if an officer or employee of the city who has a duty to select the depository owns or has a beneficial interest, individually or collectively, in more than 10 percent of the outstanding capital stock of the bank.<sup>96</sup> In other words, a city council may not select a bank as the city's depository if a mayor or councilmember owns more than 10 percent of the bank.

If an officer or employee of the city is a director or officer of the bank, or owns 10 percent or less of the capital stock of the bank, the bank is not disqualified from serving as the city's depository so long as: (1) the interested officer or employee does not vote or take part in the proceedings; and (2) a majority of the other members of the city council vote to select the bank as the depository.<sup>97</sup>

The attorney general has concluded that Section 131.903 is an exception to the general conflicts of interest statute in Chapter 171 of the Local Government Code.<sup>98</sup> That being said, TML attorneys advise that any local public official with a "substantial interest" in a bank, as that term is defined by Chapter 171 of the Local Government Code, comply with the Chapter 171 requirements of (1) filing an affidavit that discloses the potential conflict; and (2) abstaining

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<sup>93</sup> *Id.* § 212.017(b).

<sup>94</sup> *Id.* § 212.017(e).

<sup>95</sup> *Id.* § 212.017(f).

<sup>96</sup> *Id.* § 131.903(a)(2).

<sup>97</sup> *Id.*

<sup>98</sup> Tex. Att'y Gen. LO-97-093.

from participating in the selection of the bank, even if the potential conflict doesn't trigger the specific conflict of interest provision under Local Government Code Section 131.903.

### **C. Prohibition Against Acting as a Surety**

There are various instances in which a city may require an entity with which it contracts to utilize a surety (sometimes referred to as a guarantor or secondary obligor).<sup>99</sup> In addition, certain city officers may be required to execute a bond in conjunction with their office.<sup>100</sup>

A local public official commits a Class A misdemeanor offense if the official knowingly: (1) acts as a surety for a business entity that has work, business, or a contract with the governmental entity or (2) acts as a surety on any official bond required of an officer of the governmental entity.<sup>101</sup> For the purposes of these violations, a "local public official" is defined to mean "a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any . . . municipality . . . who exercises responsibilities beyond those that are advisory in nature."<sup>102</sup>

### **D. Profession-Specific Requirements**

While it is beyond the scope of this publication to discuss in detail, it is important to remember that vendors must sometimes comply with disclosure requirements that are specific to their profession. For instance, investment advisers must disclose to their clients (on Form ADV) ownership and other details about their firm through the Securities and Exchange Commission's Investment Adviser Public Disclosure Web site. *See* <https://www.sec.gov/fast-answers/answerscrdhtm.html>.

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<sup>99</sup> *See, e.g., Wisenbaker v. Johnny Folmar Drilling Co.*, 334 S.W.2d 465, 466 (Tex. Civ. App.—Texarkana 1960, writ dism'd)(describing that the City of Quitman had filed suit against a drilling company and its surety on the company's performance bond for breach of contract).

<sup>100</sup> *See, e.g., TEX. LOC. GOV'T CODE § 22.072(c)* (authorizing the city council in a type A general law city to require municipal officers to execute a bond payable to the city and conditioned that the officer will faithfully perform the duties of the office).

<sup>101</sup> TEX. LOC. GOV'T CODE § 171.003; *see also* Tex. Att'y Gen. Op. No. KP-0132 (2017) (concluding that 171.003 does not prohibit a local public official from acting as a surety on a bail bond, i.e., a surety for an individual made to secure the release of an individual defendant from the State's custody).

<sup>102</sup> TEX. LOC. GOV'T CODE § 171.001(1).

# LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

(Instructions for completing and filing this form are provided on the next page.)

FORM CIS

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

## OFFICE USE ONLY

Date Received

**1 Name of Local Government Officer**

**2 Office Held**

**3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code**

**4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.**

**5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).**

Date Gift Accepted \_\_\_\_\_ Description of Gift \_\_\_\_\_

Date Gift Accepted \_\_\_\_\_ Description of Gift \_\_\_\_\_

Date Gift Accepted \_\_\_\_\_ Description of Gift \_\_\_\_\_

(attach additional forms as necessary)

**6 SIGNATURE** I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

\_\_\_\_\_  
Signature of Local Government Officer

## Please complete either option below:

### (1) Affidavit

NOTARY STAMP / SEAL

Sworn to and subscribed before me by \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

### (2) Unsworn Declaration

My name is \_\_\_\_\_, and my date of birth is \_\_\_\_\_.

My address is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

(street) (city) (state) (zip code) (country)

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
(month) (year)

\_\_\_\_\_  
Signature of Local Government Officer (Declarant)

## LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

### INSTRUCTIONS FOR COMPLETING THIS FORM

*The following numbers correspond to the numbered boxes on the other side.*

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

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**Local Government Code § 176.001(2-a):** "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

**Local Government Code § 176.003(a)(2)(A):**

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

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(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or  
(ii) the local governmental entity is considering entering into a contract with the vendor.

# CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

**1** **Name of vendor who has a business relationship with local governmental entity.**

**2**  **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

**3** **Name of local government officer about whom the information is being disclosed.**

Name of Officer

**4** **Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes       No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes       No

**5** **Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

**6**  **Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).**

**7**

Signature of vendor doing business with the governmental entity

Date

## **CONFLICT OF INTEREST QUESTIONNAIRE**

### **For vendor doing business with local governmental entity**

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

(2) the vendor:

- (A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that
  - (i) a contract between the local governmental entity and vendor has been executed; or
  - (ii) the local governmental entity is considering entering into a contract with the vendor;
- (B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:
  - (i) a contract between the local governmental entity and vendor has been executed; or
  - (ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.



## **Understanding Your Personal Liability as a City Official: A Primer**

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Updated September 2021

This paper is meant to provide basic information regarding *state* laws that may result in criminal or personal liability for city officials. A home rule charter, local policy, or ordinance may provide for more stringent requirements in some circumstances. This paper is not comprehensive in nature, but rather is intended to highlight some of the state law provisions that most commonly give rise to personal liability in connection with the holding of or running for a city office. Please consult the individual state laws cited for detailed information about the issues discussed here. You can find additional resources regarding many of the topics discussed in this paper on our website at [www.tml.org](http://www.tml.org).

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## I. OPEN GOVERNMENT

This Section examines Texas open government laws related to meetings and records, both of which can result in personal liability for a local public official.

### A. Open Meetings

The Texas Open Meetings Act (TOMA) is found in chapter 551 of the Government Code. The TOMA works to protect the public's interest in knowing what a governmental body (e.g., a city council) decides and how and why a body reaches a decision. To that end, the general rule is that every regular, special, or called meeting of a governmental body, including a city council and some boards and commissions (depending on membership and authority), must be open to the public and comply with the requirements of the TOMA.<sup>1</sup>

The TOMA does not apply to every gathering of the members of a governmental body. For instance, attendance at purely social gatherings, candidate forums, or conventions and workshops is not a meeting under the TOMA, so long as any discussion of city business is incidental to the gathering and no formal action is taken.<sup>2</sup>

When a governmental body holds a meeting subject to the TOMA, the body must post a notice that includes the date, hour, place, and subject of the meeting.<sup>3</sup> There are additional notice requirements for a meeting held by videoconference.<sup>4</sup> The notice must be posted on a bulletin board at city hall in a place readily accessible to the public at all times for at least 72 hours before the meeting.<sup>5</sup> In addition, the following requirements apply to cities that have a website: (1) a city under 48,000 in population must post meeting notices on the site; and (2) a city over 48,000 in population must post the entire agenda on the site.<sup>6</sup>

Meetings to address an emergency or a matter of urgent public necessity may be called with one hour notice that identifies the nature of the emergency.<sup>7</sup>

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<sup>1</sup> TEX. GOV'T CODE §§ 551.001(3)–(4) (defining the terms “governmental body” and “meeting”), 551.002 (“Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter.”).

<sup>2</sup> *Id.* § 551.001(4).

<sup>3</sup> *Id.* § 551.041.

<sup>4</sup> *Id.* § 551.127.

<sup>5</sup> *Id.* §§ 551.043, 551.050.

<sup>6</sup> *Id.* § 551.056(b)(1), (c)(1). The attorney general has explained that “[t]he terms ‘agenda’ and ‘notice’ have been used interchangeably in discussions of the Open Meetings Act, because of the practice of posting the agenda as the notice or as an appendix to the notice. However, an agenda of a meeting is defined as ‘a list, outline, or plan of things to be considered or done,’ while the notice of the meeting is a written announcement.” Tex. Att'y Gen. Op. No. DM-228 (1993) at n.2 (citations omitted). Though not found in the TOMA, a city in a county with 25,000 or more population, and a city with a population of 5,000 or more in a county with less than 25,000 population, must post the following additional information on a publicly accessible internet website: (1) each notice of a meeting of the city's governing body under the Open Meetings Act; and (2) the minutes of a meeting of the city's governing body. TEX. GOV'T CODE § 2051.201.

<sup>7</sup> TEX. GOV'T CODE § 551.045.

A governmental body must allow members of the public who desire to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item.<sup>8</sup> If, at a meeting, a member of the public or the governmental body inquires about a subject not on the agenda, any response must be limited to either (1) a statement of factual information; or (2) a recitation of existing policy.<sup>9</sup> And any deliberation or decision about the subject must be limited to a proposal to place the subject on a future agenda.<sup>10</sup> The governing body of a city may receive from staff, or a member of the body may make, a report about "items of community interest" without having given notice of the subject matter if no action is taken in regard to the item.<sup>11</sup>

There are various exceptions that authorize closed meetings, also known as "executive sessions." Some of the most commonly-used exceptions include discussions involving: (1) the purchase or lease of real property; (2) the receipt of gifts; (3) consultations with an attorney; (5) personnel matters; (5) economic development negotiations; and (6) certain security matters.<sup>12</sup> The governing body must first convene in open session, identify which issues will be discussed in executive session, and cite the time and applicable exception.<sup>13</sup> All final actions, decisions, or votes must be made in an open meeting.<sup>14</sup>

Cities must keep written minutes (or a "certified agenda" for executive sessions) or recordings of all meetings, except those involving a closed consultation with an attorney.<sup>15</sup> The minutes of an open meeting must state the subject of deliberations and indicate each vote, decision, or other action taken.<sup>16</sup> Minutes do not have to be a verbatim transcript. Minutes of open meetings must be kept forever.<sup>17</sup> Executive session certified agendas or recordings must be kept for at least two years, and longer if litigation is pending.<sup>18</sup> A home-rule city with a population of 50,000 or more must make a video and audio recording of each regularly scheduled open meeting available on its website.<sup>19</sup>

Penalties for violating the TOMA range from having actions voided to the imposition of fines and incarceration. Any action taken in violation of the TOMA is voidable and may be reversed in a

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<sup>8</sup> *Id.* § 551.007; *see also* Tex. Att'y Gen. Op. No. KP-0300 (2020) (concluding a city may have one public comment session at the beginning of the meeting and may adopt reasonable rules to cap the total time given to each person who wishes to testify).

<sup>9</sup> *Id.* § 551.042.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* § 551.0415 (defining "items of community interest" to include things like an expression of thanks, congratulations, or condolence).

<sup>12</sup> *Id.* §§ 551.071, 551.072, 551.073, 551.074, 551.076, 551.087.

<sup>13</sup> *Id.* §§ 551.101, 551.103(c)(3).

<sup>14</sup> *Id.* § 551.102.

<sup>15</sup> *Id.* §§ 551.021, 551.103.

<sup>16</sup> *Id.* § 551.021.

<sup>17</sup> 13 TEX. ADMIN. CODE § 7.125 (Tex. St. Lib. & Archives Comm'n, Local Schedule GR). Local retention schedules are available at <https://www.tsl.texas.gov/slrn/localretention>.

<sup>18</sup> TEX. GOV'T CODE § 551.104.

<sup>19</sup> *Id.* § 551.128. State law outside of the TOMA requires most cities that maintain a publicly accessible website to post the minutes of a meeting on the website. *Id.* §§ 2051.201.

civil lawsuit.<sup>20</sup> There are four criminal provisions under the Act; those provisions prohibit: (1) engaging in a prohibited series of communications;<sup>21</sup> (2) calling or participating in an impermissible closed meeting;<sup>22</sup> (3) participating in a closed session without a certified agenda or tape recording;<sup>23</sup> and (4) disclosing a certified agenda or recording of a closed meeting to a member of the public.<sup>24</sup> Violations are misdemeanor offenses. Depending upon the offense, fines may be up to \$2,000, and incarceration may be up to six months.

As to the second violation—calling or participating in an illegal closed meeting—an official may be convicted for participating even if unaware that the meeting is prohibited.<sup>25</sup> It is a defense that the member or the official acted in reasonable reliance on a: (1) court order; (2) written opinion of a court of record; (3) written attorney general’s opinion; or (4) written opinion of the attorney for the governing body.<sup>26</sup>

Elected and appointed officials who are members of a governmental body subject to the TOMA must complete a one hour open meetings training course regarding the Act.<sup>27</sup> If a member of the governmental body fails to attend the required training course, it does not impact the validity of an action taken by the governmental body.<sup>28</sup> A certificate of course completion is admissible as evidence in a criminal prosecution under the TOMA, although it is not *prima facie* evidence that the defendant knowingly violated the TOMA.<sup>29</sup>

## **B. Public Information**

The Texas Public Information Act (PIA) is found in Government Code Chapter 552. Under the PIA, information that is written, produced, collected, assembled, or maintained in connection with the transaction of official city business is generally available to the public.<sup>30</sup> While many cities have professional staff that manage the city’s records and respond to public requests for records, it is important for officials to have an understanding of what constitutes a public record and their duties under the PIA.

The PIA applies to all city records, on practically any media and created on any device.<sup>31</sup> For example, handwritten notes taken by a city councilmember during a city council meeting, an interview, or during an evaluation in connection with the official business of the city are public

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<sup>20</sup> *Id.* §§ 551.141-.142.

<sup>21</sup> *Id.* § 551.143.

<sup>22</sup> *Id.* § 551.144.

<sup>23</sup> *Id.* § 551.145.

<sup>24</sup> *Id.* § 551.146.

<sup>25</sup> *Tovar v. State*, 949 S.W.2d 370 (Tex. App.—San Antonio 1997), *aff’d*, 978 S.W.2d 584 (Tex. Crim. App. 1998).

<sup>26</sup> TEX. GOV’T CODE § 551.144(c).

<sup>27</sup> *Id.* § 551.005(a).

<sup>28</sup> *Id.* § 551.005(f).

<sup>29</sup> *Id.* § 551.005(g).

<sup>30</sup> *Id.* § 552.002.

<sup>31</sup> *Id.*

records.<sup>32</sup> A current or former councilmember does not have a personal or property right to public information the councilmember creates or receives while acting in an official capacity.<sup>33</sup> For instance, an e-mail about city business sent from a councilmember's personal computer to constituents is a public record subject to the PIA.<sup>34</sup> A councilmember or former councilmember with possession, custody, or control of such information must provide the information to the city not later than the 10th day after the date the city requests the information.<sup>35</sup> Failure to do so may subject the councilmember to penalties provided by the PIA or other law.

When a city receives a request, it should never inquire why a person is requesting information, but if a request for information is unclear, a city official may ask for clarification.<sup>36</sup> All requests should be treated the same, without regard to the requestor's identity.<sup>37</sup> Members of the public may request copies of information or inspect information at city hall, and information should be available, at a minimum, during normal business hours.<sup>38</sup>

Certain specifically-listed information is made "automatically" public under the PIA. For example, a completed report, audit, evaluation, or investigation made of, for, or by a governmental body must almost always be released unless made confidential under law.<sup>39</sup> Information must be released "promptly," which is defined in the PIA as being "as soon as possible under the circumstances, that is, within a reasonable time, without delay."<sup>40</sup> If a requestor seeks a large volume of information, a city may certify to the requestor in writing a reasonable date by which it will provide the information.<sup>41</sup>

While certain information has to be disclosed, there are literally hundreds of exceptions that either allow or require (also known as permissive and mandatory exceptions) a city to withhold certain types of information. The exceptions range from information regarding ongoing law enforcement investigations to certain medical information. If a city official believes that requested information is confidential by law or may be withheld pursuant to an exception, the city has ten business days to seek an attorney general ruling to allow it to withhold the information, and an additional five business days to submit samples of the information with arguments as to why the information may

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<sup>32</sup> See, e.g., Open Records Decision Nos. 626 (1994) (concluding handwritten notes taken during oral interview by Texas Department of Public Safety promotion board members are subject to the PIA), 450 (1986) (concluding handwritten notes taken by appraiser while observing teacher's classroom performance are subject to the PIA).

<sup>33</sup> TEX. GOV'T CODE § 552.233.

<sup>34</sup> A current or former councilmember who maintains public information on a privately-owned device must: (1) transfer the information to the city to be preserved; or (2) preserve the information in its original form in a backup or archive and on the privately-owned device for the time required by law. *Id.* § 552.004(b).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* § 552.222.

<sup>37</sup> *Id.* § 552.223. A city is not, however, required to accept or comply with a request for information from a person who is imprisoned or confined in a correctional facility. *Id.* § 552.028.

<sup>38</sup> *Id.* §§ 552.021, 552.221.

<sup>39</sup> *Id.* § 552.022.

<sup>40</sup> *Id.* § 552.221.

<sup>41</sup> *Id.*

be withheld.<sup>42</sup> *Generally*, the only way that a city can withhold information under the PIA is if the attorney general rules that it may do so, and missing the ten-day deadline may waive the city's right to withhold.<sup>43</sup> Because of the strict deadlines, cities should develop procedures for receiving and processing requests for information. Both city staff and officials should be familiar with any such procedures.

A city may charge fees for providing public information.<sup>44</sup> In many cases, the fees may include the reasonable costs of copies and labor.<sup>45</sup> If a city does not act in good faith in calculating the costs, a requestor is entitled to recover three times the amount of the overcharge actually paid.<sup>46</sup>

The PIA provides for both criminal penalties and civil remedies. The criminal provisions prohibit: (1) willfully destroying, mutilating, removing without permission, or altering public information;<sup>47</sup> (2) distributing information that is confidential under the PIA, knowingly using confidential information in an impermissible manner, permitting inspection of confidential information by a person who is not authorized to inspect the information, or disclosing confidential information to an unauthorized person;<sup>48</sup> or (3) with criminal negligence, failing or refusing to give access to or provide copies of public information to a requestor.<sup>49</sup> Violations are misdemeanor offenses. Depending on the offense, fines may be up to \$4,000 and up to six months in jail may be served.<sup>50</sup> A city official may also be ordered to release public information by a civil court.<sup>51</sup> In addition to constituting a crime, violations of the second and third offenses listed above also constitute official misconduct and thus, may be grounds for removal under the "official misconduct" provisions of Texas Local Government Code Sections 21.025(a)(2) and 21.031(a) or through a recall or other removal action authorized by a city charter.

### C. Records Retention

The Local Government Records Act (LGRA) is found in Chapters 201 through 205 of the Local Government Code. Under the LGRA, a city is required to establish a records management

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<sup>42</sup> *Id.* § 552.301; *but see* TEX. OCC. CODE § 1701.662 (establishing a different time frame to request an attorney general decision for body worn camera recordings).

<sup>43</sup> TEX. GOV'T CODE § 552.301. There are a limited number of statutes that allow a city to withhold information without requesting a ruling from the attorney general. *See, e.g.*, *id.* § 552.1175(f) (relating to the address, phone number, social security number and personal family information of peace officers and others).

<sup>44</sup> *Id.* §§ 552.261–.275.

<sup>45</sup> *Id.* § 552.261.

<sup>46</sup> *Id.* § 552.269.

<sup>47</sup> *Id.* § 552.351.

<sup>48</sup> *Id.* § 552.352.

<sup>49</sup> *Id.* § 552.353. It is an affirmative defense that the officer reasonably believed that public access was not required and that (1) the officer relied on a court order or attorney general opinion, (2) the officer requested a decision from the attorney general, (3) the governmental body filed a petition for declaratory judgment after the attorney general issued a ruling; or (4) the person is an agent of an officer for public information and relied on the written instructions of that officer not to disclose the information. *Id.*

<sup>50</sup> *Id.* §§ 552.351–.353.

<sup>51</sup> *Id.* § 552.321.

program.<sup>52</sup> In simple terms, a records management program addresses the creation, use, maintenance, retention, preservation, and disposal of city records.

Local government records created or received in the transaction of official business or the creation or maintenance of which were paid for by public funds are city property and must be preserved and managed in accordance with state law.<sup>53</sup> This includes records held by a councilmember (or former councilmember) who, in the transaction of official city business, creates or receives public information that the officer does not provide to the city's public information officer.<sup>54</sup> There are statutory procedures by which a city can seek to recover a local government record.<sup>55</sup>

It is a Class A misdemeanor for an officer or employee to knowingly or intentionally violate the LGRA or rules adopted pursuant to the LGRA by: (1) impermissibly destroying or alienating a local government record; or (2) intentionally failing to deliver records to a successor in office as required by the LGRA.<sup>56</sup>

## **II. CONFLICTS OF INTEREST AND FINANCIAL DISCLOSURE**

A common source of alleged wrongdoing revolves around conflicts of interest. Whether real or perceived, these allegations often arise out of a conflict of interest relating to personal financial gain, employment, or special treatment for family members or business relations. This section highlights various state laws that require city officials disclose information about these matters to the public by filling out some type of disclosure or abstaining from voting on a matter. If you have any doubt whether you have a conflict of interest, you should comply with these requirements.

### **A. Local Government Code Chapter 171: Real Property and Business Interests**

Chapter 171 of the Local Government Code regulates local public officials' conflicts of interest.<sup>57</sup> It prohibits a local public official from voting on or participating in a matter involving a business entity or real property in which the official has a substantial interest if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public, or in the case of a substantial interest in real property, it is reasonably foreseeable that the

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<sup>52</sup> TEX. LOC. GOV'T CODE §§ 203.026, 203.047.

<sup>53</sup> *Id.* § 201.005.

<sup>54</sup> *Id.* §§ 552.003, 552.004(c).

<sup>55</sup> *Id.* § 552.233; TEX. LOC. GOV'T CODE § 202.005.

<sup>56</sup> TEX. LOC. GOV'T CODE § 202.008. As discussed elsewhere, city records are also protected from destruction by state laws outside of the LGRA. *See* TEX. GOV'T CODE § 552.351 (providing that the willful destruction or mutilation of a public record is a criminal offense), TEX. PENAL CODE § 37.10(a)(3) (providing that the intentional destruction of a governmental record is a criminal offense).

<sup>57</sup> TEX. LOC. GOV'T CODE §§ 171.001–.010.

action will have a special economic effect on the value of the property, distinguishable from its effect on the public.<sup>58</sup>

A public official who has such interest is required to file, before a vote or decision on any matter involving the business entity or real property, an affidavit with the city's official record keeper (usually the city secretary), stating the nature and extent of the interest.<sup>59</sup> In addition, a public official is required to abstain from further participation in the matter except when a majority of the members of the governing body also have a substantial interest and are required to file and do file affidavits of similar interests on the same official matter.<sup>60</sup>

The term “local public official” is defined to mean “a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any . . . municipality . . . or other local governmental entity who exercises responsibilities beyond those that are advisory in nature.”<sup>61</sup> This term includes a member of a planning and zoning commission.<sup>62</sup>

A public official has a substantial interest in a business entity if the official:

- (1) owns 10 percent or more of the voting stock or shares of the business entity;
- (2) owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or
- (3) receives funds from the business entity that exceed 10 percent of the person's gross income for the preceding year.<sup>63</sup>

A public official has a substantial interest in real property if the interest is an equitable or legal ownership interest with a fair market value of \$2,500 or more.<sup>64</sup>

A public official is also considered to have a substantial interest in a business entity or real property if the official's relative within the first degree of consanguinity (blood) or affinity (marriage) has a substantial interest in the business entity or real property.<sup>65</sup> As such, any “substantial interest” that a public official's spouse, parent, child, step-child, father or mother-in-law, or son or daughter-in-law has is imputed to the public official. For example, a public official has a “substantial interest” in a business that employs the official's daughter if the official's daughter earns a small income, which exceeds ten percent of her gross income.<sup>66</sup>

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<sup>58</sup> *Id.* § 171.004; *see also* Tex. Att'y Gen. Op. No. KP-0244 (2019) (concluding that a city attorney and city administrator who had no authority to vote or make a decision on a proposed agreement were not subject to Local Gov't Code Section 171.004).

<sup>59</sup> TEX. LOC. GOV'T CODE § 171.004. An example affidavit is available here:

<https://www.tml.org/DocumentCenter/View/276/Chapter-171-Conflict-of-Interest-Affidavit-Sample-PDF>.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.* § 171.001(1).

<sup>62</sup> Tex. Att'y Gen. Op. Nos. KP-0105 (2016), DM-309 (1994).

<sup>63</sup> TEX. LOC. GOV'T CODE § 171.002(a).

<sup>64</sup> *Id.* § 171.002(b).

<sup>65</sup> *Id.* § 171.002(c).

<sup>66</sup> Tex. Att'y Gen. Op. No. JC-0063 (1999).

A business entity is defined as “a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.”<sup>67</sup> A nonprofit corporation is considered a business entity.<sup>68</sup> The term also includes a business entity that represents an entity or person with an interest in a matter before the city council.<sup>69</sup> Public entities such as a city, county, state university or school district, are not business entities.<sup>70</sup>

The limit on “further participation” by a public official who has a conflict does not preclude the public official from attending meetings, including executive session meetings, relevant to the matter in which he has a substantial interest, provided that the official remains silent during the deliberations.<sup>71</sup> Thus, an interested public official does not participate in a matter by merely attending an executive session on the matter and remaining silent during the deliberations.<sup>72</sup>

The question of whether a vote or decision has a “special economic effect” on a business entity or on the value of real property is generally a question of fact.<sup>73</sup> However, a vote or decision will, as a matter of law, have a “special economic effect” if the governing body considers purchasing goods or services from a business entity in which a local public official has a substantial interest.<sup>74</sup> Additionally, the issue of whether a vote or decision has a special economic effect may be answered as a matter of law in the context of the purchase or sale of an interest in real property.<sup>75</sup>

Whether it is “reasonably foreseeable” that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public, is fact specific.<sup>76</sup> In instances where the economic effect is direct and apparent at the time of the action, both a court and the attorney general have concluded that the economic effect was “reasonably foreseeable.”<sup>77</sup>

There are special rules beyond the filing of an affidavit and abstaining from voting that apply to the adoption of a budget. If an item of the budget is specifically dedicated to a contract with a business entity in which a member of the governing body has a substantial interest, the governing body must vote on that line item separately.<sup>78</sup> The affected member may not generally participate in consideration of that item.<sup>79</sup>

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<sup>67</sup> TEX. LOC. GOV’T CODE § 171.001(2).

<sup>68</sup> Tex. Att’y Gen. Op. No. JM-424 (1986), at 2.

<sup>69</sup> Tex. Att’y Gen. Op. No. DM-309 (1994), at 2.

<sup>70</sup> Tex. Att’y Gen. Op. Nos. KP-0355 (2021), GA-0826 (2010), at 1, DM-267 (1993), at 2, JM-852 (1988), at 2.

<sup>71</sup> Tex. Att’y Gen. Op. No. GA-0334 (2005), at 6.

<sup>72</sup> *Id.*

<sup>73</sup> Tex. Att’y Gen. Op. No. GA-0796, at 4 (2010); Tex. Att’y Gen. LO-98-052.

<sup>74</sup> Tex. Att’y Gen. Op. No. GA-0136 (2004), at 3.

<sup>75</sup> Tex. Att’y Gen. Op. No. GA-0796 (2010), at 4 (discussing *Dallas Cty. Flood Control Dist. No. 1 v. Cross*, 815 S.W.2d 271, 281-82 (Tex. App.—Dallas 1991, writ denied)).

<sup>76</sup> Tex. Att’y Gen. LO-96-049.

<sup>77</sup> *Dallas Cty. Flood Control Dist. No. 1 v. Cross*, 815 S.W.2d 271, 278 (Tex. App.—Dallas 1991, writ denied); Tex. Att’y Gen. Op. No. GA-0796 (2010), at 6.

<sup>78</sup> TEX. LOC. GOV’T CODE § 171.005.

<sup>79</sup> *Id.*

If a public official votes on a matter that he or she has a substantial interest in or fails to abstain from further participation, the action of the governing body on the matter is not voidable, unless the matter that was the subject of the action would not have passed without the vote of the person who had a substantial interest.<sup>80</sup> A knowing violation of Chapter 171 is a Class A misdemeanor, which is punishable by a fine and/or confinement.<sup>81</sup>

## **B. Local Government Code Chapter 176: Vendor Relationships**

Chapter 176 of the Local Government Code requires certain local government officers to disclose the receipt of gifts from and certain relationships with vendors who conduct business, or consider conducting business, with local government entities. The requirements apply to most political subdivisions, including cities.<sup>82</sup> The Chapter also applies to a “local government corporation, a board, commission, district, or authority” whose members are appointed by a mayor or the city council.<sup>83</sup>

A “local government officer” (officer) includes: (1) a mayor or city councilmember; (2) a director, administrator, or other person designated as the executive officer of the city; and (3) an agent (including an employee) of the city who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.<sup>84</sup>

An officer is required to file a conflicts disclosure statement in three situations.

1. An officer must file a statement if the officer or officer’s family member<sup>85</sup> has an employment or other business relationship with a vendor that results in the officer or officer’s family member receiving taxable income of more than \$2,500 in the preceding twelve months.<sup>86</sup> An officer who only receives investment income, regardless of amount, is not required to file a disclosure statement. Investment income includes dividends, capital gains, or interest income gained from a personal or business checking or savings account or other similar account, a personal or business investment, or a personal or business loan.<sup>87</sup>
2. An officer is required to file a statement if the officer or officer’s family member accepts one or more gifts (including lodging, transportation, and entertainment accepted as a guest) from a vendor that has an aggregate value of more than \$100 in the preceding twelve months.<sup>88</sup> An officer is not required to file a statement in relation to a gift, regardless of amount, if the gift: (1) is a political contribution; (2) is food accepted as a guest; or (3) is

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<sup>80</sup> *Id.* § 171.006.

<sup>81</sup> *Id.* § 171.003; *see also Marra v. State*, 399 S.W.3d 664 (2013) (overturning a conviction under Local Government Code Section 171.003).

<sup>82</sup> TEX. LOC. GOV’T CODE § 176.001.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> An officer’s family member is a person related to the officer within the first degree by consanguinity (blood) or affinity (marriage). *Id.*

<sup>86</sup> *Id.* § 176.003(a)(2)(A).

<sup>87</sup> *Id.* § 176.001.

<sup>88</sup> *Id.* § 176.003(a)(2)(B) .

offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient.<sup>89</sup>

3. An officer is required to file a statement if the officer has a family relationship with the vendor.<sup>90</sup>

There is at least one exception to the three situations set out above. A local government officer does not have to file a statement if the vendor is an administrative agency supervising the performance of an interlocal agreement.<sup>91</sup>

An officer is required to file a statement no later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of facts that require a filing of the statement.<sup>92</sup>

A “vendor” includes any person that enters or seeks to enter into a contract with a city.<sup>93</sup> The term also includes: (1) an agent of a vendor; (2) an officer or employee of a state agency when that individual is acting in a private capacity; and (3) Texas Correctional Industries (but no other state agency).<sup>94</sup>

Chapter 176 applies to any written contract for the sale or purchase of real property, goods (personal property), or services.<sup>95</sup> A contract for services includes one for skilled or unskilled labor, as well as professional services.<sup>96</sup>

A vendor is required to file a conflict of interest questionnaire if the vendor has a business relationship with the city and has: (1) an employment or other business relationship with an officer or an officer’s family member that results in the officer receiving taxable income that is more than \$2,500 in the preceding twelve months; (2) has given an officer or an officer’s family member one or more gifts totaling more than \$100 in the preceding twelve months; or (3) has a family relationship with an officer.<sup>97</sup>

A vendor is required to file a questionnaire not later than the seventh business day after the later of the following: (1) the date that the vendor begins discussions or negotiations to enter into a contract with the city or submits an application or response to a bid proposal; or (2) the date that the vendor becomes aware of a relationship or gives a gift to an officer or officer’s family member, or becomes aware of a family relationship with an officer.<sup>98</sup>

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<sup>89</sup> *Id.* §§ 176.001(2-b), 176.003(a-1).

<sup>90</sup> *Id.* § 176.003(a)(2)(C). An officer has a family relationship with a vendor if they are related within the third degree by consanguinity (blood) or second degree by affinity (marriage). *Id.* § 176.001.

<sup>91</sup> *Id.* § 176.003(a-2).

<sup>92</sup> *Id.* § 176.003(b).

<sup>93</sup> *Id.* § 176.001.

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.* § 176.006(a).

<sup>98</sup> *Id.* § 176.006(a-1).

The statements and disclosures must be filed with the records administrator of the city.<sup>99</sup> A records administrator includes a city secretary, a person responsible for maintaining city records, or a person who is designated by the city to maintain the statements and disclosures filed under Chapter 176.<sup>100</sup>

A city that maintains a website is required to post on that site statements and disclosures that are required to be filed under Chapter 176.<sup>101</sup> However, a city that does not have a website is not required to create or maintain one.<sup>102</sup>

An officer or vendor who knowingly fails to file a statement or a disclosure when required to do so commits a Class A, B, or C misdemeanor, depending on the amount of the contract.<sup>103</sup> It is an exception to prosecution that an officer/vendor files a statement/questionnaire not later than the seventh day after the date the person receives notice from the city of the alleged violation.<sup>104</sup> The validity of a contract between a city and a vendor is not affected solely because a vendor fails to file a questionnaire.<sup>105</sup>

The Texas Ethics Commission is charged with creating statements and disclosure forms. The forms (Form CIS and Form CIQ) may be found at <https://www.ethics.state.tx.us/forms/conflict/>.

### **C. Government Code Chapter 553: Property Acquisition**

Chapter 553 of the Government Code provides that a “[a] public servant who has a legal or equitable interest in property that is to be acquired with public funds shall file an affidavit within 10 days before the date on which the property is to be acquired by purchase or condemnation.”<sup>106</sup>

Chapter 553’s affidavit requirement applies to a “public servant,” defined as a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as: (1) a candidate for nomination or election to public office; or (2) an officer of government.<sup>107</sup>

The term “public funds” is defined to “include[] only funds collected by or through a government.”<sup>108</sup> The language of Chapter 553 suggests that a public servant is required to disclose his/her interest in property even when the property is to be acquired by a separate governmental entity with which the public servant is not affiliated. There appears to be no case or attorney

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<sup>99</sup> *Id.* §§176.003(b), 176.006(a-1).

<sup>100</sup> *Id.* §176.001(5).

<sup>101</sup> *Id.* § 176.009.

<sup>102</sup> *Id.*

<sup>103</sup> *Id.* §§ 176.013.

<sup>104</sup> *Id.*

<sup>105</sup> *Id.* § 176.006(i).

<sup>106</sup> TEX. GOV’T CODE § 553.002(a).

<sup>107</sup> *Id.* § 553.001(2).

<sup>108</sup> *Id.* § 553.001(1).

general opinion that addresses this issue. Thus, a public servant or official subject to Chapter 553 should consult his/her private legal counsel regarding the application of Chapter 553 in this scenario.

Chapter 553 is not, by its language, limited to real property interests. Thus, if a public servant has a legal or equitable interest in any real (e.g., land) or personal (e.g., a vehicle) property acquired with public funds, and has actual notice of the acquisition or intended acquisition of the property, the public servant should file a Chapter 553 affidavit.<sup>109</sup>

A Chapter 553 affidavit has to be filed within ten days before the date on which the property is to be acquired by purchase or condemnation.<sup>110</sup> The affidavit is filed with the county clerk of the county in which the public servant resides as well as the county clerk of each county in which the property is located.<sup>111</sup>

The affidavit must include: (1) the name of the public servant; (2) the public servant's office, public title, or job designation; (3) a full description of the property; (4) a full description of the nature, type, and amount of interest in the property, including the percentage of ownership interest; (5) the date the public servant acquired an interest in the property; (6) the following verification: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code;" and (7) an acknowledgement of the same type required for recording a deed in the deed records of the county.<sup>112</sup> An affidavit example is available on our website at: <https://www.tml.org/DocumentCenter/View/275/Chapter-553-Property-Affidavit-Sample-PDF>.

A person who violates Section 553.002 of the Government Code by failing to file the required affidavit is presumed to have committed a Class A misdemeanor offense if the person had actual notice of the acquisition or intended acquisition of the legal or equitable interest in the property.<sup>113</sup>

#### **D. Local Government Code Chapter 145: Cities with a Population of 100,000 or More**

Local Government Code Chapter 145's financial disclosure requirements apply *only in a city with a population of 100,000 or more*.<sup>114</sup> In general terms, Chapter 145:

1. requires each mayor, each member of a city council, each city attorney, each city manager, and each candidate for city office filled by election to file an annual financial statement with the city clerk or secretary;<sup>115</sup>

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<sup>109</sup> *Id.* § 553.002.

<sup>110</sup> *Id.* § 553.002(a).

<sup>111</sup> *Id.* § 553.002(c).

<sup>112</sup> *Id.* § 553.002(b).

<sup>113</sup> *Id.* § 553.003.

<sup>114</sup> TEX. LOC. GOV'T CODE § 145.001.

<sup>115</sup> *Id.* §§ 145.002–.003. The requirements seem to apply to interim city managers and city attorneys as well. *Cf.* Tex. Ethics Comm'n Op. Nos. 27 (1992), 265 (1995).

2. requires that the financial statement include an account of the financial activity of the covered individual and the individual's spouse and dependent children, if the individual had control over that activity; and<sup>116</sup>
3. requires that the financial statement include all sources of income; shares of stocks owned, acquired, or sold; bonds, notes, or other paper held, acquired, or sold; any interest, dividend, royalty, or rent exceeding \$500; each person or institution to whom a personal debt of \$1,000 or more exists; all beneficial interests in real property or businesses owned, acquired, or sold; certain gifts received; income in excess of \$500 from a trust; a list of all boards of directors on which the individual serves; and information about certain contracts with a governmental entity.<sup>117</sup>

Candidates for elected city office are required to file the financial disclosure statement not later than the earlier of: (1) the twentieth day after the deadline for filing an application for a place on the ballot in the election; or (2) the fifth day before the date of the election.<sup>118</sup> Annually, the mayor, city councilmembers, the city manager, and the city attorney must file a financial disclosure statement for the preceding year by April 30.<sup>119</sup> A new city manager or a new city attorney must file a financial disclosure statement within forty-five days of assuming the duties of office.<sup>120</sup>

City officers and candidates for elected city office must file the financial statement on a form provided by the Texas Ethics Commission.<sup>121</sup> The form (PFS-Local) is available here: <https://www.ethics.state.tx.us/forms/QuickFindAForm.php>. A detailed listing of the required contents can be found in Section 572.023 of the Texas Government Code. If information in the financial disclosure form is required to be filed by category, Section 572.022 sets forth reporting categories. The city secretary must deliver (by mail, personal delivery, e-mail, or other electronic transfer) copies of the form to city officers and candidates for city office within certain time deadlines.<sup>122</sup>

The completed financial disclosure statement is filed with the city clerk or secretary.<sup>123</sup> Statements are public records and are to be maintained so as to be accessible to the public during regular office hours.<sup>124</sup>

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<sup>116</sup> *Id.* § 145.003(b)(2), TEX. GOV'T CODE § 572.023(a).

<sup>117</sup> TEX. LOC. GOV'T CODE § 145.003(b)(2), TEX. GOV'T CODE § 572.023(b).

<sup>118</sup> TEX. LOC. GOV'T CODE § 145.004(c).

<sup>119</sup> *Id.* § 145.004, TEX. GOV'T CODE § 572.026(a).

<sup>120</sup> TEX. LOC. GOV'T CODE § 145.004, TEX. GOV'T CODE § 572.026(c).

<sup>121</sup> TEX. LOC. GOV'T CODE § 145.005(a).

<sup>122</sup> *Id.* §§ 145.002, 145.005(b).

<sup>123</sup> *Id.* § 145.003(b).

<sup>124</sup> *Id.* § 145.007(a). On the written request of the municipal court judge or a candidate for municipal court judge, the residence address of the judge, the judge's family member, or the candidate for judge shall be removed or redacted before the financial statement is made available to the public. *Id.* § 145.007(d). (Note: A municipal court judge appears to be subject to Chapter 145 only if the office is filled by election.)

Both criminal and civil penalties may be imposed for failure to file a financial disclosure statement. An offense under Chapter 145 is a class B misdemeanor, which is punishable by a fine up to \$2,000 and/or confinement up to 180 days.<sup>125</sup> Section 145.010 sets forth a process whereby a civil penalty up to \$1,000 can be assessed upon failure to comply after notice is received from the city attorney.

The city secretary shall grant an extension of not more than sixty days for the filing of the financial disclosure statement to a city officer or a person appointed to a city office if: (1) the individual makes an extension request before the filing deadline; or (2) the individual's physical or mental capacity prevents either the filing or the request for an extension before the filing date.<sup>126</sup> Extensions shall not be granted to candidates for elected city office.<sup>127</sup>

The city secretary shall maintain a list of the city officers and candidates required to file a financial disclosure statement. No later than ten days after the filing deadline, the city secretary shall provide a list to the city attorney showing for each city officer and candidate for city office: (1) whether the individual filed a timely statement; (2) whether the individual was granted an extension and the new filing deadline; or (3) whether the individual did not timely file a financial statement or receive an extension of time.<sup>128</sup>

## **E. Miscellaneous Conflicts Provisions**

### **1. Plats**

A provision governing conflicts of interest in the plat approval process was added to state law in 1989. It requires a member of a municipal authority responsible for approving plats who has a substantial interest in a subdivided tract to file an affidavit stating the nature and extent of the interest and abstain from further participation in the matter.<sup>129</sup> The affidavit must be filed with the municipal secretary or clerk before a vote or decision regarding the approval of a plat for the tract.

For purposes of this disclosure requirement, “subdivided tract” means a tract of land, as a whole, that is subdivided. The term does not mean an individual lot in a subdivided tract of land.<sup>130</sup>

A person has a substantial interest in a subdivided tract if the person:

- (1) has an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more;
- (2) acts as a developer of the tract;
- (3) owns 10% or more of the voting stock or shares of or owns either 10% or more or \$5,000 or more of the fair market value of a business entity that:
  - (A) has an equitable or legal ownership interest in the tract with a fair market value of 2,500 or more; or

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<sup>125</sup> *Id.* § 145.009.

<sup>126</sup> *Id.* § 145.004(e).

<sup>127</sup> *Id.* § 145.004(f).

<sup>128</sup> *Id.* § 145.008.

<sup>129</sup> *Id.* § 212.017(d).

<sup>130</sup> *Id.* § 212.017(a).

- (B) acts as a developer of the tract; or
- (4) receives in a calendar year funds from a business entity described in (3) that exceed 10% of the person's gross income for the previous year.<sup>131</sup>

A person is also considered to have a substantial interest in a subdivided tract if the person is related in the first degree by consanguinity or affinity to another person who has a substantial interest in the tract. An offense under this subsection is a Class A misdemeanor.<sup>132</sup> The finding by a court of a violation of this requirement does not render voidable an action of the municipal authority responsible for approving plats, unless the measure would not have passed without the vote of the member who violated the requirement.<sup>133</sup>

## **2. Depository**

Local Government Code Section 131.903 regulates conflicts of interest with respect to a city's selection of a depository. A bank is disqualified from serving as the depository of the city if an officer or employee of the city who has a duty to select the depository owns or has a beneficial interest, individually or collectively, in more than 10 percent of the outstanding capital stock of the bank.<sup>134</sup> In other words, a city council may not select a bank as the city's depository if a mayor or councilmember owns more than 10 percent of the bank.

If an officer or employee of the city is a director or officer of the bank, or owns 10 percent or less of the capital stock of the bank, the bank is not disqualified from serving as the city's depository so long as: (1) the interested officer or employee does not vote or take part in the proceedings; and (2) a majority of the other members of the city council vote to select the bank as the depository.<sup>135</sup>

The attorney general has concluded that Section 131.903 is an exception to the general conflicts of interest statute in Chapter 171 of the Local Government Code.<sup>136</sup> That being said, TML attorneys advise that any local public official with a "substantial interest" in a bank, as that term is defined by Chapter 171 of the Local Government Code, comply with the Chapter 171 requirements of: (1) filing an affidavit that discloses the potential conflict; and (2) abstaining from participating in the selection of the bank, even if the potential conflict doesn't trigger the specific conflict of interest provision under Local Government Code Section 131.903.

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<sup>131</sup> *Id.* § 212.017(b).

<sup>132</sup> *Id.* § 212.017(e).

<sup>133</sup> *Id.* § 212.017(f).

<sup>134</sup> *Id.* § 131.903(a)(2).

<sup>135</sup> *Id.*

<sup>136</sup> Tex. Att'y Gen. LO-97-093.

### **3. Acting as a Surety**

There are various instances in which a city may require an entity with which it contracts to utilize a surety (sometimes referred to as a guarantor or secondary obligor).<sup>137</sup> In addition, certain city officers may be required to execute a bond in conjunction with their office.<sup>138</sup>

A local public official commits a Class A misdemeanor offense if the official knowingly: (1) acts as a surety for a business entity that has work, business, or a contract with the governmental entity or (2) acts as a surety on any official bond required of an officer of the governmental entity.<sup>139</sup> For the purposes of these violations, a “local public official” is defined to mean “a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any . . . municipality . . . who exercises responsibilities beyond those that are advisory in nature.”<sup>140</sup>

### **4. Communication with Chief Appraiser**

House Bill 988, adopted during the Eighty Seventh legislative session, provides that a member of the governing body, officer, or employee of a taxing unit commits a Class A misdemeanor if the person directly or indirectly communicates with the chief appraiser or another employee of the appraisal district in which the taxing unit participates for the purpose of influencing the value at which property in the district is appraised, unless the person owns or leases the property that is the subject of the communication. This prohibition, codified at Section 6.155 of the Tax Code, is not effective until January 1, 2022.

## **III. PURCHASING**

At meetings throughout the budget year, the city council may be called on to approve the purchase of goods, services, and property. With limited exceptions, before a city enters into a contract that requires an expenditure of more than \$50,000, it must comply with the procedures for competitive sealed bidding or competitive sealed proposals in Chapter 252 of the Texas Local Government Code.<sup>141</sup> As an alternative to competitive sealed bidding or proposals, a city may use the following procurement methods: (1) the reverse auction procedure for purchasing in Section 2155.062(d) of the Government Code; (2) a cooperative purchasing program under Subchapters D and F of

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<sup>137</sup> See, e.g., *Wisenbaker v. Johnny Folmar Drilling Co.*, 334 S.W.2d 465, 466 (Tex. Civ. App.—Texarkana 1960, writ dism'd)(describing that the City of Quitman had filed suit against a drilling company and its surety on the company's performance bond for breach of contract).

<sup>138</sup> See, e.g., TEX. LOC. GOV'T CODE § 22.072(c) (authorizing the city council in a type A general law city to require municipal officers to execute a bond payable to the city and conditioned that the officer will faithfully perform the duties of the office).

<sup>139</sup> TEX. LOC. GOV'T CODE § 171.003; *see also* Tex. Att'y Gen. Op. No. KP-0132 (2017) (concluding that 171.003 does not prohibit a local public official from acting as a surety on a bail bond, i.e., a surety for an individual made to secure the release of an individual defendant from the State's custody).

<sup>140</sup> TEX. LOC. GOV'T CODE § 171.001(1).

<sup>141</sup> *Id.* §§ 252.021, 252.022.

Chapter 271 of the Local Government Code; or (3) an alternative procurement method for city construction projects set out in Chapter 2269 of the Texas Government Code.<sup>142</sup>

A city may use competitive sealed proposals for the purchase of any goods or services, including high technology items and insurance.<sup>143</sup> However, construction projects must generally be procured using competitive bidding or specific alternative methods (discussed below).

For general procurement of goods or services (as discussed below, special rules may apply to construction procurement), a contract must be awarded to: (a) the lowest responsible bidder, or (b) the bidder who provides goods or services at the “best value.”<sup>144</sup> When determining “best value,” the city may consider factors other than the purchase price of the goods and services, including among other things: (1) the reputation of the bidder and the bidder’s goods or services; (2) the quality of the bidder’s goods or services; (3) the bidder’s past relationship with the city; and/or (4) any other lawful criteria.<sup>145</sup>

The city must indicate in the bid specifications and requirements that the contract will be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the “best value” for the city.<sup>146</sup>

In addition, two provisions—Local Government Code Sections 271.905 and 271.9051—authorize the use of local preference when awarding a contract *under the Local Government Code*. Section 271.905 allows a city to consider a bidder’s principal place of business when a city awards a contract for real or personal property.<sup>147</sup> Specifically, it provides that if a city receives one or more bids from a bidder whose principal place of business is in the city and whose bid is within three percent of the lowest bid price of a non-resident, the city may pick the resident bidder after a written determination that the decision is in the best interest of the city.<sup>148</sup> This is a useful provision for awarding contracts, but it appears to be directed towards the purchase of tangible items rather than services.

Section 271.9051 authorizes a city to give a preference to a local bidder when awarding a contract for personal property *or services* if: (1) the local bid is within five percent of the lowest bid that isn’t local, and (2) the city’s governing body finds in writing that the local bid offers the best combination of price and economic development factors such as local employment and tax

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<sup>142</sup> *Id.* § 252.021. House Bill 628, passed during the 2011 regular legislative session, consolidated the alternative procurement methods for most governmental entities into a new Chapter 2267 of the Texas Government Code. Senate Bill 1093, passed during the 2013 regular legislative session, moves those methods to Chapter 2269 of the Texas Government Code.

<sup>143</sup> *Id.* § 252.021(b).

<sup>144</sup> *Id.* § 252.043.

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> *Id.* § 271.905.

<sup>148</sup> *Id.* (requiring a written finding that “the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government created by the contract award, including the employment of residents of the local government and increased tax revenues to the local government”).

revenues. Legislation passed in 2009 and 2011 limits the applicability of this provision to contracts for construction services that are less than \$100,000 and contracts for other purchases that are less than \$500,000.

A city does not have to comply with competitive procurement requirements for certain expenditures, even if the expenditure is over \$50,000. The most common exemptions are as follows (see Section 252.022(a) of the Local Government Code for a complete list of exemptions):

- A procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the city's residents or to preserve the property of the municipality.<sup>149</sup>
- A procurement necessary to preserve or protect the public health or safety of the city's residents.<sup>150</sup>
- A procurement necessary because of unforeseen damage to public machinery, equipment, or other property.<sup>151</sup>
- A procurement for personal, professional, or planning services.<sup>152</sup>
- A purchase of land or a right-of-way.<sup>153</sup>
- A procurement of items that are available from only one source.<sup>154</sup>

Whether or not to use any of the exemptions is up to each city, and the decision should be made based on the advice of local legal counsel.

A city, in making an expenditure of more than \$3,000 but less than \$50,000, shall contact at least two historically underutilized businesses (HUB) on a rotating basis, based on information provided by the Texas Comptroller's Office pursuant to Chapter 2161 of the Government Code, see information at <https://comptroller.texas.gov/purchasing/>.<sup>155</sup> If the list fails to identify a HUB in the county in which the city is located, the city is exempt.<sup>156</sup>

For construction projects that involve the construction of a building that is to be designed and constructed in accordance with accepted building codes (commonly referred to as "vertical construction projects"), and those that are civil engineering projects (commonly referred to as "horizontal construction projects"), a city may use many of the alternative procurement methods set out in Chapter 2269 of the Texas Government Code.<sup>157</sup> The alternative methods are:

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<sup>149</sup> *Id.* § 252.022(a)(1).

<sup>150</sup> *Id.* § 252.022(a)(2).

<sup>151</sup> *Id.* § 252.022(a)(3).

<sup>152</sup> *Id.* § 252.022(a)(4). Certain professional services, however, must be procured through a competitive selection process under Chapter 2254 of the Government Code (the Professional Services Procurement Act).

<sup>153</sup> *Id.* § 252.022(a)(6).

<sup>154</sup> *Id.* § 252.022(a)(7).

<sup>155</sup> *Id.* § 252.0215.

<sup>156</sup> *Id.*

<sup>157</sup> House Bill 628, passed during the 2011 regular legislative session, consolidated the alternative procurement methods for most governmental entities into a new Chapter 2267 of the Texas Government Code. Senate Bill 1093,

- Competitive bidding (which is different than the “standard” competitive bidding processes in Chapter 252/Chapter 271, Subchapter B).<sup>158</sup>
- Competitive sealed proposals (may be used for civil engineering projects).<sup>159</sup>
- Construction manager agent.<sup>160</sup>
- Construction manager at risk (may be used for civil engineering projects).<sup>161</sup>
- Design-build<sup>162</sup> (may not generally be used for civil engineering projects, although a handful of very large cities—those over 100,000 in population—may use design-build for a limited number of civil works projects under Government Code Chapter 2269, Subchapter H).
- Job order contract (may not be used for civil engineering projects).<sup>163</sup>

For each of the methods listed above, a city awards the contract to the contractor who provides the “best value” to the city based on the selection criteria established by the city in its procurement documents. The selection criteria may generally include factors other than the construction cost, including among other things: (1) the reputation of the contractor and the contractor’s goods or services; (2) the quality of the contractor’s goods or services; and (3) the contractor’s past relationship with the city.<sup>164</sup>

Any provision in the charter of a home rule city that relates to the notice of contracts, advertisement of the notice, requirements for the taking of sealed bids based on specifications for public improvements or purchases, the manner of publicly opening bids or reading them aloud, or the manner of letting contracts that is in conflict with Chapter 252 controls unless the governing body elects to have Chapter 252 supersede the charter.<sup>165</sup>

Chapter 271, Subchapters D and F, of the Local Government Code (Cooperative Purchasing Programs) authorize cities to enter into cooperatives with the state or other local governments for the purpose of procuring goods and services. The state purchasing cooperative is online at <https://comptroller.texas.gov/purchasing/>, and a joint TML/Texas Association of School Board cooperative is online at <https://www.tasb.org/Services/BuyBoard.aspx>. In addition, several councils of governments offer cooperative purchasing.

Section 2155.062(d) of the Texas Government Code authorizes the use of the reverse auction method for the purchase of goods and services. A reverse auction procedure is: (1) a real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time

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passed during the 2013 regular legislative session, moves those methods to Chapter 2269 of the Texas Government Code.

<sup>158</sup> TEX. GOV’T CODE Chapter 2269, Subchapter C.

<sup>159</sup> *Id.* Chapter 2269, Subchapter D.

<sup>160</sup> *Id.* Chapter 2269, Subchapter E.

<sup>161</sup> *Id.* Chapter 2269, Subchapter F.

<sup>162</sup> *Id.* Chapter 2269, Subchapters G and H.

<sup>163</sup> *Id.* Chapter 2269, Subchapter I.

<sup>164</sup> *Id.* § 2269.056.

<sup>165</sup> TEX. LOC. GOV’T CODE § 252.002.

and Internet location in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or (2) a bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.<sup>166</sup>

A contract made without compliance with competitive procurement laws is void, and performance of the contract may be enjoined by any property tax paying resident or a person who submitted a bid for a contract to which the competitive sealed bidding requirement applies, regardless of residency, if the contract is for the construction of public works.<sup>167</sup> The specific criminal penalties are as follows:

- A municipal officer or employee who intentionally or knowingly makes or authorizes separate, sequential, or component purchases to avoid the competitive procurement requirements of Chapter 252 commits a Class B misdemeanor.<sup>168</sup>
- A municipal officer or employee who intentionally or knowingly violates the competitive procurement requirements of Chapter 252 commits a Class B misdemeanor.<sup>169</sup>
- A municipal officer or employee who intentionally or knowingly violates Chapter 252 other than by conduct described above commits a Class C misdemeanor.<sup>170</sup>

A final conviction for an offense constituting a Class B misdemeanor results in the immediate removal of that person from office or employment. For a period of four years following conviction, the removed officer or employee is ineligible to be appointed or elected to a public office in Texas, to be re-employed by the city, or to receive any compensation through a contract with that city.<sup>171</sup>

A more detailed discussion of these and other purchasing issues are addressed in TML's Municipal Procurement Made Easy paper, available [here](#).

#### IV. NEPOTISM

“Texas was the first state in the nation to recognize ‘the need for nepotism regulations and restrictions’; it first did so in 1907.”<sup>172</sup> Chapter 573 of the Texas Government Code is the primary anti-nepotism law in Texas.<sup>173</sup>

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<sup>166</sup> TEX. GOV'T CODE § 2155.062(d).

<sup>167</sup> TEX. LOC. GOV'T CODE § 252.061.

<sup>168</sup> *Id.* § 252.062.

<sup>169</sup> *Id.*

<sup>170</sup> *Id.*

<sup>171</sup> *Id.* § 252.063.

<sup>172</sup> OFFICE OF THE TEXAS ATTORNEY GENERAL, 2006 PUBLIC OFFICERS: TRAPS FOR THE UNWARY 17 (2006) (citing *Collier v. Firemen's & Policemen's Civil Serv. Comm'n of Wichita Falls*, 817 S.W.2d 404, 408 (Tex. App.—Fort Worth 1991, writ denied); Richard D. White Jr., *Consanguinity by Degrees: Inconsistent Efforts to Restrict Nepotism in State Government*, 32 ST. & LOC. GOV'T REV. 108, 109 (Spring 2000)).

<sup>173</sup> TEX. GOV'T CODE §§ 573.001–084.

In many cities, the city council exercises final control over hiring decisions. In such a city, the general rule is that a councilmember is prohibited from appointing, confirming the appointment of, or voting on the appointment of an individual if: (1) the individual is related to himself or any member of the council within the third degree by consanguinity (blood) or within the second degree by affinity (marriage); and (2) the position will be directly or indirectly compensated from public funds.<sup>174</sup> Chapter 573 does not require that the nepotism problem be disclosed or documented in any particular fashion.

The resignation of a councilmember does not resolve nepotism problems where the councilmember continues to serve in a holdover capacity.<sup>175</sup> However, once the city fills the former officer's position and has qualified and sworn a new person into office, the local entity may then hire a close relative of the former official.

There are two statutory exceptions to the prohibition against the appointment of close relatives. Chapter 573 does not apply to cities with fewer than 200 people.<sup>176</sup> A second exception (referred to as the "continuous employment exception") also exists for relatives who are continuously employed prior to the public official's election or appointment for: (a) thirty days, if the public official was appointed; (b) six months, if the public official is elected at an election other than the general election; or (c) one year, if the public official is elected at the general election.<sup>177</sup> But if an individual continues in an employment position under this exception, the public official to whom the individual is related "may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees."<sup>178</sup>

In some cities, the city council has delegated final hiring authority to an employee. The delegation of final hiring authority, by ordinance, does not relieve a city council of its nepotism problems.<sup>179</sup> However, if final hiring authority has been delegated by city charter, reserving no authority in the city council, it is a valid delegation and may relieve the council of nepotism problems.<sup>180</sup>

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<sup>174</sup>*Id.* § 573.041. A "public official" is defined to mean "(A) an officer of this state or of a district, county, municipality, precinct, school district, or other political subdivision of this state; (B) an officer or member of a board of this state or of a district, county, municipality, school district, or other political subdivision of this state; or (C) a judge of a court created by or under a statute of this state." *Id.* § 573.001(3). The statute prohibits only the appointment of a natural person, not a business entity. Tex. Att'y Gen. Op. No. KP-0376 (2021).

<sup>175</sup> TEX. CONST. art. XVI, § 17; Tex. Att'y Gen. Op. No. JM-636 (1987).

<sup>176</sup> TEX. GOV'T CODE § 573.061(7).

<sup>177</sup> *Id.* § 573.062.

<sup>178</sup> *Id.*; see also Tex. Att'y Gen. Op. No. JC-0558 (2002) (concluding that a city commissioner could not participate in a deliberation regarding a merit salary increase for his sibling who was working under the continuous employment exception and explaining that the term deliberation "embraces any discussion or consideration of a measure").

<sup>179</sup> Tex. Att'y Gen. Op. No. DM-2 (1991) (members of city council of a Type A general law city did not avoid prohibitions of anti-nepotism law by delegating hiring responsibility to the city administrator).

<sup>180</sup> Tex. Att'y Gen. Op. Nos. GA-0226 (2004) (explaining that a home-rule city may delegate final hiring authority to the city manager to avoid application of Section 573.041 to the city council if it delegates full and final authority by charter, reserving no authority in the city council); GA-0595 (2008) ("If the charter provides the city manager with

In addition to placing prohibitions on the hiring of close relatives, Chapter 573 prohibits a public official from trading nepotistic appointments.<sup>181</sup> For instance, a city councilmember is prohibited from appointing an individual who is closely related to a county commissioner where there is an understanding that the county commissioner will return the favor by hiring the city councilmember's close relative.

Chapter 573 also contains prohibitions applicable to candidates. A candidate is prohibited from taking "affirmative action to influence the following individuals regarding the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of another individual related to the candidate within" the third degree by blood or second degree by marriage: (1) an employee of the office to which the candidate seeks election; or (2) an employee or officer of the governmental body to which the candidate seeks election.<sup>182</sup>

Noncompliance with Chapter 573 may subject the appointing officer(s) to severe consequences including removal from office and criminal sanctions.<sup>183</sup>

A more detailed discussion of the state nepotism law is available [here](#).

## **V. PENAL CODE PROVISIONS**

There are various provisions of the Texas Penal Code commonly used to prosecute crimes committed by government officials. This section highlights some of these provisions.

### **A. Bribery, Gifts, and Honorariums**

Chapter 36 of the Texas Penal Code, entitled "Bribery and Corrupt Influences," proscribes certain conduct such as bribery, coercion of a public servant or voter, attempts to influence the outcome of certain proceedings, and tampering with a witness.<sup>184</sup> The Chapter deals generally with offenses involving a "public servant," which is defined to include a person elected, selected, appointed, employed or otherwise designated as an "officer, employee, or agent of government," which includes a city.<sup>185</sup> The Texas Ethics Commission is authorized to prepare written advisory opinions regarding Chapter 36<sup>186</sup> and those opinions are available on the Commission's website: <https://www.ethics.state.tx.us/>.

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full and final appointing authority . . . and reserves no authority for the city's governing body . . . the city manager may appoint an individual who is related to a city commissioner, but is not related to the city manager, without contravening the nepotism statutes, Government Code chapter 573.").

<sup>181</sup> TEX. GOV'T CODE § 573.044.

<sup>182</sup> *Id.* § 573.042.

<sup>183</sup> *Id.* §§ 573.081–.084.

<sup>184</sup> TEX. PENAL CODE §§ 36.01–.10.

<sup>185</sup> *Id.* §§ 1.07(a)(24)(B), (41)(A).

<sup>186</sup> TEX. GOV'T CODE § 571.091(a)(8).

## 1. **Bribery**

“A person commits the offense of bribery if he intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another any benefit as consideration for the recipient’s decision, opinion, recommendation, vote, or other exercise of discretion as a public servant.”<sup>187</sup> It is no defense to prosecution that a person whom the actor sought to influence was not qualified to act in the desired manner because he had not assumed office or, for some other reason, lacked jurisdiction.<sup>188</sup>

A “benefit” is anything reasonably regarded as pecuniary gain or advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest (such as a relative or business partner).<sup>189</sup> At least one Texas Court has indicated that the term should be broadly construed to promote justice.<sup>190</sup>

The offense of bribery is a second degree felony.<sup>191</sup>

## 2. **Honorariums and Other Gifts**

A councilmember may not solicit, accept, or agree to accept an honorarium in consideration for services that the member would not have been requested to provide but for the member’s official position or duties.<sup>192</sup> The term “‘honorarium’ is commonly understood to be ‘a payment in recognition of acts or professional services for which custom or propriety forbids a price to be set.’”<sup>193</sup> An honorarium may include such things as fees for speaking, fees for teaching, severance pay, and moving expenses.<sup>194</sup>

Not included in the honorarium prohibition are: (1) transportation and lodging expenses in connection with conferences or similar events where the councilmember provides services (e.g., addressing the audience) so long as the service is more than merely perfunctory (i.e., superficial); and (2) meals provided in connection with an event described in (1) above.<sup>195</sup>

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<sup>187</sup> *Valencia v. State*, No. 13-02-020-CR, 2004 WL 1416239 at \*2 (Tex. App.—Corpus Christi June 24, 2004, pet. ref’d)(not desig. for pub.); *see also* TEX. PENAL CODE § 36.02; *U.S. v. Jordan*, 365 F.Supp.3d 776 (E.D. Tex. 2019).

<sup>188</sup> TEX. PENAL CODE § 36.02(b).

<sup>189</sup> *Id.* § 36.01(3).

<sup>190</sup> *Valencia v. State*, No. 13-02-020-CR, 2004 WL 1416239 at \*3 (Tex. App.—Corpus Christi June 24, 2004, pet. ref’d)(not design. for pub.)(concluding that the offer to vote for or recommend the appointment of someone for a constable position is commensurate with an offer of a “benefit”); *but see Gándara v. State*, No. 08-15-00201-CR, 2016 WL 6780081 (Tex. App.—El Paso Nov. 16, 2016) (concluding that a sitting councilmember’s solicitation of a local business for public support of the city’s annexation in exchange for his efforts to “mediate” or “spearhead” favorable initiatives for the business did not constitute bribery).

<sup>191</sup> TEX. PENAL CODE § 36.02(e).

<sup>192</sup> *Id.* § 36.07(a); Texas Ethics Comm’n Op. No. 173 (1993).

<sup>193</sup> Tex. Att’y Gen. Op. No. GA-0354 (2005).

<sup>194</sup> *Id.*

<sup>195</sup> TEX. PENAL CODE § 36.07(b).

A councilmember may not solicit, accept, or agree to accept *any* benefit from a person the councilmember knows is interested in or likely to become interested in any contract, purchase, payment, claims, or transaction involving the exercise of the member's discretion.<sup>196</sup> Texas Penal Code Section 36.10 carves out exceptions under which a city official may accept certain gifts or benefits, including:

- (1) fees prescribed by law to be received by a councilmember or any other benefit to which the member is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a councilmember (e.g., a jury duty fee);
- (2) gifts given by a person with whom the councilmember has a familial, personal, business or professional relationship, independent of the member's official status (e.g., birthday gift from a family member);
- (3) certain benefits for which the councilmember files a statement under Chapter 572, Government Code, or a report under Title 15 of the Texas Election Code (TEX. ELEC. CODE § 251.001 *et seq.*);
- (4) political contributions as defined by Title 15 of the Texas Election Code (TEX. ELEC. CODE § 251.001 *et seq.*);
- (5) items with a value of less than \$50, excluding cash or a negotiable instrument (e.g., a check);<sup>197</sup>
- (6) items issued by a governmental entity that allow the use of property or facilities owned, leased, or operated by the governmental entity;
- (7) transportation, lodging, and meals that are allowed under the honorarium prohibition (Penal Code § 36.07(b));
- (8) certain complimentary legal advice or legal services rendered to a public servant who is a first responder; and
- (9) food, lodging, transportation, or entertainment accepted as a guest, if the donee is required by law to report those items.<sup>198</sup>

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<sup>196</sup> *Id.* § 36.08(d); *see also* Tex. Att'y Gen. Op. No. KP-0003 (2015) (concluding it is a fact question as to whether a sheriff, who has no authority to accept donations from the public to the county, engaged in illegal solicitation by attempting to raise funds to purchase scanning sonar for use in a lake patrol program). Texas Ethics Commission Opinion No. 543 (2017) concluded that, based on the facts described in the opinion, the executive director of a state agency would not receive an "honorarium" for purposes of Section 36.07(a) of the Penal Code or a "benefit" for purposes of Section 36.08 of the Penal Code by accepting a reimbursement of certain travel expenses that are payable by the state agency. The executive director would not be required to report the reimbursement on a personal financial statement.

<sup>197</sup> A prepaid debit card or gift card is considered to be cash for purposes of Section 36.10(a)(6) of the Penal Code. Tex. Ethics Comm'n Op. No. 541 (2017).

<sup>198</sup> TEX. PENAL CODE § 36.10.

If a city official receives an unsolicited benefit from someone under the official's jurisdiction that he is prohibited from accepting under Texas Penal Code Section 36.08, he may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.<sup>199</sup>

A violation of either the bribery or gift laws described above is a Class A misdemeanor.<sup>200</sup> There are no specific provisions in Chapter 36 of the Texas Penal Code providing for removal of a public official or employee due to a conviction under these laws. However, such a conviction may be grounds for removal under the "official misconduct" provisions of Texas Local Government Code Sections 21.025(a)(2) and 21.031(a) or through a recall or other removal action authorized by a city charter.

## **B. Falsification of Government Documents and the Misuse of Information**

City officials have access to and responsibility for documents and information. For instance: (1) under the Public Information Act, a councilmember acting in his official capacity may review records of the city without implicating the PIA's prohibition against selective disclosure;<sup>201</sup> and (2) under the Open Meetings Act, a councilmember may participate in a closed session to discuss the purchase or lease of real property.<sup>202</sup> Once a councilmember has access to city records or is privy to information not available to the public, it is important for a councilmember to understand what liability he or she may have in regard to those documents and that information.

### **1. Falsification of Governmental Records**

Penal Code Section 37.10 works to prevent, among other things, the falsification of governmental records. A governmental record is broadly defined to include, among other things, anything belonging to, received by, or kept by government for information, including court and election records.<sup>203</sup>

The following activities are prohibited: (1) knowingly making a false entry in or false alteration of a governmental record; (2) making, presenting, or using a record, document or thing with knowledge of its falsity and an intent that it be taken as a legitimate government record; (3) intentionally destroying, concealing, removing or impairing the truth, legibility, or availability of a governmental record; (4) possessing, selling, or offering to sell a governmental record or blank

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<sup>199</sup> *Id.* § 36.08(i).

<sup>200</sup> *Id.* §§ 36.07(c), 36.08(h).

<sup>201</sup> See, e.g., Tex. Att'y Gen. Op. No. JM-119 (1983) at 2 ("[W]hen a trustee of a community college district, acting in his official capacity, requests information maintained by the district, he is not a member of the 'public' for purposes of the Open Records Act."); Open Records Decision No. 666 at 2 (2000) ("[A] member of a governmental body who is acting in his or her official capacity is not a member of the public for purposes of access to information in the governmental body's possession. Thus, an authorized official may review records of the governmental body without implicating the Act's prohibition against selective disclosure.").

<sup>202</sup> TEX. GOV'T CODE § 551.072.

<sup>203</sup> TEX. PENAL CODE § 37.01(2).

form with the intent that it be used unlawfully; (5) making, presenting, or using a governmental record with knowledge of its falsity; or (6) possessing, selling, or offering to sell a governmental record or blank form with knowledge that it was obtained unlawfully.<sup>204</sup>

A violation of Section 37.10 can range from a misdemeanor to a third degree felony, depending upon the intent of the actor and type of record involved.

## **2. Misuse of Official Information**

Penal Code Section 39.06 proscribes the misuse of official information. A public servant commits an offense if, in reliance on information to which he has access by virtue of his office or employment and that has not been made public, he: (1) acquires or helps another acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information; (2) speculates or helps another speculate on the basis of the information; or (3) coerces another into suppressing or failing to report that information to a law enforcement agency.<sup>205</sup>

A public servant commits an offense if, with intent to obtain a benefit or intent to harm or defraud another, he discloses or uses information for a nongovernmental purpose that: (1) he has access to by means of his office or employment; and (2) is not public.<sup>206</sup> Conversely, a person commits an offense if, with intent to obtain a benefit or intent to harm or defraud another, he solicits or receives from a public servant information that: (1) the public servant has access to by mean of his office or employment; and (2) is not public.<sup>207</sup>

For purposes of this statute, “information that has not been made public” is information to which the public does not generally have access, and that is prohibited from disclosure under Chapter 552 of the Government Code (the Public Information Act),<sup>208</sup> such as the social security number of a peace officer where the officer has chosen to restrict access to that information or the proprietary information received from a third party in response to a request for proposals.

Coercing an employee into suppressing or failing to report information is a Class C misdemeanor.<sup>209</sup> Otherwise, the misuse of official information is a felony, the degree of which depends on the net pecuniary gain.<sup>210</sup>

## **3. Fraudulent Use or Possession of Identifying Information**

Penal Code Section 32.51 prohibits the fraudulent use or possession of identifying information (e.g., social security number, date of birth, fingerprints, bank account number). It is an offense,

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<sup>204</sup> *Id.* § 37.10(a).

<sup>205</sup> *Id.* § 39.06(a).

<sup>206</sup> *Id.* § 39.06(b).

<sup>207</sup> *Id.* § 39.06(c).

<sup>208</sup> *Id.* § 39.06(d).

<sup>209</sup> *Id.* § 39.06(f).

<sup>210</sup> *Id.* § 39.06(e).

with the intent to harm or defraud another, to obtain, possess, transfer or use an item of (1) identifying information of another person without that person's consent or effective consent; (2) information concerning a deceased person if obtained, possessed, transferred or used without legal authorization; or (3) identifying information of a child younger than eighteen years.<sup>211</sup> An offense is a felony.<sup>212</sup>

### C. Abuse of Official Capacity

A public servant may not intentionally or knowingly, with the intent to obtain a benefit or harm or defraud another, violate a law relating to the public servant's office or employment.<sup>213</sup> This provision may be best described as a "catch all" for bad government officials and because of its broad language may be used to attach a criminal penalty to varied conduct that may not have another criminal statute tied to it. A violation of this prohibition is a Class A misdemeanor.

A public servant may not intentionally or knowingly, with the intent to obtain a benefit or harm or defraud another, misuse government property, services, personnel or other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of his office or employment.<sup>214</sup> For example, a city councilmember may not: (1) use city staff to gather information for use in a reelection campaign;<sup>215</sup> (2) use city funds to purchase paint for use on his house;<sup>216</sup> or (3) use a city building to create a photo, video, or other communication for political advertising.<sup>217</sup> Items such as frequent flyer miles, rental car or hotel discounts, or food coupons are *not* things of value belonging to the government for the purposes of Penal Code section 39.02.<sup>218</sup>

The penalty for misusing government property, services, or personnel varies, depending upon the value of the thing misused:

- Class C misdemeanor if the value is less than \$100;
- Class B misdemeanor if the value is \$100 or more but less than \$750;
- Class A misdemeanor if the value is \$750 or more but less than \$2,500;
- State jail felony if the value is \$2,500 or more but less than \$30,000;
- Third degree felony if the value is \$30,000 or more but less than \$150,000;

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<sup>211</sup> *Id.* § 32.51(b).

<sup>212</sup> *Id.* § 32.51(c).

<sup>213</sup> *Id.* § 39.02(a).

<sup>214</sup> *Id.*

<sup>215</sup> See Tex. Ethics Comm'n Op. Nos. 522 (2014) (concluding that the work time of state employees is a thing of value belonging to the state and may not be misused by state employees or members of the legislature; and the use of a legislative employee's work time for purely personal activities would not further a state purpose and would constitute a misuse), 431 (2000) (concluding that it is a misuse of state resources for a legislator to use legislative staff members to gather information for use at a campaign fundraiser).

<sup>216</sup> See *State v. Trevino*, 930 S.W.2d 713, 714 (Tex. App.—Corpus Christi 1996, pet. ref'd) (describing the indictment of a city maintenance director who instructed employees to purchase paint for use to paint the city manager's home).

<sup>217</sup> See Tex. Ethics Comm'n Op. Nos. 550 (2019).

<sup>218</sup> TEX. PENAL CODE § 39.02(d).

- Second degree felony if the value is \$150,000 or more but less than \$300,000; and
- First degree felony if the value is \$300,000 or more.<sup>219</sup>

#### **D. Official Oppression**

A public servant commits an offense by acting under color of his office or employment to intentionally: (1) subject another person to mistreatment, arrest, detention, search, seizure, dispossession, assessment, or lien that the public servant knows is unlawful; (2) deny or impede another person in the exercise or enjoyment of a right, privilege, power, or immunity, knowing his conduct is unlawful; or (3) subject another to sexual harassment.<sup>220</sup> These offenses constitute a Class A misdemeanor, except that it's a third degree felony if the public servant tries to impair the accuracy of data reported to the Texas Education Agency through the Public Education Information Management System.<sup>221</sup>

#### **E. Forgery**

To “forge” something means to alter, make complete, execute, or authenticate any writing so that it purports: (1) to be the act of a person who did not authorize that act; (2) to have been executed at a time, place, or in a sequence other than was in fact the case; or (3) to be a copy of an original when no such original exists.<sup>222</sup> The term also means to issue, transfer, register the transfer of, pass, publish, or otherwise utter a writing that is forged or to possess the same.<sup>223</sup>

It is an offense to forge a writing with the intent to defraud or harm another.<sup>224</sup> An offense ranges from a misdemeanor to a felony. With certain exceptions, it is a third degree felony to forge a writing that is or purports to be a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, by another state, or by the United States.<sup>225</sup> And a person is presumed to intend to defraud or harm another if the person acts with respect to two or more writings of the same type and if each writing is one of the government writings listed above.<sup>226</sup>

#### **F. Theft**

It is unlawful to appropriate property with the intent to deprive the owner of the property.<sup>227</sup> There is a value ladder to determine the punishment range such that the higher the value of the property stolen, the more severe the punishment. An offense is increased to the next higher category of offense if: (1) the actor was a public servant at the time of the offense and the property appropriated came into the actor’s custody, possession, or control by virtue of his status as a public servant; or

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<sup>219</sup> *Id.* § 39.02(c).

<sup>220</sup> *Id.* § 39.03(a).

<sup>221</sup> *Id.* § 39.03(d).

<sup>222</sup> *Id.* § 32.21(a).

<sup>223</sup> *Id.*

<sup>224</sup> *Id.* § 32.21(b).

<sup>225</sup> *Id.* § 32.21(e).

<sup>226</sup> *Id.* § 32.21(f).

<sup>227</sup> *Id.* § 31.03(a).

(2) the actor was in a contractual relationship with government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of that contractual relationship.<sup>228</sup>

## VI. CEMETERIES

Cities with cemeteries should be aware that an officer, agent, or employee of a city commits a criminal offense (ranging from a Class A misdemeanor to a second degree felony) if the person:

- (1) engages in a business for cemetery purposes other than through a corporation organized for that purpose, if a corporation is required by law;
- (2) fails or refuses to keep records of interment as required by state law;
- (3) sells, offers to sell, or advertises for sale a plot or the exclusive right of sepulture in a plot for purposes of speculation or investment;
- (4) represents through advertising or printed material that a retail department will be established for the resale of the plots of plot purchasers, that improvements will be made in the cemetery, or that merchandise or services will be furnished to a plot owner, unless adequate funds or reserves are created by the cemetery organization for the represented purpose;
- (5) makes more than one interment in a plot in a cemetery operated by a cemetery organization other than as provided by law;
- (6) removes remains from a plot in a cemetery operated by a cemetery organization without complying with state law;
- (7) offers or receives monetary inducement to solicit business for a cemetery broker; or
- (8) fails or refuses to keep records of sales or resales or to collect and remit fees as required by state law.<sup>229</sup>

There are additional prohibitions placed on officers, agents, and employees of cemetery organizations.<sup>230</sup> The Finance Commission of Texas is authorized to adopt rules to implement these prohibitions.<sup>231</sup>

## VII. POLITICAL CONTRIBUTIONS, POLITICAL ADVERTISING, AND CAMPAIGN COMMUNICATIONS

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<sup>228</sup> *Id.* § 31.03(f).

<sup>229</sup> TEX. HEALTH & SAFETY CODE § 711.052.

<sup>230</sup> *Id.* § 711.001(7) (defining "cemetery organization" to mean: (1) an unincorporated association of plot owners not operated for profit that is authorized by its articles of association to conduct a business for cemetery purposes; or (2) a corporation, as defined by Section 712.001(b)(3), that is authorized by its certificate of formation or its registration to conduct a business for cemetery purposes).

<sup>231</sup> *Id.* § 711.012.

The Texas Ethics Commission (TEC) is the best source of information for a candidate or an official regarding unlawful political contributions, political advertising, and campaign communications because TEC is charged by state law with administering and enforcing Title 15 of the Election Code (TEX. ELEC. CODE § 251 *et seq.*), which governs these matters.<sup>232</sup> That said, the following information highlights several key provisions of which candidates and officials should be aware.

#### **A. Political Contributions**

There are various prohibitions related to making and accepting political contributions, including prohibitions against accepting contributions without a campaign treasurer appointment in effect<sup>233</sup> and accepting cash contributions that exceed \$100.<sup>234</sup> Violations of these two prohibitions are Class A misdemeanors. The Election Code also prohibits the conversion of political contributions for personal use.<sup>235</sup>

Chapter 253 of the Election Code provides not only criminal but also civil liability for violations of its provisions. For instance, a person who knowingly makes or accepts a campaign contribution in violation of Chapter 253 may have to pay an opposing candidate damages amounting to twice the value of the unlawful contribution or expenditure and attorney's fees.<sup>236</sup>

#### **B. Political Advertising and Campaign Communications**

Certain disclosures must be made in relation to political advertising. “[P]olitical advertising that contains express advocacy is required to include a disclosure statement. The person who causes the political advertising to be published, distributed, or broadcast is responsible for including the disclosure statement.”<sup>237</sup> A violation may result in a civil penalty in an amount determined by the TEC.

There are restrictions on the contents of political advertising and campaign communications. Political advertising and campaign communications must not misrepresent a person's identity or title or the source of the advertising or communication.<sup>238</sup> A violation is a misdemeanor offense.<sup>239</sup> A TEC publication entitled “Political Advertising: What You Need to Know” is available here [https://www.ethics.state.tx.us/data/resources/advertising/Gpol\\_adv.pdf](https://www.ethics.state.tx.us/data/resources/advertising/Gpol_adv.pdf).

There are restrictions on the use of a city's internal mail system to distribute political advertising. Officers and employees of a city are prohibited from knowingly using or authorizing the use of an

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<sup>232</sup> TEX. GOV'T CODE § 571.061(a)(3).

<sup>233</sup> TEX. ELEC. CODE § 253.031.

<sup>234</sup> *Id.* § 253.033.

<sup>235</sup> *Id.* § 253.035.

<sup>236</sup> *Id.* § 253.131.

<sup>237</sup> TEX. ETHICS COMM'N, POLITICAL ADVERTISING: WHAT YOU NEED TO KNOW (July 16, 2019), *available at* [https://www.ethics.state.tx.us/data/resources/advertising/Gpol\\_adv.pdf](https://www.ethics.state.tx.us/data/resources/advertising/Gpol_adv.pdf); *see also* TEX. ELEC. CODE § 255.001. There are certain exceptions to these rules.

<sup>238</sup> *Id.* §§ 255.004–006.

<sup>239</sup> *Id.*

internal mail system for the distribution of political advertising.<sup>240</sup> The prohibition does not apply to use of the city's mail system to distribute political advertising that: (1) is delivered to the city's premises through the U.S. postal service; or (2) is the subject of or related to an investigation, hearing, or other official proceeding of the city.<sup>241</sup> A violation of the prohibition is a Class A misdemeanor.<sup>242</sup>

Finally, it is important for a city official to understand the limitations on spending city funds or using city resources<sup>243</sup> for political advertising. City officers and employees are prohibited from knowingly spending city funds for political advertising. The prohibition does not apply to a communication that factually describes the purpose of a measure so long as it does not advocate the passage or defeat of the measure.<sup>244</sup> A permissible communication may not, however, contain false information that is likely to influence a voter to vote for or against the measure.<sup>245</sup> A violation of these prohibitions is a Class A misdemeanor. Additionally, an officer or employee could be fined by the TEC. A city council that has ordered an election on a measure (e.g., a bond election), may request the TEC to issue a written advisory opinion as to whether a particular communication violates these prohibitions and the written opinion, among other things, serves as an affirmative defense to prosecution or imposition of a civil penalty. The TEC website has a "A Short Guide to the Prohibition Against Using Political Subdivision Resources for Political Advertising in Connection with an Election" available [here](#).

## **VIII. RANGES OF PUNISHMENT**

Following is a list of the various levels of punishment prescribed by the Texas Penal Code and referenced throughout this Primer:

- Class C Misdemeanor – punishable by a fine not to exceed \$500.<sup>246</sup>
- Class B Misdemeanor – punishable by a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days, or both.<sup>247</sup>
- Class A Misdemeanor – punishable by a fine not to exceed \$4,000, confinement in jail for a term not to exceed one year, or both.<sup>248</sup>
- State Jail Felony – generally punishable by confinement in jail for a term of not more than two years or less than 180 days, a fine not to exceed \$10,000, or both.<sup>249</sup>

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<sup>240</sup> *Id.* § 255.0031.

<sup>241</sup> *Id.*

<sup>242</sup> *Id.*

<sup>243</sup> See, e.g., Tex. Ethics Comm'n Op. No. 550 (2019) (concluding that a municipal officer is prohibited from using government resources, such as the officer's office in a government building, to create a photo, video, or other communication for political advertising).

<sup>244</sup> TEX. ELEC. CODE § 255.003.

<sup>245</sup> *Id.*

<sup>246</sup> TEX. PENAL CODE § 12.23.

<sup>247</sup> *Id.* § 12.22.

<sup>248</sup> *Id.* § 12.21.

<sup>249</sup> *Id.* § 12.35.

- Third Degree Felony—punishable by imprisonment for a term of not more than ten years or less than two years, a fine not to exceed \$10,000, or both.<sup>250</sup>
- Second Degree Felony—punishable by imprisonment for a term of not more than twenty years or less than two years, a fine not to exceed \$10,000, or both.<sup>251</sup>
- First Degree Felony—punishable by imprisonment for life or for any term of not more than 99 years or less than 5 years, a fine not to exceed \$10,000, or both.<sup>252</sup>

## IX. LEGAL EXPENSES

Service as a city official brings with it duties and responsibilities that are unique to public servants. Public officials often enjoy immunity from suits arising from their actions as a public official. And, to the extent that the Legislature has waived that immunity, the Legislature may have limited an official's liability and/or provided that officials may be indemnified.<sup>253</sup>

In the absence of a governing statute, the attorney general has opined that city officials may have their legal expenses paid for in *civil* suits brought against them personally if a majority of the city council determines: (1) payment of the legal fees serve a public interest and not merely the defendant's private interest; and (2) the officer committed the alleged action or omission forming the basis of the suit while acting in good faith within the scope of his or her official duties.<sup>254</sup> It is common for a city to purchase insurance (sometimes referred to as "errors and omissions insurance") that may provide coverage for officials in this regard.

The payment of legal expenses in relation to a *criminal* prosecution is analyzed differently. An official must pay criminal defense costs up-front because a city may not pay the expenses of an official who is found guilty of criminal charges. In other words, a city must defer payment of criminal legal expenses until they know the outcome of the case.<sup>255</sup> If a public official is found not guilty, a city has discretion to pay for a person's legal expenses in a criminal matter upon findings that the payment furthers a city purpose and that the prosecution was for an act performed in the bona fide performance of official duties.<sup>256</sup> A city councilmember is disqualified from

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<sup>250</sup> *Id.* § 12.34.

<sup>251</sup> *Id.* § 12.33.

<sup>252</sup> *Id.* § 12.32.

<sup>253</sup> See, e.g., TEX. CIV. PRAC. & REM. CODE §§ 102.004 ("A local government may provide legal counsel to represent a defendant for whom the local government may pay damages under this chapter."), 108.002 (discussing a public servant's liability limitation and referencing a city's authority to indemnify the public servant).

<sup>254</sup> See, e.g., Tex. Att'y Gen. Op. Nos. JC-0294 (2000), H-887 (1976); *see also* Tex. Att'y Gen. Op. No. KP-0040 (2015) (concluding that it is unlikely that a public interest is served in paying legal expenses associated with a challenge to an elected official's qualifications for office).

<sup>255</sup> See Tex. Att'y Gen. Op. Nos. KP-0037 (2015), JC-0294 (2000) at 1 ("[A] governmental body may not decide to pay the legal expenses incurred by a public officer or employee in defending against a criminal prosecution until it knows the outcome of the prosecution.").

<sup>256</sup> Tex. Att'y Gen. Op. No. JC-0294 (2000) at 6 (opining that previous cases concluding that public funds could not be used to defend a public officer in a criminal prosecution would likely not be followed today); *see also* Tex. Att'y Gen. Op. No. KP-0016 n.4 (2015) (explaining that JC-0294 "should not be read as precluding the payment of

voting on the issue of whether to pay his or her own legal fees, or the legal fees of another city councilmember indicted on the same facts for the same offense.<sup>257</sup> If a public official is found guilty, the city is prohibited from paying the expenses.<sup>258</sup>

Some cities also have ordinances and/or charter provisions that address the payment of legal defense costs and indemnification of city officials.

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attorney's fees for services rendered in a criminal matter that concludes favorably at the grand jury stage", i.e., before charges are filed).

<sup>257</sup> Tex. Att'y Gen. Op. Nos. KP-0016 (2015) at 3, JC-0294 (2000) at 1, 6 (citing *City of Del Rio v. Lowe*, 111 S.W.2d 1208 (Tex. Civ. App.—San Antonio 1937), *rev'd on other grounds*, 122 S.W.2d 1919 (Tex. 1938)).

<sup>258</sup> *Id.* at 1, 9.

## CERTIFICATE OF WITHDRAWAL

I, \_\_\_\_\_, a candidate for the office of \_\_\_\_\_, hereby withdraw my candidacy from the \_\_\_\_\_ election. The election is being conducted by \_\_\_\_\_ and is to be held on \_\_\_\_\_.  
 (political subdivision/county/party) (date)

\_\_\_\_\_  
**Signature of Candidate**

"The State of \_\_\_\_\_,

"County of \_\_\_\_\_,

"This instrument was acknowledged before me on \_\_\_\_\_ by  
 (date)

\_\_\_\_\_.  
 (withdrawing candidate)

\_\_\_\_\_  
**(Signature of officer)**

(Seal)

\_\_\_\_\_  
**(Title of officer)**

My commission expires: \_\_\_\_\_

*Forma prescrita por la Secretaría de Estado  
 Fracción 145.001 del Código Electoral de Texas*

## *CONSTANCIA DE RETIRO DE CANDIDATURA*

*Yo, \_\_\_\_\_, candidato/a al cargo de \_\_\_\_\_, por  
 este medio retiro mi candidatura de la elección \_\_\_\_\_. Dicha elección  
 estará a cargo de \_\_\_\_\_ y se celebrará el \_\_\_\_\_.  
 (subdivisión política/condado/partido) (fecha)*

\_\_\_\_\_  
**Firma del/de la Candidato/a**

*"El estado de \_\_\_\_\_,*

*"Condado de \_\_\_\_\_,*

*"El presente instrumento fue reconocido ante mí el \_\_\_\_\_ por  
 (fecha)*

\_\_\_\_\_.  
*(persona que retira su candidatura)*

\_\_\_\_\_  
**Firma del/de la Oficial**

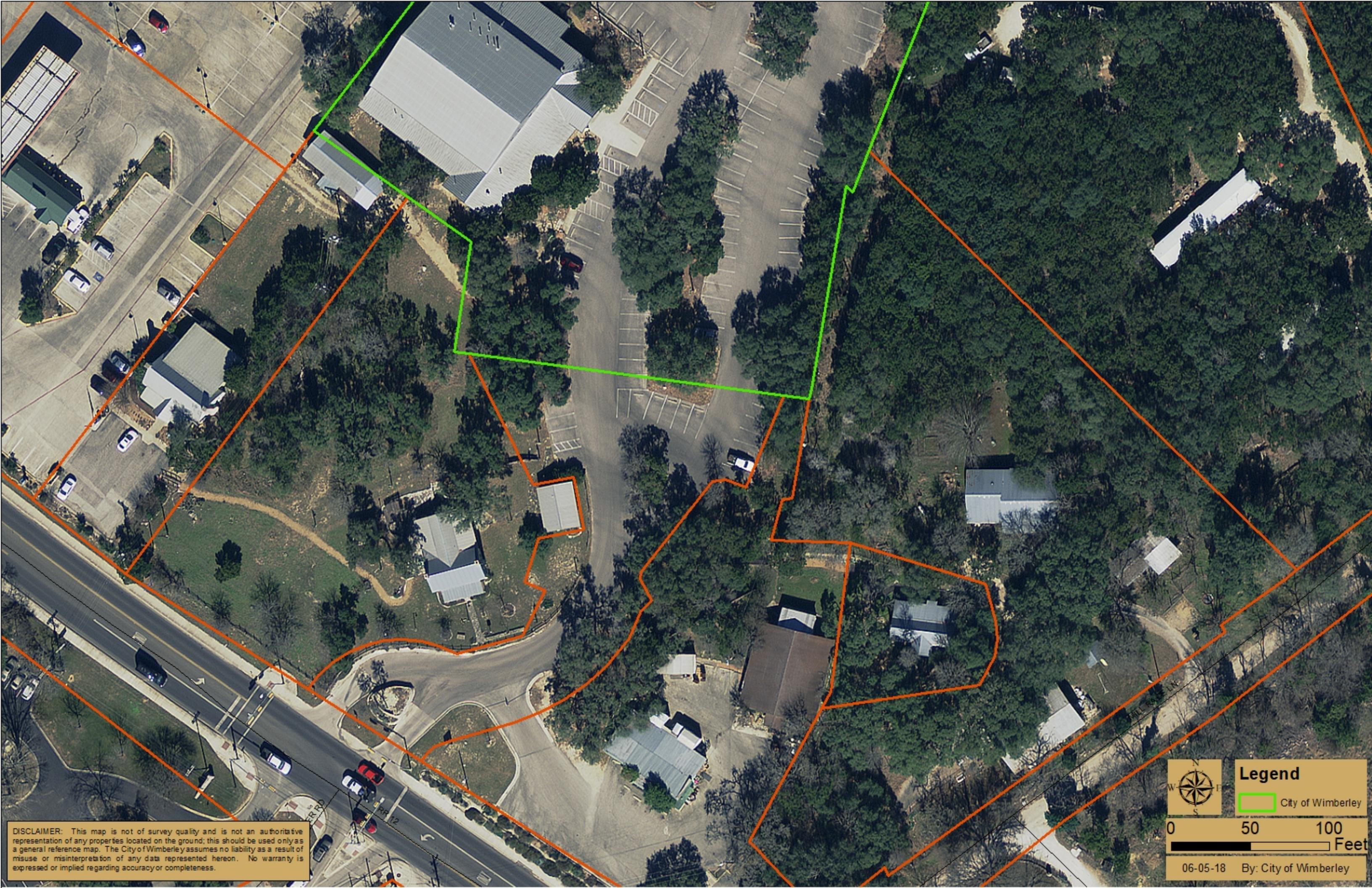
(Seal)

\_\_\_\_\_  
**(Título del/de la Oficial)**

*(Mi cargo se vence el): \_\_\_\_\_*

## **Wimberley Community Center Policies & Procedures Relating to Placement of Temporary Signs**

For purposes of this Policy, Users are defined as those users that have approved Facility rental agreements with the City or are candidates for political office when the Facility is established as a polling location for election purposes. Users of the Facility may place temporary signage on the grounds, outside the Facility, at locations designated by the City of Wimberley. Designated areas include the landscaped islands in the parking lot and the landscaped area on the south side of the entrance drive. Signs may not be placed past the entrance to the adjacent property (the Thrift Shoppe). Such signage may be put up no earlier than the midnight of the night before the use and signs must be removed no later than one (1) hour following the conclusion of the use. No temporary signage shall be permitted on the entrance island to the WCC or on the rock wall on the north side of the entrance (the Winters-Wimberley House side). Signs may be removed by the City at any time if it determines, in its sole discretion, that the sign is a traffic, safety, or other hazard to the public, or is in violation of this Policy.



### Legend

City of Wimberley

0 50 100

Feet

06-05-18 By: City of Wimberley

**DISCLAIMER:** This map is not of survey quality and is not an authoritative representation of any properties located on the ground; this should be used only as a general reference map. The City of Wimberley assumes no liability as a result of misuse or misinterpretation of any data represented hereon. No warranty is expressed or implied regarding accuracy or completeness.

# **POLITICAL ADVERTISING**

## **What You Need to Know**



The Texas Election Code requires certain disclosures and notices on political advertising. The law also prohibits certain types of misrepresentation in political advertising and campaign communications. This brochure explains what you need to know to insure that your political advertising and campaign communications comply with the law.

If you are not sure what the law requires, do the cautious thing. Use the political advertising disclosure statement whenever you think it might be necessary, and do not use any possibly misleading information in political advertising or a campaign communication. If you are using political advertising or campaign communications from a prior campaign, you should check to see if the law has changed since that campaign.

Candidates for federal office should check with the Federal Election Commission at (800) 424-9530 for information on federal political advertising laws.

**NOTICE:** This guide is intended only as a general overview of the disclosure statements that must appear on political advertising as required under [Chapter 255 of the Election Code](#), which is distinct from political reporting requirements under [Chapter 254 of the Election Code](#).

**Texas Ethics Commission**  
**P.O. Box 12070**  
**Austin, Texas 78711-2070**

**(512) 463-5800**

**TDD (800) 735-2989**

**Visit us at [www.ethics.state.tx.us](http://www.ethics.state.tx.us).**

## REQUIRED DISCLOSURE ON POLITICAL ADVERTISING

### I. What Is Political Advertising?

The disclosure statement and notice requirements discussed in this section apply to “political advertising.” In the law, “political advertising” is a specifically defined term. Do not confuse this special term with your own common-sense understanding of advertising.

To figure out if a communication is political advertising, you must look at what it says and where it appears. If a communication fits in one of the categories listed in Part A (below) and if it fits in one of the categories listed in Part B (below), it is political advertising.

#### Part A. What Does It Say?

1. Political advertising includes communications supporting or opposing a candidate for nomination or election to either a public office or an office of a political party (including county and precinct chairs).
2. Political advertising includes communications supporting or opposing an officeholder, a political party, or a measure (a ballot proposition).

#### Part B. Where Does It Appear?

1. Political advertising includes communications that appear in pamphlets, circulars, fliers, billboards or other signs, bumper stickers, or similar forms of written communication.
2. Political advertising includes communications that are published in newspapers, magazines, or other periodicals in return for consideration.
3. Political advertising includes communications that are broadcast by radio or television in return for consideration.
4. Political advertising includes communications that appear on an Internet website.

### II. When Is a Disclosure Statement Required?

The law provides that political advertising that contains express advocacy is required to include a disclosure statement. The person who causes the political advertising to be published, distributed, or broadcast is responsible for including the disclosure statement.

The law does not define the term “express advocacy.” However, the law does provide that political advertising is deemed to contain express advocacy if it is authorized by a candidate, an agent of a candidate, or a political committee filing campaign finance reports. Therefore, a disclosure statement is required any time a candidate, a candidate’s agent, or a political committee authorizes political advertising.

The precise language of political advertising authorized by someone other than a candidate, the candidate's agent, or a political committee will determine if the advertising contains express advocacy and is therefore required to include a disclosure statement. Generally, the question is whether the communication expressly advocates the election or defeat of an identified candidate, or expressly advocates the passage or defeat of a measure, such as a bond election. The inclusion of words such as "vote for," "elect," "support," "defeat," "reject," or "Smith for Senate" would clearly constitute express advocacy, but express advocacy is not limited to communications that use those words. Similar phrases, such as "Cast your ballot for X," would also constitute express advocacy. Additionally, in 2007, the United States Supreme Court held that an advertisement included express advocacy or its functional equivalent "if the ad is susceptible to no reasonable interpretation other than as an appeal to vote for or against a specific candidate." FEC v. Wis. Right to Life, Inc., 551 U.S. 449 (2007). It is a question of fact whether a particular communication constitutes express advocacy. If you are not sure whether political advertising contains express advocacy, do the cautious thing and include the disclosure statement. That way, there is no need to worry about whether you have violated the law.

Remember: The concept of "express advocacy" is relevant in determining whether political advertising is required to include a disclosure statement. However, the political advertising laws governing the right-of-way notice, misrepresentation, and use of public funds by political subdivisions will apply to political advertising regardless of whether the advertising contains express advocacy.

### **III. What Should the Disclosure Statement Say?**

A disclosure statement must include the following:

1. the words "political advertising" or a recognizable abbreviation such as "pol. adv."; and
2. the full name of one of the following: (a) the person who paid for the political advertising; (b) the political committee authorizing the political advertising; or (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

The disclosure statement must appear on the face of the political advertising or be clearly spoken if the political advertising is audio only and does not include written text.

The advertising should not be attributed to entities such as "Committee to Elect John Doe" unless a specific-purpose committee named "Committee to Elect John Doe" has filed a campaign treasurer appointment with the Ethics Commission or a local filing authority.

### **IV. Are There Any Exceptions to the Disclosure Statement Requirement?**

The following types of political advertising do not need the disclosure statement:

1. t-shirts, balloons, buttons, emery boards, hats, lapel stickers, small magnets, pencils, pens, pins, wooden nickels, candy wrappers, and similar materials;
2. invitations or tickets to political fundraising events or to events held to establish support for a candidate or officeholder;

3. an envelope that is used to transmit political advertising, provided that the political advertising in the envelope includes the disclosure statement;
4. circulars or fliers that cost in the aggregate less than \$500 to publish and distribute;
5. political advertising printed on letterhead stationery, if the letterhead includes the name of one of the following: (a) the person who paid for the advertising, (b) the political committee authorizing the advertising, or, (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. (Note: There is also an exception for holiday greeting cards sent by an officeholder, provided that the officeholder's name and address appear on the card or the envelope.)
6. postings or re-postings on an Internet website if the person posting or re-posting is not an officeholder, candidate, or political committee and did not make an expenditure exceeding \$100 in a reporting period for political advertising beyond the basic cost of hardware messaging software and bandwidth;
7. an Internet social media profile webpage of a candidate or officeholder, if the webpage clearly and conspicuously displays the full name of the candidate or officeholder; and
8. postings or re-postings on an Internet website if the advertising is posted with a link to a publicly viewable Internet webpage that either contains the disclosure statement or is an Internet social media profile webpage of a candidate or officeholder that clearly and conspicuously displays the candidate's or officeholder's full name.

## **V. What Should I Do If I Discover That My Political Advertising Does Not Contain a Disclosure Statement?**

The law prohibits a person from using, causing or permitting to be used, or continuing to use political advertising containing express advocacy if the person knows it does not include the disclosure statement. A person is presumed to know that the use is prohibited if the Texas Ethics Commission notifies the person in writing that the use is prohibited. If you receive notice from the Texas Ethics Commission that your political advertising does not comply with the law, you should stop using it immediately.

If you learn that a political advertising sign designed to be seen from the road does not contain a disclosure statement or contains an inaccurate disclosure statement, you should make a good faith attempt to remove or correct those signs that have been distributed. You are not required to attempt to recover other types of political advertising that have been distributed with a missing or inaccurate disclosure statement.

## **VI. The Fair Campaign Practices Act.**

The [Fair Campaign Practices Act](#) sets out basic rules of decency, honesty, and fair play to be followed by candidates and political committees during a campaign. A candidate or political committee may choose to subscribe to the voluntary code by signing a copy of the code and filing it with the authority with whom the candidate or committee is required to file its campaign

treasurer appointment. A person subscribing to the code may indicate that fact on political advertising by including the following or a substantially similar statement:

**(Name of the candidate or political committee, as appropriate) subscribes to the Code of Fair Campaign Practices.**

## **VII. Special Notice to Political Subdivisions and School Districts.**

You may not use public funds or resources for political advertising. Please see our “Publications and Guides” section of our website for more information.

# **ROAD SIGNS**

### **I. When Is the “Right-Of-Way” Notice Required?**

All written political advertising that is meant to be seen from a road must carry a “right-of-way” notice. It is a criminal offense to omit the “right-of-way” notice in the following circumstances:

1. if you enter into a contract or agreement to print or make written political advertising meant to be seen from a road; or
2. if you instruct another person to place the written political advertising meant to be seen from a road.

### **II. What Should the “Right-Of-Way” Notice Say?**

Section 259.001 of the Texas Election Code prescribes the exact language of the notice:

**NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE) TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY.**

### **III. Do Yard Signs Have to Have the “Right-Of-Way” Notice?**

Yes. The “right-of-way” notice requirement applies to signs meant to be seen from any road. The notice requirement assures that a person responsible for placing signs is aware of the restriction on placing the sign in the right-of-way of a highway.

### **IV. What About Bumper Stickers?**

Bumper stickers do not need the “right-of-way” notice. They do, however, need a political advertising disclosure statement.

### **V. Where May I Place My Signs and How Long May Signs Be Posted?**

For information about exactly where you may or may not place signs, or for information regarding the length of time your signs may be posted, check with your city or county government or your homeowner’s association. The Texas Ethics Commission does not have

jurisdiction over matters involving the location of signs, and the length of time that they may be posted.

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## **MISREPRESENTATION**

### **I. Are There Restrictions on the Contents of Political Advertising?**

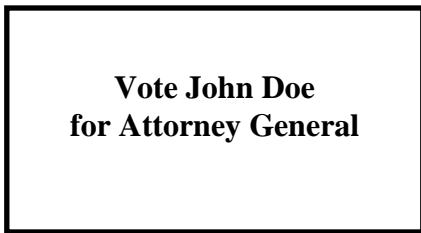
Political advertising and campaign communications may not misrepresent a person's identity or official title, nor may they misrepresent the true source of the advertising or communication. The election law does not address other types of misrepresentation in political advertising or campaign communications.

Note that the misrepresentation rules apply to both political advertising and campaign communications. "Campaign communication" is a broader term than "political advertising."

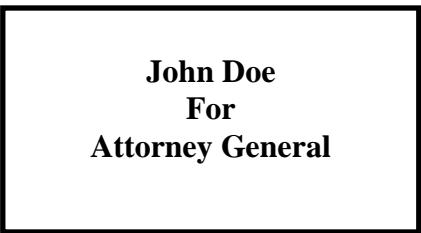
A "campaign communication" means "a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure."

### **II. Misrepresentation of Office Title.**

A candidate may not represent that he or she holds an office that he or she does not hold at the time of the representation. **If you are not the incumbent in the office you are seeking, you must make it clear that you are seeking election rather than reelection by using the word "for" to clarify that you don't hold that office.** The word "for" must be at least one-half the type size as the name of the office and should appear immediately before the name of the office. For example, a non-incumbent may use the following formats:

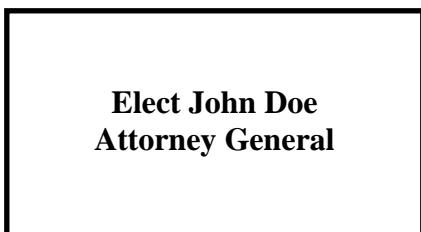


**Vote John Doe  
for Attorney General**

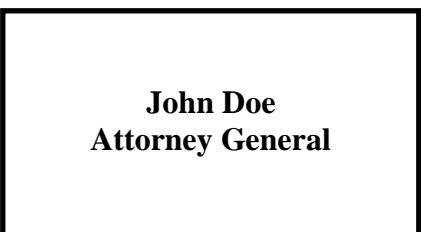


**John Doe  
For  
Attorney General**

A non-incumbent may not be allowed to use the following verbiage:



**Elect John Doe  
Attorney General**



**John Doe  
Attorney General**

### **III. Misrepresentation of Identity or Source.**

A person violates the law if, with intent to injure a candidate or influence the result of an election, the person misrepresents the source of political advertising or a campaign communication or if the person misrepresents his or her own identity or the identity of his or her agent in political advertising or in a campaign communication. (If someone else is doing something for you, that person is your agent.) For example, you may not take out an ad in favor of your opponent that purports to be sponsored by a notoriously unpopular group.

### **IV. Use of State Seal.**

Only current officeholders may use the state seal in political advertising.

### **V. Criminal Offenses.**

Be aware that many violations of the Election Code are criminal offenses. For example, unlawfully using public funds for political advertising can be a Class A misdemeanor. So can misrepresenting one's identity or office title in political advertising. For more details on these offenses and political advertising in general, see [Chapter 255 of the Election Code](#).

Search TxDOT



## Campaign Signs

[Texas Department of Transportation](#) > [Inside TxDOT](#) > [Divisions](#) > [Right of Way](#)

During campaign season, the landscape blooms with a special kind of flower - the political sign. Unlike wildflowers that are welcome anywhere, putting campaign signs on public lands is illegal. So before you plant that sign, learn the law and keep Texas beautiful. TxDOT only regulates campaign signs under chapter 394 of the Texas Transportation Code.

### You Need to Know

- It is illegal to place any signs on or within the right of way. This includes posting signs on trees, telephone poles, traffic signs and other objects on the right of way.
- Campaign signs along Texas roads can be placed on private property with the owner's permission.
- Before placing a sign inside of incorporated city limits, check with the city for applicable ordinances.

More information can be found in the [Political and Campaign Signs pamphlet](#).

### Sign Removal

If you've placed your sign in the right of way or it's posing a traffic hazard, we will remove it without prior notice. All costs associated with sign removal will be paid by the sign owner.

### More Information

TxDOT only controls the placement of signs in relation to the highway. For other questions concerning campaign signs or political advertising, you may wish to visit the [Texas Ethics Commission](#).

### Contact Us

(512) 416-3030

[Email](#)