



CITY OF WIMBERLEY

GENERAL ELECTION CANDIDATE PACKET Saturday, May 2, 2020

General Election Filing Positions

Mayor

Place Two

Place Four



CANDIDATE PACKET TABLE OF CONTENTS

1. Letter from the City Secretary
2. Important Dates for the 2020 General Election/2020 Election Calendar
3. Frequently Asked Questions
4. Texas Municipal League's Guide to Becoming a City Official
5. First Steps for Candidates Running for a City Office
6. Notice of Deadline to File Applications
7. Application for Place on the City of Wimberley General Election Ballot
8. Campaign Finance Guide for Candidates & Officeholders
9. Appointment of Campaign Treasurer Forms (Form CTA & Form ACTA) & Instruction Guides
10. Campaign Finance Reporting Forms (Form C/OH & Form COR-C/OH) & Instruction Guide
11. Unexpended Contributions Reporting Form (Form C/OH-UC) & Instruction Guide
12. City of Wimberley Code of Ethics & Financial Disclosure Statement
13. Code of Fair Campaign Practices Form (Form CFCP) & Fair Campaign Practices Act
14. Information on Texas Conflicts of Interest Laws and Forms (Form CIS & Form CIQ)
15. Certificate of Withdrawal
16. Local & State Information on Political Advertising & Signs

December 31, 2019

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 2020 General Election will be held on Saturday, May 2, 2020, to elect persons for the offices of Mayor, Place Two and Place Four. The term of office for the three positions is two years, from May 2020 to May 2022.

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 15, 2020 and must be filed in my **office no later than 5:00 p.m., Friday, February 14, 2020. 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 2020 City of Wimberley General Election are enclosed and can be found at <https://www.cityofwimberley.com/2020elections>. For general questions regarding elections, please contact the Secretary of State at 1-800-252-8683, or online at 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.

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 lcalcote@cityofwimberley.com or (512) 847-0025, ext: 26.

Best regards,



Laura J. Calcote, MPA, TRMC
City Secretary



IMPORTANT DATES FOR THE 2020 GENERAL ELECTION

Wednesday, January 1, 2020	<ul style="list-style-type: none"> • First day to apply for a ballot by mail
Wednesday, January 15, 2020	<ul style="list-style-type: none"> • First day candidates may file an application for place on the ballot in the General Election* (Office Hours: Monday – Friday, 9:00 a.m. to 5:00 p.m.) • First day for filing declaration of write-in candidacy • At this time, the appointment of a Campaign Treasurer Form (CTA) may be submitted
Friday, February 14, 2020	<ul style="list-style-type: none"> • 5:00 p.m. deadline – Last day candidates may file an application for place on the ballot in the General Election* (Office Hours: Monday – Friday, 9:00 a.m. to 5:00 p.m.) • Appointment of a Campaign Treasurer Form (CTA) must also be received by 5:00 p.m. • Post notice to draw names for order on ballot
Tuesday, February 18, 2020	<ul style="list-style-type: none"> • 5:00 p.m. deadline – Last day for write-in candidates to declare candidacy in the General Election
Friday, February 21, 2020	<ul style="list-style-type: none"> • 5:00 p.m. deadline – Last day for a ballot candidate in the General Election to withdraw; Last day that a declaration of ineligibility causes omission of candidate’s name from ballot • 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
Monday, February 24, 2020	<ul style="list-style-type: none"> • 2:00 p.m. – Drawing for order of names on ballot at City Hall • Need to certify ballot to Elections Administrator (names as they will appear on ballot and the order)
Thursday, April 2, 2020	<ul style="list-style-type: none"> • 5:00 p.m. deadline – First filing of Campaign Finance Report* (Form C/OH) • Last day to submit voter registration application to Hays County Voter Registrar in time to vote in the May 2, 2020 General Election
Friday, April 17, 2020	<ul style="list-style-type: none"> • 5:00 p.m. deadline – Last day for Hays County Elections Administrator to receive application from voter delivered in person for a ballot to be voted by mail
Monday, April 20, 2020	<ul style="list-style-type: none"> • First day of early voting by personal appearance • 5:00 p.m. deadline – Last day for Hays County Elections Administrator to receive an application by mail for a ballot to be voted by mail

Friday, April 24, 2020	<ul style="list-style-type: none"> • 5:00 p.m. deadline – Second filing of Campaign Finance Report* (Form C/OH)
Tuesday, April 28, 2020	<ul style="list-style-type: none"> • Last day for early voting by personal appearance
Saturday, May 2, 2020	<ul style="list-style-type: none"> • ELECTION DAY (Polls open from 7:00 a.m. to 7:00 p.m.) • Unofficial Tabulation of Results
Friday, May 8, 2020 (<i>Tentative</i>) <i>Back-up date, if needed: Tuesday, May 12, 2020</i>	<ul style="list-style-type: none"> • 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) • Issue Certificates of Election
Wednesday, July 15, 2020	<ul style="list-style-type: none"> • Last day for timely filing of semiannual report of contributions and expenditures

*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, telephonic facsimile machine, or any other method of transmission.

Election Calendar

For a City's General Election on

May 2, 2020

This calendar indicates the dates for actions necessary in a general election of city officers to be held on May 2, 2020. It includes all major actions for which the Election Code prescribes a specific date or deadline for performance, but it does not include all actions (e.g., preparation of ballot boxes and other election equipment and of sets of precinct election forms) for which the beginning date for performance can vary from one city to another depending on local factors. Each city secretary should use the chart in M §9.02 of the *Texas Municipal Election Law Manual* together with this calendar to fill in those dates on the city secretary's personal election calendar created in accordance with local conditions [see M §9.03]. The city secretary's personal calendar should also reflect dates that the city secretary prefers in place of the discretionary dates recommended in this calendar.

Column 5 indicates the time interval between the date of the action and election day. For example, the notation 50th in the entry for March 13 means that the day for beginning mandatory office hours is the 50th day before election day; the notation "+10" in the entry for May 12 means that the last day for the presiding judge of the early voting ballot board to mail to voters notices of rejected mail ballots is the 10th day after election day.

When there is a statutory provision prescribing the last day for the performance of an act, the number in Column 5 reflects that day. If the statutory day must be moved because of a Saturday, Sunday, or state or national holiday, the resulting date is designated in Columns 1 and 2, and Column 5 indicates, in parentheses and italics, the actual number of days measured from election day.

In preparing a personal calendar, the city secretary should remember the rule in EC §1.006 that if the last day for performance of an action falls on a Saturday, Sunday, or a state or national holiday, the deadline date is usually extended to the next regular business day whether the day is a city holiday or not [see M §2.16(a)]. When a deadline is extended for this reason, the extended date is used for determining other dates that are calculated in relation to the event of the extended date. Exceptions are noted in this calendar.

NOTE: References in this calendar to House Bills (HB) or Senate Bills (SB) are for those passed in the recent 86th legislative session (2019).

Major steps are in ALL CAPS. Steps for early voting are in *ITALICS*.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Mon Dec 16	LAST DAY to begin posting on bulletin board the notice of the dates of the filing period for the general election. (30 days before first day to file application for a place on the ballot). SOS has ruled that notice must contain location where applications will be received.	City Secretary	11.05(f)	138 th
Wed Jan 1	<i>First day voters may submit an application for a ballot by mail (ABBM), for an Annual ABBM, or for a Federal Postcard Application (FPCA).</i>	City Secretary	16.51	122 nd
Thu Jan 2	Obtain a supply of the following forms: candidate's application for place on ballot; appointment of campaign treasurer (candidate and specific-purpose committee); report of contributions and expenditures (candidate-officeholder and specific-purpose committee); application for mail ballot, and a set of administrative forms if ordered from a supply house. (Set up schedule for ordering precinct sets and other forms if they are to be ordered later.)	City Secretary	7.11 et seq. 18.10	*121 st

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Jan 2-24	Review recommendation for following steps listed in M §9.02 for possible needed or desired action: Steps 1 through 5 (revising election precincts; designating polling places; changing method of voting if equipment is available but not adopted for use or if acquisition of equipment by city is desired); Step 12 (establishing or changing terms of election judges).	City Secretary and City Council	9.02	*121 st thru *99 th
Wed Jan 15	Last day for timely filing of semi-annual report of contributions and expenditures.	City Secretary	18.05	Jan 15
Wed Jan 15	GENERAL ELECTION FIRST DAY FOR FILING APPLICATION for place on ballot. This is the 30 th day before filing deadline.	City Secretary	11.05	108 th
Jan 15	FIRST DAY FOR FILING DECLARATION OF WRITE-IN CANDIDACY.	City Secretary	11.10	108 th
Mon Jan 20- Feb 14	Recommended period for CALLING ELECTION AND POSTING NOTICE OF ELECTION on bulletin board.	Mayor ^[1]	10.02 10.03 10.04 10.12	*103 rd thru 78 th
Mon Feb 3	LAST DAY for small city in small county to provide secretary of state notice of intent to use exception to accessibility requirements or show undue burden, if required. 90 th day is on Sun. This action is extended to Mon, Feb 3 (89 th day).	City Secretary	7.07(d), (e), (f)	90 th (89 th)
Tue Feb 11	If the candidate dies on or before Feb 11 (day before the 2 nd day before filing deadline, in other words, the 3 rd day before the filing deadline), the City Secretary MUST remove candidate's name from ballot. NOTE - New Law (HB 1067): If a candidate dies after this date but on or before the filing deadline, the City Secretary MAY choose to remove the candidate's name from the ballot, in which case the filing deadline is extended to the 5 th day after the regular filing deadline.	City Secretary	11.25(a)	81 st
Fri Feb 14	GENERAL ELECTION STATUTORY LAST DAY FOR ORDERING ELECTION. ^[2]	Mayor ^[1]	10.04	78 th
Feb 14	LAST DAY FOR FILING APPLICATION FOR PLACE ON BALLOT (must be received by 5 p.m.). City Secretary's office should stay open until 5 p.m. NOTE - New Law (HB 1067): If a candidate dies after February 11 but on or before the filing deadline, the City Secretary MAY choose to remove the candidate's name from the ballot, in which case the filing deadline is extended to the 5 th day after the regular filing deadline.	City Secretary	11.05(a) 11.06	78 th
Feb 14	Recommended LAST DAY FOR NOTICE DESIGNATING ELECTION PRECINCTS AND POLLING PLACES.	City Council	3.07	*78 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Mon Feb 17	Recommended beginning date for preliminary work on appointment of election judges.	City Secretary	4.08	*75 th
Feb 17	Recommended last day to POST 72 HOUR NOTICE OF DRAWING for order of names on ballot. Must be posted at least 72 hours preceding the time of the drawing. NOTE: Feb 17 is Presidents' Day, a state holiday. If the city is open for business, these recommended actions may be taken.	City Secretary	8.06	*75 th
Tue Feb 18	LAST DAY FOR A WRITE-IN CANDIDATE to declare candidacy in the GENERAL election.	City Secretary	11.10	74 th
Wed Feb 19	If no candidate has an opponent in an election considered to be a separate election, deliver the certification of unopposed candidates to the city council.	City Secretary	10.23	73 rd
Feb 19	New Law (HB 1067): LAST DAY FOR FILING APPLICATION FOR PLACE ON THE BALLOT, IF a candidate died after February 11 but on or before the filing deadline, and the City Secretary chose to remove the candidate's name from the ballot (see Feb 14 entry).	City Secretary		73 rd (5 th day after filing deadline)
Thur Feb 20-24	Recommended period to CONDUCT DRAWING FOR ORDER OF NAMES ON BALLOT. Prepare ballot format and send it to printer.	City Secretary	8.06	*72 nd thru *68 th
Fri Feb 21	LAST DAY for a ballot candidate in general election to withdraw and have name omitted from the ballot (withdrawal request must be received by 5 p.m.). EXCEPTION: A withdrawal submitted after this date is valid if it is submitted before the ballots are prepared AND (New Law – HB 4129) if the public notice of the logic and accuracy test has not been published. (See Feb 19 entry).	City Secretary	8.05(b) 11.22(b)	71 st
Feb 21	LAST DAY for a write-in candidate to withdraw in general election and have name omitted from write-in list. The statute does not state a time, but the SOS considers 5 p.m. the deadline.	City Secretary	11.22(b)	71 st
Feb 21	LAST DAY that a declaration of ineligibility causes omission of candidate's name from ballot in the general election. City secretary's office should stay open until 5 p.m.	City Secretary	11.23 11.24	71 st
Sat Feb 22	LAST DAY to order a SPECIAL ELECTION to fill a vacancy so that the filing deadline will be the 62 nd day before election day. This date remains on Sat because it is not the last day to order a special election.	City Council City Secretary	13.06	70 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Mon Feb 24	New Law (HB 1067, HB 4129) LAST DAY to withdraw from GENERAL election IF filing deadline was extended due to removal of deceased candidate's name from the ballot. EXCEPTION: A withdrawal submitted after this date is valid if it is submitted before the ballots are prepared AND (New Law - HB 4129) if the public notice of the logic and accuracy test has not been published. (See Feb 19 entry).	City Secretary		68 th
Mon Mar 2 (Mar 3)	If a SPECIAL ELECTION to fill a vacancy was ordered on or before the 70 th day before the election, this is the LAST DAY to file an application for a place on the ballot and the LAST DAY to file a declaration of write-in candidacy in the SPECIAL ELECTION. 62 nd day is on Sunday and the 61 st day is Texas Independence Day. This action is extended to Tues, Mar 3, the 60 th day. NOTE; for impact of HB 1067, re removal of deceased candidate's name from the special election ballot, and extended filing and withdrawal deadlines, please see endnotes.	City Secretary	13.06	62 nd (60 th)
Tue Mar 3 Mar 3 Mar 3	LAST DAY TO DELIVER NOTICE OF THE ELECTION TO THE COUNTY CLERK AND VOTER REGISTRAR of each county in which the election will be held. NOTE: New Law (HB 933, HB 1241): The Notice must now include the location of each polling place, including the building name, if any, and the street address, including suite or room number, if any. First day of the period Texas Ethics Commission will defer investigation until after election (or runoff) if an allegation is filed. <i>Recommended day to contact the county clerk or elections administrator concerning availability of the initial list of voters who have submitted annual applications for ballot by mail (ABBM).</i>	City Council (City Secretary) City Secretary/ Texas Ethics Commission City Secretary	10.16 18.01 16.523	60 th 60 th *60 th
Fri Mar 6	Extended deadline to file for a place on the ballot in a city office having a 4-year term if no one has filed by 5 p.m. on Feb 15 (must be received by 5 p.m.).	City Secretary	11.05	57 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Fri Mar 6	<p>If a SPECIAL ELECTION to fill a vacancy was called on or before the 70th day before the election this is the:</p> <ol style="list-style-type: none"> 1. LAST DAY for a candidate in the special election to withdraw (withdrawal request must be received by 5 p.m.); and 2. LAST DAY that a declaration of ineligibility; causes omission of candidate's name from the ballot. <p>EXCEPTION: a withdrawal submitted after this date is valid if it is submitted before the ballots are prepared AND (New Law – HB 4129) if the public notice of the logic and accuracy test has not been published.</p> <p>NOTE: for impact of HB 1067, re removal of deceased candidate's name from the special election ballot, and extended filing and withdrawal deadlines, please see endnotes.</p>	City Secretary	8.05(b) 11.22 11.24	57 th
Mon Mar 9-20	Recommended period for APPOINTING ELECTION JUDGES. ^[2] (Schedule for first council meeting after period if no meeting during period.) See M §10.15 on giving notice to election judges of their duties.	City Council ^[1]	4.03 4.04 4.05(b)	*54 th thru *43 rd
Thur Mar 12	RECOMMENDED DATE TO PRINT BALLOTS which have been prepared earlier.	City Secretary	8.16	*51 st
Fri Mar 13	Beginning date of period for mandatory office hours. City Secretary must keep office open for at least 3 hours a day during regular office hours on regular business days.	City Secretary	2.15	50 th
Tue Mar 17	Last day to order a SPECIAL ELECTION to fill a vacancy.	City Secretary	13.06	46 th
Mar 17	Last day for a challenge of a candidate application if the first ballots by mail are placed in the mail on Mar 18.	City Secretary	11.07(d)	46 th
Wed Mar 18	<p><i>DEADLINE for mailing ballots to FPCA voters and other voters who are eligible for early voting because they are voting from outside the United States. If it is not possible to mail these ballots by this deadline, the city secretary must notify the secretary of state within 24 hours of knowing the deadline will not be met.</i></p> <p>NOTE: New Law (HB 1850, SB 902) – Information on the roster for a person who votes early voting in person or who votes early by mail must be available for public inspection and on the County's website if the County Clerk or EA is the early voting clerk or on the City's website if the City Secretary is the early voting clerk by 11:00 on the day after the information is entered on the roster (for voters voting in person) or by 11:00 am on the day after the early voting clerk receives the ballot (for voters voting by mail). If the entity does not maintain a website, the information must be on the bulletin board used for posting notices.</p>	City Secretary City Secretary	16.57	45 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Mon Mar 23	<p>If a SPECIAL ELECTION to fill a vacancy was ordered after the 70th day before the election but on or before the 46th day before election day, this is the LAST DAY for filing an application for a place on the ballot OR to file a declaration of write-in candidacy in the SPECIAL ELECTION.</p> <p>NOTE: for impact of HB 1067, re removal of deceased candidate's name from the special election ballot, and extended filing and withdrawal deadlines, please see endnotes.</p>	City Council	13.06(a)(2)	40 th
Sat Mar 28	<p>LAST DAY for a candidate in a SPECIAL ELECTION with a filing deadline of the 40th day, to withdraw or be declared ineligible and have name omitted from the ballot. The 35th day is Sat, Mar 28. EC § 1.006 does not apply to this deadline, and this deadline is not moved.</p> <p>EXCEPTION: A withdrawal submitted after this date is valid if it is submitted before the ballots are prepared AND (New Law – HB 4129) if the public notice of the logic and accuracy test has not been published.</p> <p>NOTE: for impact of HB 1067, re removal of deceased candidate's name from the special election ballot, and extended filing and withdrawal deadlines, please see endnotes.</p>	City Secretary	11.22(b) 11.24(b)	35 th
Thur Apr 2	Due date for filing first report of campaign contributions and expenditures by opposed candidates and specific-purpose committees supporting or opposing opposed candidates by 5 p.m. or midnight if filed electronically. City secretary's office should stay open until 5 p.m.	City Secretary	18.06	30 th
Apr 2	Last day for submitting voter registration application in time to vote at the election or for requesting transfer of registration in time to vote in new precinct not in the same county and territory.	Registrar	6.23(g) 6.25(b)	30 th
Apr 2	LAST DAY TO MAIL BALLOTING MATERIALS for early voting by mail to persons whose applications were accepted before the 37 th day. New Law - HB 273 provides that the clerk must mail ballots out to voters by the 30 th day before election day if the clerk accepted the application by the 37 th day before election day (old law was the 45 th day). In any case, ballots should be mailed as soon as possible.	City Secretary	16.57	30 th
Apr 2-22	PERIOD FOR PUBLISHING NOTICE OF ELECTION. Must be published at least once in a newspaper during this period.	Mayor ^[1]	10.12 20.04	30 th thru 10 th
Apr 2	Minimum 10 th day to begin posting continuous notice if signature verification committee meets Apr 12.	City Secretary	16.72	30 th
Apr 2	Recommended last day to notify presiding judges of duty to hold election.	Mayor	10.15	*30 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Apr 2	Recommended last day to request voter registrar to prepare lists of registered voters and furnish statement of residence forms to be used in conducting the election.	City Secretary	6.32(d) 6.35 7.42	*30 th
Apr 2	Recommended day to begin posting the Notice of Voting Order Priority for voters with mobility issues on the city's website if the city maintains one.	City Secretary	9.221(d)	*30 th
Fri Apr 10	Recommended last day to request waiver of partial manual recount of electronically counted ballots if the secretary of state has not already issued a waiver.	City Secretary	9.45	*22 nd
Apr 10- 23	<i>Possible period for posting notice amending notice of branch early voting polling places.</i>	City Secretary	16.22(k)	22 nd thru 9 th
Sat Apr 11 (Apr 10 Recommended)	LAST DAY for POSTING NOTICE OF ELECTION on bulletin board for posting notices of city council meetings. NOTE: The 21 st day is on Sat. Technically, the notice can be delayed until Mon, Apr 13, but it is better practice to post no later than Fri, Apr 10, which is the 22 nd day before the election.	City Secretary ^[1]	10.12(c)	21 st
Apr 11 - May 2	New Law (HB 477): For City with at least 250 registered voters that maintains an internet website, period to post on website new bond election voter information pamphlet. See NOTE re recommended first day to post, above.	City Secretary		21 st thru Election Day
Sun Apr 12	<i>First day a signature verification committee may begin work.</i>	City Secretary	16.72	20 th
Mon Apr 13	<i>Last day for unregistered applicant to submit a federal postcard application and be eligible to vote a full ballot.. (The 20th day before the election is Sun, Apr 12. The deadline is extended so that if the application is placed in the mail by Mon, Apr 13, it is timely.)</i>	City Secretary	17.02(a) & (d)	20 th (19 th)
Tue Apr 14	<i>Recommended last day for publication of notice of the test of automatic tabulating and DRE equipment to be used in early voting if the test is on Apr 17. (Notice for tabulating equipment must be 48 hours before date of test. Notice for DRE equipment must be 48 hours before test begins.)</i>	City Secretary	7.38(d) 7.40	18 th
Apr 14	<i>Last day early voting clerk, upon receipt of defective early voting application, must mail 2nd application with explanation of defects and instructions.</i>	City Secretary	16.53(c)	18 th
Wed Apr 15	<i>Last day to begin posting continuous notice of schedule for branch early voting polling places. (5th day before beginning of early voting by personal appearance.)</i>	City Secretary	16.22(k)	17 th
Fri Apr 17	<i>Last day to receive application from voter delivered in person for a ballot to be voted by mail (by close of business). This is the last business day before the beginning of early voting by personal appearance.</i>	City Secretary	16.51(e)(5)	15 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Apr 17	<i>Last day to accept an FPCA without a postmark to prove mailing date and mail the voter a full ballot if the voter is not permanently registered but meets the requirements to be registered under EC Title 2.</i>	City Secretary	17.02(d)	15 th
Apr 17	<i>Last day for conducting first test of automatic tabulating and DRE equipment to be used for early voting (at least 48 hours before it is used).</i>	City Secretary	7.40(c) & (d)	15 th
Apr 17	STATUTORY DEADLINE FOR NOTIFYING JUDGES OF DUTY TO HOLD THE ELECTION.	Mayor	10.15(a)	15 th
Apr 17	Last day to challenge write-in candidate for compliance.	City Secretary	11.10(h)	15 th
Sun Apr 19	<i>First day cities holding joint election with county having population of 100,000 or more may convene the early voting ballot board to process mail ballots. 24-hour notice must be posted for each delivery of voting materials made before election day. If notice requirements have been followed, the board may process the materials but may not count the ballots until after the end of the period of early voting by personal appearance. (9th day before end of early voting by personal appearance.)</i>	City Secretary	16.74(a)	13 th
Mon Apr 20	<i>FIRST DAY FOR EARLY VOTING BY PERSONAL APPEARANCE. If voting will be conducted on Sat or Sun, Apr 25 or 26, notice of schedule must be posted at least 72 hours before first hour of the weekend voting. (The city council must designate 2 weekdays that early voting will be conducted for 12 hours.)</i>	City Secretary	16.21 16.22(d) & (i)	12 th
Apr 20	<i>First day for new illness or disability allowing late application for late (emergency) early voting.</i>	Voter	17.16	12 th
Tue Apr 21 (Apr 20)	<i>Last day to accept application by mail for a ballot to be voted by mail, by 12 noon or close of business, whichever is later. Because April 21 is San Jacinto Day, the date is moved to the preceding business day, Mon, Apr 20.</i>	City Secretary	16.51(d)	11 th (12 th)
Apr 21 (Apr 20)	<i>Last day to accept an FPCA from a registered voter. Because April 21 is San Jacinto Day, the date is moved to the preceding business day, Mon, Apr 20.</i>	City Secretary	17.02(b)	11 th (12 th)
Apr 21 (Apr 22)	<i>Last day for county clerk or election administrator to deliver final list of voters that submitted an annual ABBM. Because April 21 is San Jacinto Day, the date is moved to the following business day, Wed, Apr 22.</i>	City Secretary	16.523(a)	*11 th (10 th)
Wed Apr 22	LAST DAY FOR PUBLICATION OF NOTICE OF ELECTION.	Mayor ^[1]	10.12	10 th
Apr 22	<i>Last day to post notice if early voting will be conducted on Sat, Apr 25.</i>	City Secretary	16.22(k)	10 th
Thur Apr 23	<i>Last day to post notice if early voting will be conducted on Sun, Apr 26.</i>	City Secretary	16.22(k)	9 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Fri Apr 24	Due date for filing second report of campaign contributions and expenditures by 5 p.m. or midnight if filed electronically.	City Secretary	18.06(c) 18.08(a) & (c)	8 th
Mon Apr 27	Last day for publication of notice of first test of automatic tabulating equipment to be used at a <u>polling place</u> if the first test is on April 29. (48 hours before test begins.) Note that testing must occur 48 hours before equipment is to be used (starting at 7:00 am on Election Day).	City Secretary	7.40(d)	*5 th
Apr 27	Last day for publication of notice of first test of DRE equipment to be used at a <u>polling place</u> if the first test is on April 29. Notice must be published at least 48 hours before test begins for DRE's.	City Secretary	7.38(d)	*5 th
Apr 27	Last day for publication of notice of first test of automatic tabulating equipment to be used at a central counting station if the first test is on April 29 (48 hours before test begins).	City Secretary	7.40(b) & (d)	5 th
Apr 27	<i>First day for death in family to qualify for late (emergency) early voting.</i>	City Secretary	17.31	5 th
Tue Apr 28	LAST DAY OF REGULAR EARLY VOTING BY PERSONAL APPEARANCE.	City Secretary	16.21(c)	4 th
Apr 28- May 2	<i>As soon as early voting is over, and until 7:00 p.m. May 2, early voting materials may be delivered to the early voting ballot board for qualifying purposes (may not be counted until election day, except if election is held jointly with a county of 100,000 or more. See below.) Post notice of delivery continuously 24 hours before each delivery.</i>	City Secretary	16.74(a) & (c)	4 th thru close of polls
Apr 28	<i>In election held jointly with a county having a population of 100,000 or more, this is the first day that the EVBB may begin counting early ballots voted by mail, starting at 7:00 pm (or when polls closed that day). Assure that the counting equipment has been tested at least 48 hours before tabulation begins.</i>	Early Voting Ballot Board	16.74	4 th at close of polls
Wed Apr 29	LAST DAY for first test of automatic tabulating equipment to be used at a polling place or central counting station and DRE equipment to be used at a polling place. If tests are conducted on this day, make sure all notices have been published. See entries for Apr 27 for deadlines for notice publication.	City Secretary	7.40(d)	3 rd
Apr 29	<i>Last day to receive an application to cancel mail ballot that has not arrived at the early voting clerk's address as listed on the carrier envelope.</i>	City Secretary	16.59(a)	3 rd
Apr 29	Last day for conducting first test of automatic tabulating equipment to be used at a <u>polling place</u> (at least 48 hours before used for counting on election day). To assure 48 hours before 7 a.m. of election day, test must be by 3 rd day. Notice must be published at least 48 hours before date of test.	City Secretary	7.40(c) & (d)	3 rd

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Apr 29	Last day for conducting first test of DRE equipment to be used at a <u>polling place</u> or central counting station (at least 48 hours before voting begins on election day). To assure 48 hours before 7 am of election day, test must be by 3 rd day. Notice must be published at least 48 hours before test begins for DREs.	City Secretary	7.38(d)(1) & (2)	3 rd
Apr 29 - May 1	<i>Period to apply for late (emergency) early voting because of death in family Apr 27 or later. Requires absence from county on election day.</i>	City Secretary	17.33	3 rd thru 1 st
Apr 29 - May 1	Recommended time to prepare list of registered voters for early voting ballot board if more than one early voting polling place. The early voting clerk must mark the names on the list of registered voters of persons who voted early, before this list is delivered to the precinct election judges.	City Secretary	16.76 16.83(a)	*3 rd thru 1 st
Apr 29 - May 2	<i>Period to apply for late (emergency) early voting because of illness or disability originating on or after Apr 21.</i>	City Secretary	17.17	3 rd thru Election Day, 5 p.m.
Thur Apr 30	Last day for first test of automatic tabulating equipment to be used at a <u>central counting station</u> . The equipment must be tested at least 48 hours before it is used to count votes. Notice must be published at least 48 hours before date of test.	Presiding Judge	7.40(b) & (c)	2 nd
Fri May 1	<i>Last day to deliver precinct list of registered voters, with the early voting voters marked, to presiding judges and recommended date for delivery of supplies to presiding judges.</i>	City Secretary	7.47(b) 16.83(j)	1 st
May 1	Recommended date for delivery of equipment to polling places (statutory deadline is 6 a.m. on election day).	City Secretary	7.48	*1 st
May 1	RECOMMENDED DAY TO POST NOTICE OF COUNCIL MEETING to canvass the returns if canvass will be on 3 rd day after election. Notice must be posted at least 72 hours before time of meeting.	City Secretary	9.42(b)	*1 st
May 1	<i>Last day to submit an application (by close of business) for and vote a ballot by personal appearance due to death in immediate family that occurred Apr 27 or later.</i>	City Secretary	17.33(b)	1 st
May 1	New Law (HB 305): IF City maintains a website, deadline to post on website the requirements and deadline for filing for candidacy of each elected office of the political subdivision. NOTE: See Endnotes for additional information that must be posted on the website.	City Secretary		365 th
Sat May 2	ELECTION DAY. Polls are open 7 a.m. to 7 p.m. Voting by sick or disabled voters at main early voting place, 7 a.m. to 7 p.m., where electronic voting systems are used at precinct polling place.	City Secretary	17.41	E Day

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
May 2	<i>7 a.m. to 7 p.m. early voting clerk's office must remain open for early voting activities.</i>	City Secretary	9.23	E Day
May 2	<i>5 p.m. deadline for late applications for ballots from voters who became ill or disabled Apr 20 or later.</i>	City Secretary	17.16 17.17	E Day
May 2	<i>Deliver early voting ballots, etc., to early voting ballot board. Second key to ballot box is delivered by chief of police or marshal.</i>	City Secretary	16.73(a)	E Day
May 2	<i>7 pm deadline for receiving ballots from voters who became ill or disabled Apr 20 or later.</i>	City Secretary	17.17	E Day
May 2	<i>7 pm first deadline for receiving early voting mail ballots, except overseas and armed forces ballots and certain ballots placed for delivery before this deadline. After regular mail delivery, check mail box for early voting mail ballots. See additional deadline on +1 day.</i>	City Secretary	9.23(c) 16.58(a)	E Day
May 2	Receive precinct records, voted ballots, etc. (Chief of police or marshal receives keys to ballot boxes containing voted ballots.)	City Secretary Mayor	9.33(d) 9.34	E Day
May 2	PREPARE UNOFFICIAL TABULATION OF RESULTS.	City Secretary	9.35	E Day
Mon May 4	<i>Second deadline for receiving mail ballots if the delivery envelop arrives before 5 pm and has a cancellation mark indicating it was placed for delivery at or before 7 p.m. at the location of the election on election day. This second deadline occurs the day after the election. The day after the election is Sun. This deadline is extended to Mon, May 4.</i>	City Secretary	16.58(a)	+1 (+2)
May 4	<i>NOTE: This applies to voters who submitted an application for a ballot by mail and cast a by-mail ballot from within the United States.</i> <i>First day for public access to early voting by mail applications and for mailed early voting ballot materials, including those for annual ABBMs.</i> <i>NOTE: New Law (HB 1850, SB 902) requires information on the roster for a person who votes early voting in person or who votes early by mail to be available for public inspection and on the County or City's website (or bulletin board if there is no website) when information on voters voting in person is entered on the roster or when ballots by mail are received. See entry for Wed Mar 18.</i>	City Secretary	9.49(d) 16.56(g) 16.522(f)	(+2)
May 4	<i>Last day to deliver provisional ballots to Voter Registrar of each county in which city is located.</i>	City Secretary	9.41(a)	(+2)

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Tue May 5	Recommended day to provide Official STATEMENT OF ELECTED OFFICER NOT APPOINTED BY THE GOVERNOR and OATH OF OFFICE to candidates who appear to have won, or may win. These are now Secretary of State Forms 2201 and 2204. These are provided at this time for information. They must be signed after the canvass.	City Secretary	12.32(d)	+3
May 5-11	<i>Period during which early voting ballot board may meet to count ballots received from outside the United States if the early voting clerk certifies that all ballots mailed from outside the United States have been received.</i>	Early Voting Ballot Board	16.74(f)(1)	+3 thru +9
May 5-13	PERIOD FOR OFFICIAL CANVASS. Mayor sets exact day and hour. City secretary records results in election register as soon as practicable after canvass. [Canvass may occur before 11 th day only if all FPCA ballots have been received and the EVBB has completed the count of provisional ballots.]	City Council/ City Secretary	9.42(b) 9.44	+3 thru +11
May 5-13	<i>Completion before canvass of report of early votes cast for each candidate or measure, by election precinct.</i>	City Secretary	16.87	+3 thru +11
May 5-13	AFTER CANVASS, ISSUE CERTIFICATES OF ELECTION, except that if a recount has been requested, the certificate of election for that office may not be issued until after the recount.	Mayor	12.23	+3 thru +11
May 5- May 26	Partial manual count of electronically counted ballots if waiver not obtained from secretary of state, must begin not later than 72 hours after polls close and be completed by the +21 st day. +21 st day is Sat, May 23. The date is extended to Tue, May 26 (+24 th day), because Mon, May 25 is Memorial Day.	City Secretary	9.45	+3 thru +21 (+24)
Thur May 7	<i>Last day to receive a ballot from outside the United States, from a non-military voter, IF cancellation or receipt mark indicates ballot was placed for delivery by 7 pm on election day.</i>	City Secretary	16.58(b)	+5
Fri May 8	<i>Last day to receive an FPCA ballot from a member of the U.S. Armed Services or Merchant Marines or a spouse or dependent of a member. NO cancellation or receipt mark showing date placed for delivery is required on these ballots.</i>	City Secretary	16.58(b)	+6
May 8	Last day for provisional voter to present ID to voter registrar or execute required affidavit.	Voter Registrar	16.261(g)	+6
May 8	Last day for voter registrar to complete the review of provisional ballots.	Voter Registrar	9.41(d)	+6
May 8	Type A elected officials may qualify and assume duties of office [LGC §22.006]. The statute states 5 th day after election, excluding Sundays. The resulting day is the 6 th day after. Officials may not take office until the canvass is complete unless the election was cancelled.	Candidate with City Secretary	12.34	+6

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Sun May 10-18	ORDERING OF RUNOFF ELECTION, if necessary, not later than 5 th day after canvass.	City Council or Mayor ^[1]	14.04	+8 thru +16
Mon May 11	Last day for Voter Registrar to designate a time of delivery of provisional ballots to the general custodian of election records or presiding judge of the EVBB. Time must be before the convening of the EVBB. The +7 day is May 9, a Sat. This deadline is extended to Mon, May 11 (+9 th day).		9.41(c) TAC §81.175(d)(3)	+7 (+9)
May 11	Last day for general custodian of election records or presiding judge of the early voting ballot board to retrieve the provisional ballots from the voter registrar.	City Secretary or Judge of EVBB	9.41(d)	+9
May 11	Last day for the EVBB to convene for counting the provisional ballots or any by mail ballots timely and properly received after election day. See entries for May 4, 7, and 8.	Early Voting Ballot Board	16.77(b) 16.58(b)	+9
Tue May 12	Last day for presiding judge of EVBB to mail notices of rejected mail ballots to voters.	Presiding Judge of EVBB	16.78	+10
Wed May 13	LAST DAY for conducting the official canvass of the election.	City Council	9.42(b)	+11
Fri May 15- May 26	Period during which notice of disposition of provisional ballots must be mailed to voters. If 10 th day is Sat or Sun (May 16-17), last day is Mon, May 18. If 10 th day is Sat, May 23, last day is Tue, May 26, because Mon, May 25 is Memorial Day.	Presiding Judge of EVBB	16.77(e)	By 10 th day after canvass
Mon May 18	New Law (SB902): Election records must be available in an electronic format no later than this day, for a fee of not more than \$50.00.	City Secretary		+15
Mon May 25- Jun 29	POSSIBLE PERIOD FOR RUNOFF ELECTION, depending on date of official canvass, unless a charter provides for a later date. If Mon, May 25 (Memorial Day) is the first possible day, it does not move, since it is not the last day for holding the runoff. If 45 th day is Sat, Jun 27, the deadline moves to Mon, Jun 29. NOTE: New Law (HB88): The order of the names on the runoff ballot should be in the same order as they appeared on the general election ballot, so no ballot drawing is required for the runoff ballot.	City Secretary/ City Council	14.03	20 th -45 th (47 th) day after canvass
Tue May 26	Last day for mailing results of manual count to secretary of state, if no waiver is obtained. +21 st day is Sat. The deadline is extended to Tue, May 26 (+24 th day) because Mon, May 25, is Memorial Day.	City Secretary	9.45	+21 (+24)
Mon Jun 1	Last day to transmit election results by city precinct in electronic form to secretary of state.	Mayor (Presiding Officer of the Canvassing Committee)	9.44	+30

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Thur Jun 11	LAST DAY OF MANDATORY OFFICE HOURS.	City Secretary	2.15	+40
Thur July 2	First day for transfer of voted ballots from the locked ballot box to another secure container.	City Secretary	9.49(g)	+61
Wed July 15	Last day for timely filing of semiannual report of contributions and expenditures.	City Secretary	18.05	July 15
Mar 2, 2021	Last day of preservation period for ballots and other precinct election records of city election, except for candidate applications.	City Secretary	9.49(g)	+22 months
May 2, 2021	Last day of preservation period for candidate applications.	City Secretary	11.02(f)	+ 2 years

Endnotes

- [1] Follow home-rule city's charter provision, if any.
- [2] The city's governing body may choose to conduct a mock student election under EC §276.007. The major steps taken for a general election should be taken for a student election. The student election may be held on the first day before the election, but results must not be published until after the polls close on election day.
- [3] HB 1067 provides that if a candidate on the ballot dies on or before the filing deadline, the City Secretary MAY choose to remove the candidate from the ballot, in which case, the filing deadline is extended 5 days. If that extended filing deadline falls on a weekend or holiday, it is extended to the next business day. Withdrawal deadlines after the extended filing deadlines will also be impacted. The Monday, March 2 filing deadline for a special election to fill a vacancy ordered on or before the 70th day before election day would be extended to Monday, March 9, and the withdrawal deadline for that extended deadline would be Saturday, March 14 (the withdrawal deadline does NOT move to the next business day). The Monday, March 23 filing deadline for a special election to fill a vacancy ordered after the 70th day but on or before the 46th day before election day would be extended to Monday, March 30, and the withdrawal deadline for that extended deadline would be Saturday, April 4 (the withdrawal deadline does NOT move to the next business day).
- [4] HB 305 provides that the following information must be posted on a city's website, if the city maintains a website: (1) the political subdivision's contact information, including a mailing address, telephone number, and e-mail address; (2) each elected officer of the political subdivision; (3) the date and location of the next election for officers of the political subdivision; (4) the requirements and deadline for filing for candidacy of each elected office of the political subdivision for the next election (posted one year prior to the date of that election). (5) each notice of a meeting of the political subdivision's governing body under Subchapter C, Chapter 551; and (6) each record of a meeting of the political subdivision's governing body under Section 551.021. Note that a City with population of less than 5,000 located in a county with population of less than 25,000 does not have to post (5) and (6) on its website.

NOTE ON CALENDAR FOR SPECIAL OR RUNOFF ELECTION

To prepare a calendar for a special election to fill a vacancy in office, see M §13.02; for a special election on a measure, see M §15.02; for a runoff election, see M §14.03.

*An asterisk in Column 5 indicates the time stated is not required by statute.

NOTE ON CONTEXT

When reading a section of the Election Code, remember to read the chapter and subchapter titles to determine if the section you are reading applies to cities.

*An asterisk in Column 5 indicates the time stated is not required by statute.



**CITY OF WIMBERLEY
2020 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 Drive, Wimberley, Texas 78676.

The telephone number for the City Secretary's Office is (512) 847-0025, ext.: 26.

Email address: lcalcote@cityofwimberley.com

Website address: www.cityofwimberley.com

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

Answer. You must:

- Be a United States citizen;
- A resident of Hays County
- Be 18 years old on Election Day (you may register at 17 years and 10 months of age);
- Not be a convicted felon (you may be eligible to vote if you have completed your sentence, probation and parole)
- Not be declared by a court exercising probate jurisdiction to be either totally mentally incapacitated or partially mentally incapacitated without the right to vote.

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.

Question. Where can I get a voter registration application?

Answer. Voter registration applications are available at the Wimberley City Hall, or online at www.cityofwimberley.com, Hays County offices, or online at https://hayscountytx.com/download/departments/elections/voter_reg_appl.pdf, 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 Election Administrator in writing of your new address by:

1. Correcting the information on your current voter registration certificate and returning it to the voter registrar; or
2. Completing a voter registration application and check the box for “change”; or
3. Making voter registration address changes when you update your driver’s license at D.P.S.

You will receive a new, corrected certificate.

You will be able to vote in your new precinct 30 days after your notice has been received.

You must notify the Hays County Election 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 form before voting.

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

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.**

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-english-2018.pdf>, or you may call the City of Wimberley City Secretary at (512) 847-0025, ext.: 26 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/>

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

Answer. Early voting is convenience voting 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.

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, 2019 and ends on Tuesday, April 30, 2019
La votación adelantada comienza el lunes, 22 de abril de 2019, y termina el martes, 30 de abril de 2019
(Voting Weekdays Only, except Saturday, April 27, 2019)
(Votación durante días hábiles únicamente, salvo sábado, 27 de abril de 2019)

Date / Fecha	Location / Ubicación	Address / Domicilio	Time / Tiempo
Monday, April 20, 2020 <i>Lunes, 20 de abril de 2020</i>	Wimberley Community Center	14068 Ranch Road 12 Wimberley, TX 78676	7:00 a.m. – 7:00 p.m.
Tuesday, April 21 to Friday, April 24, 2020 <i>Martes, 21 de abril a viernes, 24 de abril de 2020</i>	Wimberley Community Center	14068 Ranch Road 12 Wimberley, TX 78676	8:00 a.m. – 5:00 p.m.
Saturday, April 25, 2020 <i>Sábado, 25 de abril de 2020</i>	Wimberley Community Center	14068 Ranch Road 12 Wimberley, TX 78676	10:00 a.m. – 2:00 p.m.
Monday, April 27, 2020 <i>Lunes, 27 de abril de 2020</i>	Wimberley Community Center	14068 Ranch Road 12 Wimberley, TX 78676	7:00 a.m. – 7:00 p.m.
Tuesday, April 28, 2020 <i>Martes, 28 de abril de 2020</i>	Wimberley Community Center	14068 Ranch Road 12 Wimberley, TX 78676	8:00 a.m. – 5:00 p.m.

Question. What if I need assistance at the polls?

Answer. All polling locations are handicapped accessible. The eSlate voting system is fully accessible and has an audio feature which allows any voter to listen to the ballot. 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 official that you need help to vote. You do not have to provide proof of your disability. You are entitled to receive assistance if you:

- Cannot read or write; or
- Have a physical disability that prevents them from reading or marking the ballot; or
- Cannot speak English, or communicate only with sign language, and want assistance in communicating with election officials

Voters *MAY* be assisted by:

- Any person of your choice who is not an election worker; or
- One election worker during early voting; or
- Two election workers on Election Day

You may *NOT* be assisted by:

- Your employer; or
- 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 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 polling place officials, a poll watcher and/or state election inspector present in the polling place may observe the voting process to be sure 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; or
- 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 use an interpreter to help you communicate with election officials. You may select any registered voter in your county to be your interpreter. If you cannot read the ballot, your interpreter may translate the ballot for you in the voting booth, after taking the Assistant Oath.

Curbside voting

If you are unable to physically enter the polling place, you may ask that an election officer bring an e-Slate electronic voting device to you at the entrance of the polling place or to your vehicle. After you vote on the e-Slate, give it to the election officer, who will then reconnect it to the Judges Booth Controller in order to ensure that your vote will be counted.

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/>.

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.

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.



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

Table of Contents

Congratulations on Your Decision to File for City Office	3
Leadership Attributes for Councilmembers.....	3
An Elected Official Wears Many Hats	4
Mayors, Councils, and Boards of Alderman	5
Are You Eligible?	5
Filing for a Place on the Ballot	5
Texas Ethics Commission Campaign Finance Filings	6
An Introduction to City Government.....	6
Types of City Government	6
Forms of Government	7
Basic City Services	7
City Finance	8
Ethics and Conflicts of Interest	8
Local Government Code Chapter 171 – Conflicts of Interest	8
Local Government Code Chapter 176 – Conflicts Disclosure	9
Government Code Chapter 553 – Conflicts Disclosure	10
Financial Disclosure for Cities of a Population of 100,000 or More	10
Nepotism	10
Dual Office-Holding/Incompatibility	11
Open Government	11
Texas Open Meetings Act (TOMA).....	11
Texas Public Information Act (PIA).....	13
Open Government Training	13
A Basic Glossary of City Government	14
Good Luck.....	16

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.

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.

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.

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. 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.

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 overturned 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.

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.

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 \$500 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 \$500: If you elect to file on the modified reporting schedule but later exceed \$500 in either contributions or expenditures, what reports you will be required to file depends upon when you exceed \$500.
 - If you exceed \$500 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 \$500 after the 30th day before the election, you are **required** to file an Exceeded \$500 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 \$500. 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 \$500 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 under the "Resources" and "Forms/Instructions" main menu items.

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

Notice is hereby given that applications for a place on the City of Wimberley May 2, 2020 General Election ballot may be filed during the following time:

(Se da aviso por este medio, que las aplicaciones para un lugar en la boleta de eleccion general para la ciudad de Wimberley del 2 de mayo de 2020 pueden ser llenadas durante el tiempo siguiente:)

Filing Dates and Times:

(Fechas y tiempos de presentación)

Start Date: Wednesday, January 15, 2020

(Fecha de comienzo) miércoles, 15 de enero de 2020

End Date: Friday, February 14, 2020

(Fecha final) viernes, 14 de febrero de 2020

Office Hours: 9:00 a.m. to 5:00 p.m., Monday – Friday

(Horas de oficina) 9:00 de la mañana a 5:00 de la tarde, lunes a viernes

Physical address for filing applications in person for place on the ballot:

(La direccion para presentar solicitud en persona por un lugar en la boleta)

City of Wimberley
City Hall
221 Stillwater Drive
Wimberley, Texas 78676

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

(La direccion para presentar solicitud por correo por un lugar en la boleta)

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

Laura J. Calcote, City Secretary/Secretaria de la Ciudad

Printed Name of Filing Officer

(Nombre impreso de Oficial de Registro)

Laura J. Calcote

Signature of Filing Officer

(Firma de Oficial de Registro)

December 13, 2019/13 de diciembre de 2019

Date Posted

(Fecha de publicacion)



ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED OPTIONAL

APPLICATION FOR A PLACE ON THE _____ GENERAL ELECTION BALLOT					
TO: City Secretary/Secretary of Board					
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 ¹		
PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe the address at which you receive personal mail and location of residence.)			PUBLIC MAILING ADDRESS (Campaign mailing address, if available.)		
CITY	STATE	ZIP	CITY	STATE	ZIP
PUBLIC EMAIL ADDRESS (If available)		OCCUPATION (Do not leave blank)		DATE OF BIRTH / /	VOTER REGISTRATION VOID NUMBER (Optional) ²
TELEPHONE CONTACT INFORMATION (Optional) Home: Work: Cell:		LENGTH OF CONTINUOUS RESIDENCE AS OF DATE APPLICATION SWORN			
		IN STATE ____ year (s) ____ month(s)		IN TERRITORY FROM WHICH THE OFFICE SOUGHT IS ELECTED ³ ____ 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 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.					
Before me, the undersigned authority, on this day personally appeared (name) _____, who being by me here and now duly sworn, upon oath says: "I, (name) _____, 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 finally convicted of a felony for which I have not been pardoned or had my full rights of citizenship restored by other official action. 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 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 at _____, this the ____ day of _____, _____.					
SEAL					
_____ Signature of Officer Administering Oath ⁴			_____ Title of Officer Administering Oath		
TO BE COMPLETED BY CITY SECRETARY OR SECRETARY OF BOARD: (See Section 1.007)					
_____ Date Received		_____ Signature of Secretary			
Voter Registration Status Verified <input type="checkbox"/>					

INSTRUCTIONS

An application to have the name of a candidate placed on the ballot for any general election 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 **must** be completed unless specifically marked optional.

The general election filing deadline is 5:00 p.m. 78 days prior to election day for any uniform election date.

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. 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 himself, or to any other member of the governing body or court on which he 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 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.

Examples of relatives within the third degree of consanguinity are as follows:

- (1) First degree: parent, child;
- (2) Second degree: brother, sister, grandparent, grandchild;
- (3) Third degree: great-grandparent, great-grandchild, uncle, aunt, nephew, niece.

These include relatives by blood, half-blood, and legal adoption. Examples of relatives within the second degree of affinity are as follows:

- (1) First degree: spouse, spouse's parent, son-in-law, daughter-in-law;
- (2) Second degree: brother's spouse, sister's spouse, spouse's brother, spouse's sister, spouse's grandparent.

Persons related by affinity (marriage) include spouses of relatives by consanguinity, and, if married, the spouse and the spouse's relatives by consanguinity. These examples are not all inclusive.

FOOTNOTES

¹For rules concerning the form of a candidate's name or nickname on the ballot, see Subchapter B, Chapter 52 of the Texas Election Code.

²Inclusion 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>

³This refers to the length of residence inside the district or territory from which the office is elected. For example, length of residence in a school district, for a school trustee office elected at large. This field **MUST BE COMPLETED**.

⁴All 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.

DEBE PROPORCIONARSE LA INFORMACIÓN REQUERIDA A MENOS QUE SE INDIQUE QUE ES OPCIONAL

SOLICITUD PARA FIGURAR EN LA BOLETA DE _____ ELECCIÓN GENERAL					
A: Secretario(a) de la Ciudad/ Secretario del Consejo					
Solicito que mi nombre figure en la boleta oficial indicada más arriba como candidato/a al cargo a continuación.					
PUESTO OFICIAL SOLICITADO (Incluya cualquier número de cargo u otro número distintivo, si el cargo lo tiene.)				INDIQUE TÉRMINO <input type="checkbox"/> TÉRMINO COMPLETO <input type="checkbox"/> TÉRMINO INCOMPLETO	
NOMBRE COMPLETO (Primer nombre, segundo nombre, apellido)			ESCRIBA SU NOMBRE COMO DESEA QUE FIGURE EN LA BOLETA¹		
DIRECCIÓN RESIDENCIAL PERMANENTE (No incluya una casilla postal o una ruta rural. Si usted no tiene una dirección residencial, describa el lugar en que recibe correspondencia personal y la ubicación de su residencia.)			DIRECCIÓN POSTAL PÚBLICA (Dirección en la que recibirá correspondencia relacionada a su campaña, si es disponible.)		
CIUDAD	ESTADO	CÓDIGO POSTAL	CIUDAD	ESTADO	CÓDIGO POSTAL
CORREO ELECTRÓNICO PÚBLICO (Si está disponible.)	EMPLEO (No deje este espacio en blanco.)		FECHA DE NACIMIENTO / /	VID – NÚMERO UNICO DE IDENTIFICACION DE VOTANTE (Opcional) ²	
INFORMACIÓN DE CONTACTO (Opcional) Tel. residencial: Tel. laboral: Tel. celular:		DURACIÓN DE RESIDENCIA CONTINUA AL MOMENTO DE JURAMENTAR ESTA SOLICITUD			
		EN EL ESTADO ____ año(s) ____ mes(es)		EN EL TERRITORIO POR EL CUAL SERIA ELECTO/A³ ____ año(s) ____ mes(es)	
En caso de usar un apodo como parte de su nombre en la boleta, usted también firma y jura lo siguiente: Asimismo, juro que mi apodo no constituye un lema político ni tampoco es una indicación de mis creencias o afiliaciones políticas, económicas, sociales o religiosas. Se me ha conocido por este apodo durante al menos tres años antes de esta elección.					
Ante mí, la autoridad suscrita, compareció (nombre) _____, quien frente a mí y bajo juramento debido, declara: "Yo, (nombre) _____, del condado de _____, Texas, siendo candidato para el cargo oficial de _____, juro solemnemente que apoyaré y defenderé la Constitución y las leyes de los Estados Unidos y del Estado de Texas. Soy ciudadano de los Estados Unidos elegible para ocupar tal cargo oficial bajo la Constitución y las leyes de este Estado. No se me ha condenado por un delito mayor por el cual no haya sido absuelto o por el cual no se me hayan restituido enteramente mis derechos de ciudadanía por medio de otra acción oficial. No existe un fallo final de un tribunal testamentario que me declare total o parcialmente incapacitado mentalmente sin derecho a votar. Yo tengo conocimiento de la ley sobre el nepotismo según el Capítulo 573 del Código de Gobierno. Además, juro que las declaraciones anteriores que incluyo en mi solicitud son verdaderas y correctas".					
X			_____		
			FIRMA DEL CANDIDATO		
Jurado y suscrito ante mí en _____, este día ____ de _____, _____.					
			SELLO		
Firma del oficial que administra el juramento ⁴		Título del oficial que administra el juramento			
TO BE COMPLETED BY CITY SECRETARY OR SECRETARY OF BOARD:					
(See Section 1.007)					
		_____		_____	
		Date Received		Signature of Secretary	
Voter Registration Status Verified <input type="checkbox"/>		47			

INSTRUCCIONES

La solicitud para que el nombre de un candidato figure en la boleta para cualquier elección general no deberá registrarse antes de los treinta (30) días previos a la fecha límite para registrar la solicitud, según lo prescribe este código. Cualquier solicitud registrada antes de esa fecha se declarará inválida. Todos los campos **deben ser completados** a menos que se indique específicamente marcados como opcional.

El último día para registrarse es a las 5 de la tarde setenta y ocho (78) días antes del día de la elección en el caso de elecciones uniformes.

Si tiene alguna pregunta sobre la solicitud, por favor póngase en contacto con la división de elecciones del Secretario de Estado al 800-252-8683.

LEY SOBRE EL NEPOTISMO

El candidato deberá firmar esta declaración para indicar que tiene conocimiento sobre la ley sobre el nepotismo. A continuación figuran las prohibiciones del nepotismo según el capítulo 573 de Código Gobierno:

Ningún funcionario podrá nombrar, votar por o confirmar el nombramiento o empleo de ninguno de sus parientes en segundo grado por afinidad (matrimonio) o en tercer grado por consanguinidad (sangre), o de los parientes de cualquier otro integrante del cuerpo directivo o tribunal en que el funcionario celebre sesión cuando la compensación para esa persona se pague con fondos públicos u honorarios de su puesto oficial. Sin embargo, la ley no prohíbe el nombramiento, el votar por o la confirmación de ninguna persona que haya trabajado en la oficina de manera continua o el empleo para el siguiente período 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 se elige en una elección general de funcionarios de estado y condado.

Ningún candidato podrá influir sobre un empleado relacionado al puesto oficial al cual el candidato aspira o un empleado o funcionario del cuerpo fiscal al cual el candidato aspira respecto del nombramiento o el empleo de un pariente del candidato en un grado prohibido según se indica arriba. Esta restricción no se dirige a las acciones de un candidato respecto de una clase o categoría de empleados o posibles empleados de buena fe.

Los ejemplos de parentesco en tercer grado por consanguinidad son los siguientes:

- (1) Primer grado: padre, madre, hijo(a);
- (2) Segundo grado: hermano(a), abuelo(a), nieto(a);
- (3) Tercer grado: bisabuelo(a), bisnieto(a), tío(a), sobrino(a).

Los siguientes incluyen parentescos de consanguinidad, medios hermanos y adopción legal. Los ejemplos de parentescos en segundo grado por afinidad son los siguientes:

- (1) Primer grado: cónyuge, suegro(a), yerno, nuera;
- (2) Segundo grado: cuñado(a), abuelo(a) del cónyuge.

Las personas que están emparentadas por afinidad (matrimonio) incluyen los cónyuges de parientes emparentados por consanguinidad, y, si casados, el cónyuge y los parientes del cónyuge por consanguinidad. No todos estos ejemplos son inclusivos.

NOTAS

¹Para reglas sobre la forma del nombre de un candidato o apodo en la boleta electoral, vea el subcapítulo B, Capítulo 52 del Código Electoral de Texas.

²La inclusión del número único de identificación de votante (VUID, por sus siglas en Inglés) es opcional. Sin embargo, para muchos candidatos, es un requisito estar registrados como votantes en el territorio por el cual serían electos a partir de la fecha límite de la solicitud. Puede encontrar información adicional sobre el requisito de registro de votante en nuestra página: <http://www.sos.state.tx.us/elections/laws/hb484-faq.shtml>

³Esto se refiere a la duración de la residencia dentro del distrito o territorio de que se elige la oficina. Por ejemplo, la duración de residencia en un distrito escolar, para una oficina del consejero escolar elegida en general. Este campo **DEBE SER COMPLETADO**.

⁴Los juramentos, las declaraciones juradas o las afirmaciones que se efectúen dentro de este Estado podrán ser administradas por un juez, escribano o comisionado de alguna corte de registro, por un notario público, un juez de paz, un secretario de la ciudad o el Secretario de Estado de Texas, quienes cuentan con la capacidad de proporcionar un certificado del hecho.

TEXAS ETHICS COMMISSION

CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH THE TEXAS ETHICS COMMISSION



This guide is for candidates for and officeholders holding the following positions:

- **statewide elective offices other than judicial offices;**
- **legislative offices;**
- **multi-county district attorney; and**
- **seats on the State Board of Education.**

Note: The Texas Ethics Commission makes available a CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH LOCAL FILING AUTHORITIES and a CAMPAIGN FINANCE GUIDE FOR JUDICIAL CANDIDATES AND OFFICEHOLDERS as well as a CAMPAIGN FINANCE GUIDE FOR POLITICAL COMMITTEES and a CAMPAIGN FINANCE GUIDE FOR POLITICAL PARTIES.

Revised January 1, 2017

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711
(512) 463-5800 FAX (512) 463-5777 TDD 1-800-735-2989

Visit us at <http://www.ethics.state.tx.us> on the Internet.

**CAMPAIGN FINANCE GUIDE FOR CANDIDATES
AND OFFICEHOLDERS WHO FILE WITH THE
TEXAS ETHICS COMMISSION**

TABLE OF CONTENTS

INTRODUCTION.....	1
Candidates	1
Officeholders.....	1
Judicial Candidates and Officeholders.....	1
Local Candidates and Officeholders	2
Federal Offices.....	2
Political Committees (PACs).....	2
Financial Disclosure Statements	2
Federal Income Tax	2
Texas Ethics Commission.....	2
APPOINTING A CAMPAIGN TREASURER	3
No Campaign Contributions or Expenditures Without Treasurer Appointment on File	3
Appointing Treasurer Triggers Reporting Duties	3
Qualifications of Campaign Treasurer	4
Duties of Campaign Treasurer	4
Effective Date of Appointment	4
Code of Fair Campaign Practices.....	4
Appointment by Officeholder	4
Filing for a Place on the Ballot	4
Changing Treasurers	5
Transferring Appointment to a Different Filing Authority	5
Terminating a Campaign Treasurer Appointment	5
Deciding Not to Run	5
POLITICAL CONTRIBUTIONS AND EXPENDITURES	6
Campaign Contributions	6
Campaign Expenditures	6
Officeholder Contributions	6
Officeholder Expenditures	7
Campaign Expenditures by Officeholder	7
Permissible Use of Political Contributions.....	7
Use of Political Funds to Rent or Purchase Real Property.....	7
Accepting Contributions	8
Reimbursement for Political Expenditures from Personal Funds.....	8
Separate Account Required.....	8
INFORMATION REQUIRED ON REPORTS	8
Contributions	8
Pledges	9
Loans.....	9
Contributions of Personal Services	10

Contributions of Personal Travel	10
Contributions from Out-of-State Political Committees	10
Expenditures	10
Unpaid Incurred Obligations.....	11
Expenditures Made by Credit Card.....	11
Campaign Expenditures from Personal Funds	11
Officeholder Expenditures from Personal Funds	12
Direct Expenditures	12
Supporting Political Committees	12
Payments to a Business of the Candidate or Officeholder	12
Interest Earned and Other Credits/Gains/Refunds	13
Purchase of Investments.....	13
Total Political Contributions Maintained	13
Time of Accepting Contribution.....	14
Time of Making Expenditure.....	14
OTHER REPORTING REQUIREMENTS	14
Electronic Filing.....	14
Paper Forms	15
One Report For A Candidate Who Is Also An Officeholder	15
Signature	15
Filing Deadlines	15
Periods Covered by Reports.....	15
Deadline on Weekend or Holiday	15
Timeliness of Filing by Mail or Other Carrier	15
Retention of Records Used for Reports	15
REQUIRED REPORTS	16
Semiannual Reports	16
Reports Due Before an Election.....	16
Modified Reporting.....	17
“15th Day after Appointment of Campaign Treasurer by an Officeholder” Report	17
Special Pre-Election Reports	18
Special Session Report.....	18
Final Report	18
Annual Report of Unexpended Contributions	18
Report of Final Disposition of Unexpended Contributions	19
ENDING FILING OBLIGATIONS	19
Final Report	19
Annual Report of Unexpended Contributions	20
Report of Final Disposition of Unexpended Contributions	20
PENALTIES FOR VIOLATIONS OF FILING REQUIREMENTS	21
IMPORTANT CAMPAIGN FINANCE RESTRICTIONS	21

INTRODUCTION

This guide is a summary of the reporting requirements and other regulations set out in title 15 of the Texas Election Code (chs. 251 – 258) and in the rules adopted by the Texas Ethics Commission.

CANDIDATES

This guide applies to all *candidates* for:

- Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, Land Commissioner, Agriculture Commissioner, and Railroad Commissioner;
- The State Legislature;
- The State Board of Education; and
- District attorney from a multi-county district.

Candidates for the offices listed above file campaign finance reports with the Texas Ethics Commission.

OFFICEHOLDERS

An officeholder in one of the offices listed above and the secretary of state are also subject to regulation under title 15. An officeholder who has a campaign treasurer appointment on file with the Ethics Commission 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. Officeholders in the offices listed above and the secretary of state file reports of contributions and expenditures with the Ethics Commission.

Most of the requirements discussed in this guide apply both to 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 a campaign treasurer 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 Ethics Advisory Opinion 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.

LOCAL CANDIDATES AND OFFICEHOLDERS

Candidates who do not file with the Ethics Commission should review the Ethics Commission's CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH LOCAL FILING AUTHORITIES, which is available on the commission's website.

FEDERAL OFFICES

This guide does not apply to candidates for federal offices. Candidates for federal offices should contact the Federal Elections Commission. The FEC's toll-free number is (800) 424-9530. The FEC's website is at <http://www.fec.gov>.

POLITICAL COMMITTEES (PACS)

Often a candidate or officeholder chooses to establish a specific-purpose political committee. A political committee is subject to its own *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

In addition to campaign finance reports, candidates and officeholders must file an annual personal financial statement with the Ethics Commission in accordance with chapter 572 of the Government Code. New state law requires all personal financial statements filed with the Ethics Commission to be filed electronically. For more information, see the Ethics Commission's brochure titled PERSONAL FINANCIAL STATEMENTS.

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.

The Ethics Commission has authority to impose fines for violations of title 15. Fines are automatic for failure to file required reports and for filing required reports late. If you have evidence of other possible violations of 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's website is at <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 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 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, is still required to file reports 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

The Ethics Commission sends to each individual who files a campaign treasurer appointment a form containing a Code of Fair Campaign Practices. A candidate may pledge to follow the principles and practices set out in the Code by signing the form and filing it with the Ethics Commission.

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 must 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* 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. The Secretary of State’s phone numbers are (512) 463-5650 and (800) 252-8683.

CHANGING TREASURERS

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

TRANSFERRING APPOINTMENT TO A DIFFERENT FILING AUTHORITY

If a candidate has a campaign treasurer appointment on file with the Ethics Commission and wishes to accept campaign contributions or make campaign expenditures in connection with a candidacy for a local office that would require filing with a local filing authority, the candidate must file a new campaign treasurer appointment and a copy of the old campaign treasurer appointment (certified by the Ethics Commission) with the local filing authority. The candidate should also provide written notice to the Ethics Commission that in the future reports will be filed with another authority.

TERMINATING A CAMPAIGN TREASURER APPOINTMENT

A candidate may terminate a campaign treasurer appointment by filing an amended appointment of campaign treasurer naming a different 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 Ethics Commission in writing. The termination is effective on the date the candidate receives the notice or on the date the Ethics Commission 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 Ethics Commission. *See* “Ending Filing Obligations” in this guide.

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 when 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 Texas Ethics Commission.
- A person who has a campaign treasurer appointment on file is a candidate for filing purposes and is responsible for filing periodic reports of contributions and expenditures with the Ethics Commission.
- The candidate, not the candidate’s campaign treasurer, is responsible for filing periodic reports of contributions and expenditures.
- Filing a campaign treasurer appointment has nothing to do with getting on the ballot. The Secretary of State can provide information about getting on the ballot.

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 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. You 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 may not be required to be reported. See “Contributions of Personal Services” in this guide.)

Note: An individual may not accept a campaign contribution if he or she does not have a campaign treasurer appointment on file with the Ethics Commission.

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 with an application for a place on the 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 Ethics Commission.

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.

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 appointment 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 may 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 individual may use officeholder contributions for campaign purposes if the individual has a campaign treasurer appointment on file. An officeholder may use campaign contributions for officeholder purposes at any time. Candidates and officeholders may not convert political contributions to personal use. See "Important 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. 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. (A decision to accept a contribution made during the period covered by a special session report must be made by the third day after 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 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.)

INFORMATION REQUIRED ON REPORTS

CONTRIBUTIONS

A report must disclose all political contributions accepted during the reporting period. If a contributor contributes \$50 or less during the reporting period, contributions from that contributor may be disclosed as part of a lump sum. For other contributions, a filer must disclose the name and address of the contributor, the date of the contribution, and, for in-kind contributions, the nature and value of the contribution.

For contributions accepted on or after January 1, 2004, candidates for and holders of statewide executive-branch offices and legislative offices are required to disclose an individual contributor's principal occupation or job title and the full name of the contributor's employer if, during the reporting period, the filer has accepted contributions aggregating \$500 from the individual.

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 \$50 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* "Important 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* Ethics Commission Rules § 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 \$500 in a reporting period. Before *accepting* more than \$500 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 \$100 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 \$500 or less in a reporting period. For contributions of \$500 or less from an out-of-state committee in a reporting period, there is no requirement to obtain documentation *before accepting* the contribution or contributions. But there is a requirement to include certain documentation with the report of the contribution or contributions. 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 \$100 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* Ethics Advisory Opinion 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

For reports due on or after September 28, 2011, 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 \$100;
- any proceeds of the sale of an asset purchased with a political contribution, the amount of which exceeds \$100; and
- any other gain from a political contribution, the amount of which exceeds \$100.

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 \$100 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 \$100. 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 T.A.C. § 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.

OTHER REPORTING REQUIREMENTS

ELECTRONIC FILING

Candidates and officeholders who file with the Ethics Commission must file reports electronically unless the filer is entitled to claim the exemption from electronic filing. To claim an exemption from electronic filing, a filer must meet *all* of the following requirements: 1) neither the filer, an agent of the filer, nor a person with whom the filer contracts uses computer equipment to keep the current records of political contributions, political expenditures, or persons making political contributions to the filer; 2) the filer does not accept more than \$20,000 in political contributions in any calendar year; and 3) the filer does not make more than \$20,000 in political expenditures in any calendar year.

With *each* report filed on paper, a filer must include an affidavit swearing that he or she is entitled to an exemption from electronic filing. The exemption affidavit form is available on the Ethics Commission’s website at <http://www.ethics.state.tx.us>.

PAPER FORMS

Copies of paper forms are available at <http://www.ethics.state.tx.us> on the Ethics Commission website.

ONE REPORT FOR A CANDIDATE WHO IS ALSO AN OFFICEHOLDER

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

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

FILING DEADLINES

Filing schedules are available at <http://www.ethics.state.tx.us> on the Ethics Commission website.

PERIODS COVERED BY REPORTS

Each report covers activity during a specific time period. Generally, a report picks up where the last report left off. 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 an overlap of time periods. See "Required Reports" at in this guide 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.

TIMELINESS OF FILING 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 Ethics Commission 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.

REQUIRED REPORTS

SEMIANNUAL REPORTS

Every candidate and every officeholder is 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.

Candidates and officeholders must file semiannual reports even if there is no activity to report for the period covered.

REPORTS DUE BEFORE AN ELECTION

Personal Financial Statement. A candidate for office as an elected officer must file a financial statement with the Ethics Commission no later than the 60th day after the date of the regular filing deadline for an application for a place on the ballot in the March primary election OR February 12, whichever is later. If the date for filing for ballot access or filing a declaration of write-in candidacy falls after the regular filing deadline for candidates in the primary election, the deadline may vary. Please contact the Ethics Commission to determine the deadline. A candidate for office as an elected officer in a special election must file 5 days before the election.

New state law requires a personal financial statement filed with the Ethics Commission to be filed electronically. Please visit the Ethics Commission website at www.ethics.state.tx.us for additional information regarding the filing application and instructions.

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 Ethics Commission 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” below.)

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.

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 Ethics Commission 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 \$500 in contributions or \$500 in expenditures 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 \$500 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 \$500 thresholds). A candidate must submit an amended campaign treasurer appointment (FORM ACTA) to select modified reporting for a different election cycle.

“15TH 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. This report is required even if there is no activity to report. 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.)

SPECIAL PRE-ELECTION REPORTS

Special pre-election reports (formerly known as telegram reports) are filed by opposed candidates who file with the Ethics Commission and who accept a contribution or contributions from a single source that in the aggregate exceed \$1,000 during the period beginning the 9th day before the election and ending at noon on the day before the election.

A special pre-election report must be filed electronically, unless otherwise exempted from electronic filing. A special pre-election report filed electronically must be *received* by the commission no later than midnight of the first business day after the contribution is accepted. A special pre-election report that is filed on paper must be *received* by the commission no later than 5 p.m. of the first business day after the contribution is accepted. A special pre-election report that is exempt from the electronic filing requirement does not have to be on a form prescribed by the Ethics Commission. It may be on regular stationery. Any information reported on a special pre-election report must also be reported on the next contribution and expenditure report. *This is the only instance in which information must be reported twice.*

A special pre-election report must include the amount of the contribution(s), the full name and address of the contributor(s), and the date(s) of the contribution(s).

SPECIAL SESSION REPORT

This report is filed after a special legislative session called by the governor. All statewide candidates and officeholders and members of and candidates for the legislature who *receive contributions* during the time period covered by the special session report are required to file a special session report. (Statewide officeholders and members of the legislature may not accept political contributions during a regular legislative session. This restriction does not apply during a special session.) The report must be filed no later than 30 days after the date of final adjournment and must cover the period beginning on the date the governor signs the proclamation calling the special session and ending on the date of final adjournment of the special session.

A special session report is required only if the filer accepted contributions during the period covered by the report. (This is an exception from the general rule that a report is required even if there is no activity to report.)

If a person required to file the report due 30 days after a special legislative session is required to file *another* report *not later than the 10th day after* the special session report is due, then the person does not have to file the special session report.

FINAL REPORT

See “Ending Filing Obligations” in this guide.

ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS

See “Ending Filing Obligations” in this guide.

REPORT OF FINAL DISPOSITION OF UNEXPENDED CONTRIBUTIONS

See “Ending Filing Obligations” in this guide.

Things to Remember

- An officeholder must file semiannual reports for any period during which he or she is an officeholder, regardless of whether the officeholder has a campaign treasurer on file.
- 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. 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, 8 days before an election, or special pre-election reports, 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.
- A special pre-election report must be filed electronically unless otherwise exempted from the electronic filing requirement.
- Any information reported on a special pre-election report must be reported again on the next report of contributions and expenditures.

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 is still required to electronically file a personal financial statement in accordance with chapter 572 of the Government Code. See “Personal Financial Statement” in this guide.) 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” below and “Report of Final Disposition of Unexpended Contributions” in this guide.

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.

Things to Remember

- Anyone who has an appointment of campaign treasurer on file with the Ethics Commission is required to file periodic reports of campaign contributions and expenditures.
- An individual who expects no further campaign activity may file a final report and thereby terminate his or her campaign treasurer appointment. (Note: A candidate who does not have a campaign treasurer appointment on file is still required to electronically file a personal financial statement in accordance with chapter 572 of the Government Code. See “Personal Financial Statement” in this guide.)

PENALTIES FOR VIOLATIONS OF FILING REQUIREMENTS

A person who files a report late or fails to file a report is subject to a late-filing penalty. The late-filing penalty in connection with most reports is \$500. For a report due eight days before an election or for the first semiannual report due after a primary or general election, the late filing penalty is \$500 for the first day the report is late and \$100 a day for each day thereafter that the report is late.

Also, 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.

IMPORTANT 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. 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. Members of the legislature and most statewide officers may not accept political contributions during a period that begins 30 days before a regular legislative session convenes and ends 20 days after final adjournment. Elec. Code § 253.034.
3. Political contributions from labor organizations and from most corporations are prohibited. Elec. Code § 253.091, *et seq.* Partnerships that include one or more corporate partners are subject to the prohibition.
4. Certain documentation must be obtained in order to accept contributions from an out-of-state political committee. Elec. Code § 253.032. *See* “Contributions From Out-of-State Political Committees” in this guide.
5. Contributions in the Capitol and the Capitol Extension are prohibited. Effective September 1, 2009, contributions in a courthouse are also prohibited. Elec. Code § 253.039.
6. 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.) Elec. Code § 253.033.
7. 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. Elec. Code § 253.038.
8. Texas law does not allow anonymous contributions. Also, reports must disclose the actual source of a contribution, not an intermediary. Elec. Code § 253.001.
9. Personal use of political contributions is prohibited. Elec. Code § 253.035.
10. 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* Ethics Advisory Opinion No. 35 (1992) (regarding the combined effect of this prohibition and the prohibition on corporate contributions). Elec. Code § 253.041.
11. There are restrictions on the use of political contributions to reimburse personal funds for political expenditures from personal funds. Elec. Code §§ 253.035(h), 253.0351. *See* “Reimbursement For Political Expenditures From Personal Funds” in this guide. There are

also caps on the amounts for which certain candidates and officeholders may reimburse personal funds from political contributions. Elec. Code §§ 253.042, 253.162.

12. 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.) Elec. Code § 253.040.

Additional Restrictions:

1. Federal law generally prohibits the acceptance of contributions from foreign sources. Contact the Federal Election Commission at (800) 424-9530 or go to the FEC's website at <http://www.fec.gov> for more detailed information.
2. The Education Code prohibits certain people from making political contributions to or having involvement in the campaigns of candidates or officeholders for the State Board of Education. Educ. Code § 7.108.
3. The law requires that certain information be disclosed on most political advertising. For more information, see the Ethics Commission's brochure titled "POLITICAL ADVERTISING: What You Need To Know" which is available on the commission's website at <http://www.ethics.state.tx.us>.

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 \$500 in political contributions or make more than \$500 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 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 July 14, 2010

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711
(512) 463-5800 FAX (512) 463-5777 TDD 1-800-735-2989

Visit us at <http://www.ethics.state.tx.us> on the Internet.

AN EQUAL OPPORTUNITY EMPLOYER

The Texas Ethics Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

FORM CTA–INSTRUCTION GUIDE

TABLE OF CONTENTS

GENERAL INSTRUCTIONS

Duties of a Candidate or Officeholder	1
Qualifications of Campaign Treasurer.....	1
Duties of a Campaign Treasurer	1
Requirement to File Before Beginning a Campaign.....	1
Where to File a Campaign Treasurer Appointment.....	2
Filing With a Different Authority	3
Forming A Political Committee.....	3
Changing a Campaign Treasurer	4
Amending a Campaign Treasurer Appointment	4
Reporting Requirement for Certain Officeholders	4
Terminating a Campaign Treasurer Appointment	4
Filing a Final Report	4
Electronic Filing	5
Guides	5

SPECIFIC INSTRUCTIONS

Page 1	5
Page 2.....	6

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 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.

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 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.

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 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.

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 Texas Ethics Commission are required to file those reports electronically unless the person is entitled to claim an exemption. Please check the Ethics 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 Ethics Commission’s campaign finance guide. Guides are available on the Ethics 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. Please do not enter a P.O. Box.

- 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.

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 \$500 in political contributions or make more than \$500 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 \$500 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 (formerly known as telegram reports), or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$500 maximums apply to each election within the cycle. In other words, you are limited to \$500 in contributions and expenditures in connection with the primary, an additional \$500 in contributions and expenditures in connection with the general election, and an additional \$500 in contributions and expenditures in connection with a runoff.

EXCEEDING \$500 IN CONTRIBUTIONS OR EXPENDITURES. If you exceed \$500 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 \$500 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 Ethics Commission’s campaign finance guide that applies to you.

**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 \$500 in political contributions
or make more than \$500 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
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 July 14, 2010

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711
(512) 463-5800 FAX (512) 463-5777 TDD 1-800-735-2989

Visit us at <http://www.ethics.state.tx.us> on the Internet.

AN EQUAL OPPORTUNITY EMPLOYER

The Texas Ethics Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

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 account number, if you file with the Ethics 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. ACCOUNT #:** If you are filing with the Ethics 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 “ACCOUNT #.” 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. Please do not enter a P.O. Box.

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 \$500 in political contributions or make more than \$500 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 \$500 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 (formerly known as telegram reports), or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$500 maximums apply to each election within the cycle. In other words, you are limited to \$500 in contributions and expenditures in connection with the primary, an additional \$500 in contributions and expenditures in connection with the general election, and an additional \$500 in contributions and expenditures in connection with a runoff.

Exceeding \$500 in contributions or expenditures. If you exceed \$500 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 \$500 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 Ethics Commission's campaign finance guide that applies to you.

CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

**FORM C/OH
COVER SHEET PG 2**

14 C/OH NAME	15 Filer ID (Ethics Commission Filers)
---------------------	---

16 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. <i>THESE EXPENDITURES MAY HAVE BEEN MADE WITHOUT THE CANDIDATE'S OR OFFICEHOLDER'S KNOWLEDGE OR CONSENT.</i> CANDIDATES AND OFFICEHOLDERS ARE REQUIRED TO REPORT THIS INFORMATION ONLY IF THEY RECEIVE NOTICE OF SUCH EXPENDITURES.							
<input type="checkbox"/> Additional Pages	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%; padding: 2px;">COMMITTEE TYPE</td> <td style="padding: 2px;">COMMITTEE NAME</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> GENERAL</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> SPECIFIC</td> <td style="padding: 2px;"></td> </tr> </table>	COMMITTEE TYPE	COMMITTEE NAME	<input type="checkbox"/> GENERAL		<input type="checkbox"/> SPECIFIC		COMMITTEE ADDRESS
	COMMITTEE TYPE	COMMITTEE NAME						
	<input type="checkbox"/> GENERAL							
	<input type="checkbox"/> SPECIFIC							
COMMITTEE CAMPAIGN TREASURER NAME								
COMMITTEE CAMPAIGN TREASURER ADDRESS								

17 CONTRIBUTION TOTALS	1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS, OR CONTRIBUTIONS MADE ELECTRONICALLY), UNLESS ITEMIZED	\$
	2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$
EXPENDITURE TOTALS	3. TOTAL POLITICAL EXPENDITURES OF \$100 OR LESS, UNLESS ITEMIZED	\$
	4. TOTAL POLITICAL EXPENDITURES	\$
CONTRIBUTION BALANCE	5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF REPORTING PERIOD	\$
OUTSTANDING LOAN TOTALS	6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$

18 AFFIDAVIT

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

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, 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

SUBTOTALS - C/OH

FORM C/OH COVER SHEET PG 3

19 FILER NAME

20 Filer ID (Ethics Commission Filers)

21 SCHEDULE SUBTOTALS
NAME OF SCHEDULE

SUBTOTAL
AMOUNT

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	\$

MONETARY POLITICAL CONTRIBUTIONS

SCHEDULE A1

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 <input type="checkbox"/> out-of-state PAC (ID#: _____) <hr style="border-top: 1px dotted black;"/> 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 <input type="checkbox"/> out-of-state PAC (ID#: _____) <hr style="border-top: 1px dotted black;"/> Contributor address; City; State; Zip Code	Amount of contribution (\$)
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
Date	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____) <hr style="border-top: 1px dotted black;"/> Contributor address; City; State; Zip Code	Amount of contribution (\$)
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
Date	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____) <hr style="border-top: 1px dotted black;"/> 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

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

Date	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____)	Amount of Contribution \$	In-kind contribution description
	Contributor address; City; State; Zip Code		
<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.			
Principal occupation / Job title (FOR NON-JUDICIAL) (See Instructions)		Employer (FOR NON-JUDICIAL) (See Instructions)	
Contributor's principal occupation (FOR JUDICIAL)		Contributor's job title (FOR JUDICIAL) (See Instructions)	
Contributor's employer/law firm (FOR JUDICIAL)		Law firm of contributor's spouse (if any) (FOR JUDICIAL)	
If contributor is a child, law firm of parent(s) (if any) (FOR JUDICIAL)			

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED
If contributor is out-of-state PAC, please see Instruction guide for additional reporting requirements.

PLEGGED CONTRIBUTIONS

SCHEDULE B

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#: _____) 7 Pledgor address; City; State; Zip Code	8 Amount of Pledge \$	9 In-kind contribution description
<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#: _____) Pledgor address; City; State; Zip Code	Amount of Pledge \$	In-kind contribution description
<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#: _____) Pledgor address; City; State; Zip Code	Amount of Pledge \$	In-kind contribution description
<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#: _____) Pledgor address; City; State; Zip Code	Amount of Pledge \$	In-kind contribution description
<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

The Instruction Guide explains how to complete this form.

1 Total pages Schedule E:

2 FILER NAME

3 Filer ID (Ethics Commission Filers)

4 TOTAL OF UNITEMIZED LOANS

\$

5 Date of loan

7 Name of lender out-of-state PAC (ID#: _____)

9 Loan Amount (\$)

6 Is lender a financial Institution?

Y N

8 Lender address; City; State; Zip Code

10 Interest rate

11 Maturity date

12 Principal occupation / Job title (See Instructions)

13 Employer (See Instructions)

14 Description of Collateral

none

15

Check if personal funds were deposited into political account (See Instructions)

16 GUARANTOR INFORMATION

17 Name of guarantor

19 Amount Guaranteed (\$)

18 Guarantor address; City; State; Zip Code

not applicable

20 Principal Occupation (See Instructions)

21 Employer (See Instructions)

Date of loan

Name of lender out-of-state PAC (ID#: _____)

Loan Amount (\$)

Is lender a financial Institution?

Y N

Lender address; City; State; Zip Code

Interest rate

Maturity date

Principal occupation / Job title (See Instructions)

Employer (See Instructions)

Description of Collateral

none

Check if personal funds were deposited into political account (See Instructions)

GUARANTOR INFORMATION

Name of guarantor

Amount Guaranteed (\$)

Guarantor address; City; State; Zip Code

not applicable

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

EXPENDITURE CATEGORIES FOR BOX 8(a)

Advertising Expense
Accounting/Banking
Consulting Expense
Contributions/Donations Made By
Candidate/Officeholder/Political Committee
Credit Card Payment

Event Expense
Fees
Food/Beverage Expense
Gift/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 & Related Expense
Travel In District
Travel Out Of District
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
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 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

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

UNPAID INCURRED OBLIGATIONS

SCHEDULE F2

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
--	-------------------------------	---------------	-------------

--

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

PURCHASE OF INVESTMENTS MADE FROM POLITICAL CONTRIBUTIONS

SCHEDULE F3

The Instruction Guide explains how to complete this form.	1 Total pages Schedule F3:
---	-----------------------------------

2 FILER NAME	3 Filer ID (Ethics Commission Filers)
---------------------	--

4 Date	5 Name of person from whom investment is purchased 6 Address of person from whom investment is purchased; City; State; Zip Code
7 Description of investment	
8 Amount of investment (\$)	

Date	Name of person from whom investment is purchased Address of person from whom investment is purchased; City; State; Zip Code
Description of investment	
Amount of investment (\$)	

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

EXPENDITURES MADE BY CREDIT CARD

SCHEDULE F4

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 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
--	-------------------------------	---------------	-------------

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS

SCHEDULE G

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	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)
Credit Card Payment			

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
<input type="checkbox"/> Reimbursement from political contributions intended				

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 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
<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

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
<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

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

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

SCHEDULE H

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	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)
Credit Card Payment			

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 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 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	
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	Business name	
Amount (\$)	Business 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

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

SCHEDULE I

The Instruction Guide explains how to complete this form.

1 Total pages Schedule I:	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 instructions for examples of acceptable categories.)	(b) Description (See instructions regarding type of information required.)
	Date Payee name	
Amount (\$)	Payee address;	City State Zip Code
PURPOSE OF EXPENDITURE	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
PURPOSE OF EXPENDITURE	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
PURPOSE OF EXPENDITURE	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
PURPOSE OF EXPENDITURE	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

The Instruction Guide explains how to complete this form.	1 Total pages Schedule K:
---	----------------------------------

2 FILER NAME	3 Filer ID (Ethics Commission Filers)
---------------------	--

4 Date	5 Name of person from whom amount is received 6 Address of person from whom amount is received; City; State; Zip Code	8 Amount (\$)
7 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 Address of person from whom amount is received; City; State; Zip Code	Amount (\$)
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 Address of person from whom amount is received; City; State; Zip Code	Amount (\$)
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 Address of person from whom amount is received; City; State; Zip Code	Amount (\$)
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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule T:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Name of Contributor / Corporation or Labor Organization / Pledgor / Payee		
5 Contribution / Expenditure reported on: <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		
6 Dates of travel	7 Name of person(s) traveling	
	8 Departure city or name of departure location	
	9 Destination city or name of destination location	
10 Means of transportation	11 Purpose of travel (including name of conference, seminar, or other event)	
Name of Contributor / Corporation or Labor Organization / Pledgor / Payee		
Contribution / Expenditure reported on: <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		
Dates of travel	Name of person(s) traveling	
	Departure city or name of departure location	
	Destination city or name of destination location	
Means of transportation	Purpose of travel (including name of conference, seminar, or other event)	
Name of Contributor / Corporation or Labor Organization / Pledgor / Payee		
Contribution / Expenditure reported on: <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		
Dates of travel	Name of person(s) traveling	
	Departure city or name of departure location	
	Destination city or name of destination location	
Means of transportation	Purpose of travel (including name of conference, seminar, or other event)	
ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED		

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" ••

1 C/OH NAME

2 Filer ID (Ethics Commission Filers)

3 SIGNATURE

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

TEXAS ETHICS COMMISSION

CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT

FORM C/OH – INSTRUCTION GUIDE



Revised January 1, 2017

**Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711
(512) 463-5800 FAX (512) 463-5777 TDD 1-800-735-2989**

Visit us at <https://www.ethics.state.tx.us> on the Internet.

AN EQUAL OPPORTUNITY EMPLOYER

The Texas Ethics Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

FORM C/OH – INSTRUCTION GUIDE

TABLE OF CONTENTS

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.

GENERAL INSTRUCTIONS

Electronic Filing.....	1
Filling Out the Forms.....	1
Texas Ethics Commission Guides	1
Photocopies of Forms	1
Filing Date	2

FORM C/OH: CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT

General Information.....	3
Completing the Cover Sheet	5
SCHEDULE A1: Monetary Political Contributions.....	15
SCHEDULE A2: Non-Monetary (In-Kind) Political Contributions.....	17
SCHEDULE B: Pledged Contributions	19
SCHEDULE E: Loans	22
SCHEDULE F1: Political Expenditures from Political Contributions	25
SCHEDULE F2: Unpaid Incurred Obligations	28
SCHEDULE F3: Purchase of Investments from Political Contributions	30
SCHEDULE F4: Expenditures Made by Credit Card	31
SCHEDULE G: Political Expenditures Made From Personal Funds	33
SCHEDULE H: Payment from Political Contributions to a Business of C/OH	35
SCHEDULE I: Non-Political Expenditures Made From Political Contributions.....	36
SCHEDULE K: Interest, Credits, Gains, Refunds, and Contributions Returned to Filer.....	37
SCHEDULE T: In-Kind Contribution or Political Expenditure for Travel Outside of Texas.....	38

FORM C/OH-FR: DESIGNATION OF FINAL REPORT

General Information	39
Completing the Form	40

EXAMPLES

Examples: Reporting Expenditures Made by Credit Card.....	42
Examples: Purpose of Expenditures	45
Examples: Reporting Expenditures from Personal Funds	48
Examples: Reporting Staff Reimbursements	50

GENERAL INSTRUCTIONS

These general instructions apply to all forms required to be filed under title 15, Texas Election Code.

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, you may use your own computer-generated form if it provides for disclosure of all the information required on the Commission's form and if it is *substantially identical* in paper size, color, layout, and format. A substitute form that is substantially identical to the Commission's prescribed form may 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 \$500 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 \$500 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 \$500 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 \$500 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 “30th 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 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 “30th Day Before Election Report” above for the definition of an opposed candidate.

Exceeded \$500 Limit Report: Candidates who chose to file under the modified reporting schedule but then, after the 30th day before the election, exceeded \$500 in contributions or \$500 in expenditures in connection with the election must file this Exceeded \$500 Limit report within 48 hours after exceeding the \$500 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 \$500 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 \$500 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 \$500 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.

PAGE 2

14. **C/OH (CANDIDATE/OFFICEHOLDER) NAME:** Enter your full name.
15. **FILER ID:** See instructions for section 1.
16. **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.

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

Line 1- Total Political Contributions of \$50 or Less, Unless Itemized: Enter the total of all unitemized contributions (other than pledges or loans or guarantees of loans) of \$50 or less. Do not include any contributions itemized on Schedules A1 or A2. Enter a “0” if you did not receive any unitemized contributions during the period covered.

On Schedules A1 and A2, you were required to itemize political contributions that totaled more than \$50 from one person. You also had the option of itemizing contributions of \$50 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 Political Expenditures of \$100 or Less, Unless Itemized: Enter the total of all unitemized political expenditures of \$100 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 \$100 to one payee. You also had the option of itemizing expenditures totaling \$100 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 \$100 to one payee. You also had the option of itemizing incurred political expenditures totaling \$100 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 \$100 to one payee. You also had the option of itemizing political expenditures totaling \$100 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. AFFIDAVIT:** 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 affidavit.*

PAGE 3

- 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 \$50 from one person during a reporting period on this schedule. If you accepted two or more contributions from the same person, the total of which exceeds \$50, enter each contribution separately. Although you are not required to do so, you may also report contributions from one person that do not exceed \$50 in the period on this schedule. If you do not itemize contributions of \$50 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 \$500 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 \$100 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 \$500 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 \$500 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 \$500 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 \$50 from one person 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 \$50, enter each contribution separately. Although you are not required to do so, you may also report contributions from one person that do not exceed \$50 in the period on this schedule. If you do not itemize contributions of \$50 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 \$50 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 \$50 or less on this schedule, do not include it in this total.
- 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 \$50 in the aggregate from one person during the reporting period. If you received pledges totaling more than \$50 from one person during the reporting period, you must itemize all of those pledges, even if individual pledges were for \$50 or less. Although you are not required to do so, you may also itemize pledges for \$50 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 SCHEDULE 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 \$50 in the aggregate per person. Although you are not required to do so, you may also itemize pledges of \$50 or less on this schedule. If you itemize some pledges of \$50 or less, do not include those pledges in the total entered here. If you choose to itemize all pledges of \$50 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 \$50 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 \$50, itemize each loan separately. Although you are not required to do so, you may also itemize loans that do not exceed \$50.

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 \$50 in the aggregate per person and were not from financial institutions.

Although you are not required to do so, you may itemize loans of \$50 or less from persons other than financial institutions on this schedule. If you itemize some loans of \$50 or less, do not include those loans in the total you enter here. If you choose to itemize all loans of \$50 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, et.) 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 \$500 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 \$500 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: Effective July 5, 2015, 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 \$100 on this schedule. If you made more than one expenditure to the same payee, the total of which exceeded \$100, enter each expenditure separately. Although you are not required to do so, you may also report expenditures to one person that do not exceed \$100 in the period on this schedule. If you choose not to itemize expenditures of \$100 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: For expenditures made on or after July 1, 2014, 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 \$100 on this schedule. If you incurred more than one obligation to the same payee, the total of which exceeded \$100, 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 \$100 in the period on this schedule. If you choose not to itemize incurred political obligations of \$100 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 \$100 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 \$100 in the aggregate per person, unless itemized on this schedule. You are not required to itemize unpaid incurred political obligations of \$100 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 \$100 on this schedule. Although you are not required to do so, you may also report investments purchased with political contributions that do not exceed \$100 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. Effective July 5, 2015, 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 42.

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 \$100 (in the aggregate) to a single payee. If you made two or more expenditures to the same payee, the total of which exceeded \$100, 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 \$100 in the reporting period on this schedule. If you choose not to itemize political expenditures made by credit card of \$100 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 \$100 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 \$100 in the aggregate per person, unless itemized on this schedule. You are not required to itemize political expenditures made by credit card of \$100 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: Effective July 5, 2015, 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 \$100 on this schedule. If you made more than one expenditure to the same payee, the total of which exceeded \$100, enter each expenditure separately. Although you are not required to do so, you may also report expenditures to one person that do not exceed \$100 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: Effective July 5, 2015, 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 \$100, 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 \$100 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 \$100 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 account number. If you do not file with the Commission, you are not required to enter an 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 \$500 in contributions or 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.

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 \$100 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.

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 FIRST MI	Date Received
	NICKNAME LAST SUFFIX	
4 ORIGINAL REPORT TYPE	<input type="checkbox"/> January 15 <input type="checkbox"/> Runoff <input type="checkbox"/> Other (specify) _____	Date Hand-delivered or Date Postmarked
	<input type="checkbox"/> July 15 <input type="checkbox"/> Exceeded \$500 limit	
	<input type="checkbox"/> 30th day before election <input type="checkbox"/> 15th day after treasurer appointment (officeholder only)	
	<input type="checkbox"/> 8th day before election <input type="checkbox"/> Final report	
5 ORIGINAL PERIOD COVERED	Month Day Year Month Day Year	Receipt # Amount \$
	/ / THROUGH / /	Date Processed
Date Imaged		

6 EXPLANATION OF CORRECTION

7 AFFIDAVIT

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.

AFFIX NOTARY STAMP / SEAL ABOVE

Signature of Candidate or Officeholder

Sworn to and subscribed before me, by the said _____, 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

**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 or a special report near 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: Effective September 1, 2011, 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. Affidavit. Read the affidavit before signing. You must sign the affidavit in the presence of an individual authorized to take oaths. If signed before a notary public, the affidavit must include the notary's signature and seal.

**C/OH REPORT OF UNEXPENDED CONTRIBUTIONS
EXPENDITURES**

FORM C/OH-UC

PG 2

8 C/OH NAME	9 Filer ID (Ethics Commission Filers)
--------------------	--

10 Date	11 Payee name	13 Amount (\$)
	12 Payee address; City; State; Zip Code	

14 Purpose of expenditure (See instructions regarding type of information required.) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	15 Is expenditure a contribution to a candidate, officeholder, or political committee? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

Date	Payee name	Amount (\$)
	Payee address; City; State; Zip Code	

Purpose of expenditure (See instructions regarding type of information required.) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	Is expenditure a contribution to a candidate, officeholder, or political committee? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

Date	Payee name	Amount (\$)
	Payee address; City; State; Zip Code	

Purpose of expenditure (See instructions regarding type of information required.) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	Is expenditure a contribution to a candidate, officeholder, or political committee? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

Date	Payee name	Amount (\$)
	Payee address; City; State; Zip Code	

Purpose of expenditure (See instructions regarding type of information required.) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	Is expenditure a contribution to a candidate, officeholder, or political committee? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

TEXAS ETHICS COMMISSION

**CANDIDATE/OFFICEHOLDER REPORT
OF UNEXPENDED CONTRIBUTIONS**

FORM C/OH-UC – INSTRUCTION GUIDE



Revised October 16, 2015

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711
(512) 463-5800 FAX (512) 463-5777 TDD 1-800-735-2989

Visit us at <https://www.ethics.state.tx.us> on the Internet.

AN EQUAL OPPORTUNITY EMPLOYER

The Texas Ethics Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

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. AFFIDAVIT:** 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 AFFIDAVIT.**

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.

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.

ARTICLE 2.07 CODE OF ETHICS*

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)

Sec. 2.07.002 Standards of conduct

(a) General provisions.

- (1) No city official may disclose any confidential information gained through the official's position concerning property, operations, policies, or affairs of the city for gain or advantage in an economic interest of the city official or the persons identified in subsection (c)(4) of this section.
- (2) No city official may use the official's position or city-owned facilities, equipment, supplies, or resources of the city for gain in an economic interest of the city official, for a political campaign of the official, or for any of the persons identified in subsection (c)(4) of this section. Due to the administrative difficulty and cost involved in recapturing the discount or award for the city, a discount or award given for travel, such as frequent flyer miles, rental car or hotel discounts or food coupons, is not a thing of value belonging to the city for purposes of this section.
- (3) Except as specifically authorized by city ordinance, no city official may appear before the body of which the official is a member to represent the city official or any person identified in subsection (c)(4) of this section. The city official may designate and be represented by a person of the official's choice in any such matter.
- (4) No city official may act as surety for any person or business entity that has a contract with the city, or as a surety on any bond required by the city for a city official.
- (5) These general provisions do not prohibit a city official from representing the city official's interest in the city official's owner-occupied homestead before any city body, except the body of which the official is a member.

(b) Gifts. No city official may solicit or accept any contribution, gift, or economic benefit that is offered or given with the intention of influencing the judgment or discretion of such official or that is given in consideration for the favorable exercise of the official's judgment or discretion in the past.

(c) Conflict of interest.

- (1) Substantial interest. No city official may vote on or participate in any decision-making process on a matter concerning property or a business entity if the official has a substantial interest in the property or business entity.
- (2) Economic interest.
 - (A) A city official is not prohibited from voting or participating in any decision-making process on a

matter if the official has an economic interest in the outcome of the matter under consideration. However, the official shall file a conflicts disclosure statement in the form provided by exhibit 1 attached to Ordinance 2006-010.

(B) To avoid the appearance and risk of impropriety, a city official may not, without filing a conflicts disclosure statement in the form provided by exhibit 1, take any official action that the official knows is likely to affect the economic interests of any one or more of the following:

- (i) The city official's parent, child, step-child, spouse, or other family member within the second degree of consanguinity or affinity or a client of the city official;
- (ii) An employer of the city official, the official's parent, child, stepchild, or spouse;
- (iii) A business entity for which the city official serves as an officer or director or serves in any policy-making position;
- (iv) A person or business entity from whom, within the past twelve months, the city official or the official's spouse, directly or indirectly, received an economic benefit;
- (v) A person or business entity from whom, within the past twelve months, the city official or the official's spouse, directly or indirectly, engaged in negotiations pertaining to business opportunities.

(3) Conflicts disclosure statement and recusal.

(A) A city official shall file a sworn conflicts disclosure statement with the city secretary whenever a person or entity has contracted with the city or is considering doing business with the person or entity and the city official has an employment relationship or other business relationship with the person or entity or the city official has received or will receive an economic benefit in or with the person or entity, or if the person or entity has given to the city official gifts that have a value in the aggregate of more than \$250.00 in the 12-month period preceding the date the city official becomes aware that the city has a contract with such person or entity or that the city is considering doing business with such person or entity. The city official shall file the conflicts disclosure statement with the city secretary no later than 5.00 p.m. on the seventh business day after the date the city official becomes aware of the facts that require the filing of the statement.

(B) A city official commits an offense if the city official knowingly fails to file the conflicts disclosure statement as required by this code. An offense under this subsection is a class C misdemeanor.

(C) The city secretary shall accept and file any and all city official conflicts disclosure statements and any vendor conflict of interest questionnaires.

(D) The city secretary shall maintain a list of city officials and shall make that list available to the public and any person who may be required to file a conflicts of interest questionnaire. The city secretary shall maintain copies of the conflict disclosure statements and conflict questionnaires on the city's internet website.

(E) A city official having a substantial interest in the outcome of a matter under consideration shall disclose that the official has a substantial interest and recuse himself/herself immediately from voting and from the discussion of the matter. The city official shall also promptly file an affidavit with the city secretary disclosing the nature and extent of the conflict, and the affidavit shall be included in the official minutes of the body of which the city official is a member.

(4) Consanguinity and affinity.

Affinity Kinship (Marriage) Relationships

1st Degree

2nd Degree

Father-in-law

Spouse's grandfather

Mother-in-law

Spouse's grandmother

Son-in-law

Spouse's brother (brother-in-law)

Daughter-in-law

Spouse's sister (sister-in-law)

- Spouse
- Spouse's grandson
- Spouse's granddaughter
- Brother's spouse (sister-in-law)
- Sister's spouse (brother-in-law)

Consanguinity (Blood) Relationships

1st Degree	2nd Degree	3rd Degree
Father	Grandfather	Great-grandfather
Mother	Grandmother	Great-grandmother
Son	Brother	Nephew
Daughter	Sister	Niece
	Grandson	Great-grandson
	Granddaughter	Great-granddaughter
		Uncle
		Aunt

(5) Budget matters. The council shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the council has a substantial interest. The member of the council that has the substantial interest may not participate in the separate vote.

(Ordinance 2006-010, exh. A, sec. II, adopted 9/18/06; Ordinance 2016-006 adopted 3/3/16; Ordinance 2016-018 adopted 5/19/16)

Sec. 2.07.003 Interest in property acquired with public funds

(a) Disclosure of interest in property. A city official who has a legal or equitable interest in real property that is to be acquired with public funds shall file an affidavit within ten (10) days before the date on which the property is to be acquired by purchase or condemnation.

(b) Affidavit.

(1) The affidavit must include the following information:

(A) The name of the city official;

(B) The city official's office, public title, or job designation;

(C) A full description of the property;

(D) A full description of the nature, type, and amount of interest in the property, including the percentage of ownership interest;

(E) The date when the person acquired an interest in the property;

(F) A verification that states as follows: "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 of the Texas Government Code"; and

(G) An acknowledgement of the same type required for recording a deed in the deed records of the county.

(2) The affidavit must be filed with the county clerk of the county in which the city official resides and the county clerk of each county in which the property is located.

(Ordinance 2006-010, exh. A, sec. III, adopted 9/18/06)

State law reference—Disclosure of interest in property, V.T.C.A., Government Code, sec. 553.002.

Sec. 2.07.004 Nepotism

(a) Prohibition.

(1) A city official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from city funds or fees of office if:

(A) The individual is related to the city official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage), as illustrated by the chart in [section 2.07.002\(c\)\(4\)](#) of this code; or

(B) The city official holds the appointment or confirmation authority as a member of a state or local board, the legislature, or a court and the individual is related to another member of that board, legislature, or court within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage), as illustrated by the chart in [section 2.07.002\(c\)\(4\)](#) of this code.

(2) A city official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position in which the individual's services are under the public official's direction or control and that is to be compensated directly or indirectly from city funds or fees of office if:

(A) The individual is related to another public official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage), as illustrated by the chart in [section 2.07.002\(c\)\(4\)](#) of this code; and

(B) The appointment, confirmation of the appointment, or vote for appointment or confirmation of the appointment would be carried out in whole or partial consideration for the other public official appointing, confirming the appointment, or voting for the appointment or confirmation of the appointment of an individual who is related to the first public official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage), as illustrated by the chart in [section 2.07.002\(c\)\(4\)](#) of this code.

(b) Exceptions.

(1) The prohibitions in this section do not apply to the following:

(A) An appointment to the office of a notary public or to the confirmation of that appointment;

(B) An appointment or employment of a personal attendant by an officer of the city for attendance on the officer who, because of physical infirmities, is required to have a personal attendant; or

(C) Any other appointment excepted under chapter 573 of the Texas Government Code.

(2) The prohibition in subsection (a)(1) of this section does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if:

(A) The individual is employed in the position immediately before the election or appointment of the city official to whom the individual is related in a prohibited degree; and

(B) That prior employment of the individual has been continuous for at least two (2) years.

(3) If, under subsection (b)(2) of this section, an individual continues in a position, the city official to whom the individual is related in a prohibited degree may not participate in any deliberation or vote 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.

(Ordinance 2006-010, exh. A, sec. IV, adopted 9/18/06)

Sec. 2.07.005 Honoraria

(a) Prohibition. A city official is prohibited from soliciting, accepting, or agreeing to accept an honorarium in consideration for services that the city¹⁷⁶ official would not have been requested to provide

but for the city official's official position or duties.

(b) Exception. This section does not prohibit a city official from accepting: (i) transportation expenses, (ii) lodging expenses, or (iii) meals in connection with a conference or similar event in which the city official renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory.

(Ordinance 2006-010, exh. A, sec. V, adopted 9/18/06)

Sec. 2.07.006 Gifts

(a) Prohibitions.

(1) A city employee performing regulatory functions or conducting inspections or investigations shall not solicit, accept, or agree to accept any benefit from a person the city employee knows to be subject to regulation, inspection, or investigation by the city employee or the city.

(2) A city employee having custody of prisoners shall not solicit, accept, or agree to accept any benefit from a person the city employee knows to be in his custody or the custody of the city.

(3) A city employee or a city official who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the city shall not solicit, accept, or agree to accept any benefit from a person the city employee or city official knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.

(4) A city employee or city official who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision shall not solicit, accept, or agree to accept any benefit from a person the city employee or city official knows is interested in or likely to become interested in any matter before the city employee or city official or tribunal.

(b) Donations of unsolicited gifts. A city employee or city official who receives an unsolicited benefit that the city employee or city official is prohibited from accepting under this section 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.

(c) Exceptions. The prohibitions set out in this section do not apply to:

(1) A fee prescribed by law to be received by a city employee or city official or any other benefit to which the city employee or city official is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a city employee or city official;

(2) A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;

(3) A benefit to a city employee or city official required to file a statement under chapter 572, Government Code, or a report under title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:

(A) The benefit and the source of any benefit in excess of \$50.00 is reported in the statement; and

(B) The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office that are non-reimbursable by the state or the city;

(4) A political contribution as defined by title 15, Election Code;

(5) An item with a value of less than fifty dollars (\$50.00), excluding cash or a negotiable instrument as described by section 3.104 of the Texas Business & Commerce Code;

(6) An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;

(7) Food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law; or

(8) Any gift or benefit otherwise excepted under section 36.10, Penal Code.

(Ordinance 2006-010, exh. A, sec. VI, adopted 9/18/06)

Sec. 2.07.007 City records

(a) Prohibitions. A city official or city employee shall not:

- (1) Knowingly make a false entry in, or false alteration of, a city record;
- (2) Make, present, or use any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine city record;
- (3) Intentionally destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a city record;
- (4) Possess, sell, or offer to sell a city record or a blank city record form with intent that it be used unlawfully;
- (5) Make, present, or use a city record with knowledge of its falsity; or
- (6) Possess, sell, or offer to sell a city record or a blank city record form with knowledge that it was obtained unlawfully.

(b) Exception. It is an exception to the application of subsection (a)(3) of this section that the city record is destroyed pursuant to legal authorization or transferred under section 441.204 of the Texas Government Code. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of subtitle C, title 6 of the Texas Local Government Code.

(Ordinance 2006-010, exh. A, sec. VII, adopted 9/18/06)

Sec. 2.07.008 Misuse of official information

(a) Prohibitions.

(1) A city employee or city official shall not misuse information to which he or she has access by virtue of his or her office or employment and that has not been made public, and shall not:

- (A) Acquire, attempt to acquire or aid another to acquire or attempt to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
- (B) Speculate or aid another to speculate on the basis of the information; or
- (C) As a city official or city employee coerce another into suppressing or failing to report that information to a law enforcement agency.

(2) A city employee or city official shall not, with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:

- (A) The city official or city employee has access to by means of the city official's or city employee's office or employment; and
- (B) Has not been made public.

(b) Definition. In this section, "information that has not been made public" means any information to which the public does not generally have access, and/or that is prohibited from disclosure under chapter 552, Government Code.

(Ordinance 2006-010, exh. A, sec. VIII, adopted 9/18/06)

Sec. 2.07.009 Ethics review commission

(a) Jurisdiction. The ethics review commission (the "commission") has jurisdiction over ethics complaints as described in this code involving city officials and city employees and may advise the city council from time to time regarding ethical matters so as to promote personal integrity, honesty and ethical conduct in all matters conducted by the city.

(b) Composition; terms; officers. The commission is to be composed of seven (7) members each serving a two (2) year term. Each member of the city council and the mayor shall nominate one member to the commission. A seventh member shall be appointed by majority vote of the city council. If a vacancy occurs on the commission, the council member place or the mayor who made the nomination for the vacant place shall nominate a person to fill the unexpired term. Nominated members become appointed members upon a simple majority vote of the council. Each commission member shall take an oath of office comparable to that taken by council members. Ethics commissioners shall serve without compensation, but shall be eligible to be reimbursed for actual expenses in accordance with the city's policy.

(1) Terms of commissioners. Commissioners shall serve two-year terms and may be reappointed. Each

commissioner that was appointed prior to the effective date of this section shall continue to serve as a commissioner and for the duration of the term of their original appointment. The council may by majority vote remove a commissioner with or without cause. Any commissioner who misses three (3) consecutive meetings within a twelve (12) month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his/her position on the commission. This section shall not apply to a commissioner who applied for and received an excused absence from the commission chairperson prior to the meeting(s) at issue. Any commissioner who no longer resides within the corporate boundaries of the city is deemed to have automatically vacated his/her position on the commission.

(2) Officers. From among its members the commission shall elect its officers, those being the chairperson, vice-chairperson, and secretary. Officers shall be elected for terms of one (1) year. The chairperson shall preside over all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent, any commissioner may be appointed by the remaining members of the commission to preside over the meeting.

(3) Qualifications.

(A) Commission members must be registered voters who are residents of the city.

(B) No member of the ethics commission may be:

(i) A member of the city council, a member of the planning and zoning commission, a member of the board of adjustment, a city employee, a city official, or the spouse of any of the foregoing;

(ii) A candidate for elected public office for the city;

(iii) Anyone having a substantial business interest or substantial interest in real property with any council member, city official, city employee, or commission member specified under subsection (i) above;

(iv) Anyone who has been a paid campaign worker or paid political consultant for any council or mayoral candidate; or

(v) A convicted felon.

(c) Conflicts of interest. An ethics commissioner shall not vote or participate in any matter involving a person listed in [section 2.07.002\(c\)\(4\)](#) of this code nor on any matter or involving any person that the ethics commissioner has an economic interest in or with.

(d) Procedures.

(1) The ethics review commission shall have the authority to review and investigate complaints filed in accordance with this article and issue a written finding and ruling of the commission's determination when appropriate.

(2) The commission shall determine its rules and procedures, which shall be submitted in writing for approval of the council. The commission shall establish, amend and rescind its procedures and maintain proper records of its proceedings and its opinions. The commission shall meet as often as necessary to fulfill its responsibilities but must meet at least once a year to review this code of ethics.

(3) The commission shall have the power to investigate, request and gather evidence necessary to determine if a violation has occurred. The commission shall have the power to enforce the provisions of this article, including recommending to the council the prosecution of alleged violators. Nothing in this code shall be construed, however, to prevent complainants, including the city, from instituting direct legal action on their own behalf through the appropriate judicial authority.

(4) Service on the ethics review commission does not preclude a member from filing a complaint with the commission. The commission member filing the complaint must recuse himself/herself from the commission procedure.

(e) Code of ethics review. The ethics review commission shall make recommendations to the council regarding revisions and changes to this code of ethics.

(f) City support.

(1) The ethics review commission may seek any necessary assistance from the council and city administrator regarding financial support needed to¹⁷⁹ carry out the commission's duties.

(2) The commission shall receive from the city such administrative support as reasonably necessary to carry out the duties of the commission and to assist the commission with maintenance of its records in compliance with the city's records retention schedule.

(Ordinance 2006-010, exh. A, sec. IX, adopted 9/18/06)

Sec. 2.07.010 Role of city attorney

(a) The city attorney shall serve as legal counsel to the ethics review commission. However, when complaints are filed relating to the mayor, council members, city administrator, or city attorney, the commission may use independent legal counsel to advise the commission and take part in its proceedings.

(b) The city attorney shall serve as ethics advisor to city officials and city employees. As ethics advisor, the city attorney is available to respond confidentially to inquiries relating to this code of ethics and may render advisory opinions on potential conflicts of interest or violation of this section at the request of a city official or city employee. A written advisory opinion may be used as a defense to an alleged violation of this code in any subsequent ethical complaint concerning the matter, unless material facts were omitted or misstated by the person requesting the opinion.

(c) The city attorney shall receive all sworn complaints and provide a copy and a preliminary review of the complaint to the commission for action. The preliminary review does not advise on the merits of a complaint.

(d) If a complainant alleges a violation by the city attorney, the complaint must be filed with the chairperson of the ethics commission, with copies to the mayor and the city administrator.

(Ordinance 2006-010, exh. A, sec. X, adopted 9/18/06)

Sec. 2.07.011 Complaint process

(a) Filing.

(1) Generally. Any city official, city employee, or eligible voter of the city who believes that there has been a violation of this article may file a sworn complaint. A complaint alleging a violation of this code of ethics must meet the requirements herein and must be filed with the city secretary. A complaint alleging a violation of this code of ethics by the city attorney must be filed with the persons named in [section 2.07.010](#)(d) of this code. A complaint must be filed within one (1) year from the date of the alleged violation.

(2) Required contents of complaint. An ethics complaint must be in writing and under oath and must set forth in simple, concise, and direct statements the following:

(A) The name of the complainant;

(B) The street or mailing address and the telephone number of the complainant;

(C) The name of the person who allegedly committed the violation;

(D) The position or title of the person who allegedly committed the violation;

(E) The nature of the alleged violation, including, if possible, the specific rule or provision of this code of ethics alleged to have been violated;

(F) A statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred, which must contain the following:

(i) Documents or other material available to the complainant relevant to the allegation;

(ii) A list of all documents or other material relevant to the allegation and available to the complainant, but that are not in the possession of the complainant, including the location of the documents; if known; and

(iii) A list of all documents or other material relevant to the allegation, but unavailable to the complainant, including the location of the documents, if known;

(G) If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief.

(3) Affidavit. The complaint must be accompanied by an affidavit stating that the information contained in the complaint is either true and correct or that the complainant has good reason to believe and does

believe that the facts alleged constitute a violation of this code of ethics.

(4) Information regarding filing requirements. Upon request, the city secretary shall provide information to persons about the requirements of a complaint and the process for filing a complaint.

(b) Confidentiality and ex parte communications.

(1) No city official or city employee may reveal information relating to the filing or processing of a complaint except as required for the performance of official duties.

(2) All documents relating to a pending complaint are confidential, unless they are required to be disclosed under the Texas Public Information Act (Texas Government Code section 552.001 et seq.).

(3) After a complaint has been filed, and during the consideration of a complaint by the commission, a member of the commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the commission. This provision does not prevent a member of the commission from consulting with the city attorney regarding procedural and legal issues.

(c) Notification.

(1) A copy of a complaint which meets the requirements of this section shall be promptly forwarded by the city secretary to the city attorney and to the person charged in the complaint.

(2) The person alleged in the complaint to have violated this article shall be provided with a copy of the ethics ordinance and informed that:

(A) Within fourteen (14) days of receipt of the complaint, a sworn response must be filed with the city secretary; and

(B) Failure to file a response does not preclude the city attorney from processing the complaint.

(3) City officials and city employees have a duty to cooperate with the city attorney, pursuant to this section.

(4) All members of the commission shall receive copies of the complaint, any background documentation, and any responses at least seven days before a hearing on the matter.

(Ordinance 2006-010, exh. A, sec. XI, adopted 9/18/06; Ordinance 2007-005 adopted 3/15/07)

Sec. 2.07.012 Hearing process

(a) Preliminary hearing.

(1) As soon as reasonably possible, but in no event later than sixty (60) days after receiving a complaint, the commission shall conduct a preliminary hearing. The purpose of the preliminary hearing is to determine whether there are reasonable grounds to believe that a violation of this article has occurred.

(2) The complainant and the city official or city employee named in the complaint have the right to representation by counsel.

(3) Statements at a preliminary hearing shall be under oath, but there shall be no cross-examination or requests for persons or evidence issued for the hearing.

(4) The person filing a complaint shall state the alleged violation and describe in narrative form the testimony and other evidence presented to prove the alleged violation as stated in the written complaint.

(5) The city official or city employee named in the complaint shall have the opportunity to respond but is not required to attend or make any statement. The city official or city employee may describe in narrative form the testimony and other evidence presented to disprove the alleged violation. If the city official or city employee agrees that a violation has occurred, the commission may consider the appropriate sanction.

(6) Only members of the commission may question the complainant, the independent counsel for the commission, or the city official or city employee named in the complaint.

(7) At the conclusion of the preliminary hearing the commission shall take one of the following actions:

(A) If the commission does not determine that there are reasonable grounds to believe that a violation of this article has occurred, the complaint shall be dismissed.

(B) If the commission determines that there are reasonable grounds to believe that a violation of this article has occurred, it shall schedule a final hearing.

(C) If the city official or city employee has agreed that a violation has occurred, the commission may proceed with the preliminary hearing to determine the appropriate sanction.

(b) Final hearing.

(1) A final hearing shall be held as expeditiously as possible following the determination by the commission that there are reasonable grounds to believe that a violation of this article has occurred, but in no event shall it be held more than thirty (30) days after said determination. The commission may grant two (2) postponements, not to exceed fifteen (15) days each, upon the request of the city official or city employee named in the complaint.

(2) If a complaint proceeds to a final hearing, the commission may request witnesses to attend and testify, administer oaths and affirmations, take evidence and request the production of books, papers, records, or other evidence needed for the performance of the commission's duties or exercise of its powers, including its powers of investigation.

(3) The issue at a final hearing is whether a violation of this article has occurred. The commission shall make its determination based on the evidence in the record. All witnesses shall make their statements under oath. If the commission determines that a violation has occurred, it shall state its findings in writing, identify the particular provision(s) of this article that have been violated, and within five (5) working days deliver a copy of the findings to the complainant, the person named in the complaint, and the city secretary. The city secretary shall deliver a copy of the findings to the council, the city administrator and the city attorney.

(Ordinance 2006-010, exh. A, sec. XII, adopted 9/18/06)

Sec. 2.07.013 Sanctions and violations

(a) Optional sanctions hearing. If the commission determines that a violation of this article has occurred, it shall consider appropriate sanctions. The commission may receive additional testimony or statements before considering sanctions, but is not required to do so.

(b) Sanctions.

(1) If the commission determines that a violation has occurred, it may impose the following sanctions:

(A) A letter of notification is an appropriate sanction when the violation is clearly unintentional. The letter of notification shall advise the city official or city employee of any steps to be taken to avoid future violations.

(B) A letter of admonition is the appropriate sanction when the commission finds the violation is minor.

(C) A letter of reprimand is the appropriate sanction when the commission finds a serious violation has been committed.

(D) A letter of censure is the appropriate sanction when the commission finds that a serious violation has occurred or more than one serious violation or repeated serious violations of this article have been committed.

(2) Copies of all sanction letters issued by the commission under this section shall be sent to the council.

(3) In addition, when the seriousness of the violation warrants, the commission may recommend to the council the suspension or removal from office of any official serving in a city-appointed position. Any city-appointed person removed from office shall be ineligible to hold a position on any city advisory board, committee or commission, or employment for five (5) years after removal, in addition to any other penalty provided by law.

(c) Inapplicability of criminal penalty. Except with regard to violations of chapters 171 and 176 of the Texas Local Government Code, violations of the Texas Penal Code, or violations of the Texas Government Code, a violation by any city official or city employee as designated herein of one or more of the provisions of this article shall not be deemed to be a class C misdemeanor under the laws of the state.

(d) Violation by employee.

(1) The failure of an employee to comply with one or more of the standards of conduct set forth in this article shall constitute grounds for disciplinary action, up to and including termination of employment, to the extent allowed by law. All disciplinary action and any appeals therefrom shall be in conformity with applicable procedures established by the personnel policies of the city. Any employee dismissed from employment shall be ineligible for city employment for five (5) years after dismissal, in addition to any other penalty provided by law.

(2) Ethical complaints filed against city employees shall be addressed and considered by the ethics review commission and the city council in the same manner as complaints filed against city officials. Provided, however, that sanctions or disciplinary recommendations, and the procedures for determining same, shall not be made by the commission but shall be conducted in accordance with the city's personnel policies. Nothing in this article is intended to change an employee's at-will status of employment.

(Ordinance 2006-010, exh. A, sec. XIII, adopted 9/18/06)

Sec. 2.07.014 Appeal of commission action to council

(a) The commission's findings of violations of this article and recommendations of disciplinary action shall be forwarded to the city council for consideration and action. The commission's findings and ruling of a violation of this article and recommendations of disciplinary action may be appealed to the city council by the person(s) charged in the complaint. Upon receipt of a written request for an appeal, the city council shall promptly schedule a public hearing. The written request for an appeal shall be submitted to the city secretary before the expiration of ten (10) days from the date of the written findings and rulings of the ethics review commission.

(b) Upon receipt of the commission's findings and ruling and upon conclusion of an appeal, if any, the city council by simple majority vote shall determine what action, if any, is appropriate pursuant to this code. The council may approve of the commission's recommendation, disapprove the commission's recommendation or modify the commission's recommendation. Any disciplinary action shall require the affirmative vote of the super-majority of the city council without the participation of an affected member. No final action, decision or vote with regard to the matter shall be made except in an open meeting that complies with the Open Meetings Act. No disciplinary action shall be taken in excess of that allowed by law.

(Ordinance 2006-010, exh. A, sec. XIV, adopted 9/18/06)

Sec. 2.07.015 Open meetings training required

Each city official shall take the open meetings training required by state law within the time frames required by state law. (Ordinance 2006-010, exh. A, sec. XV, adopted 9/18/06)

Sec. 2.07.016 Distribution of regulations

The city secretary shall make available to each new city official designated in this article a copy of the text of this article, chapter 171 and chapter 176 of the Texas Local Government Code pertaining to conflicts of interest, the Texas Open Meetings Act (Texas Government Code section 551.001 et seq.), and the Texas Public Information Act (Texas Government Code section 552.001 et seq.) (collectively referred to in this article as the "ethics statutes"). (Ordinance 2006-010, exh. A, sec. XVI, adopted 9/18/06)

Sec. 2.07.017 No limitation on authority of city

(a) Penalties prescribed in this article do not limit the power of the mayor, city council, or city administrator to discipline employees under their supervision pursuant to applicable city policies.

(b) The penalties prescribed in this article do not limit the power of the city council to discipline its own members or to remove members of appointed boards or commissions. Notwithstanding this article, officers, other than the mayor or council, may be removed at will, subject to applicable city regulations.

(Ordinance 2006-010, exh. A, sec. XVII, adopted 9/18/06; Ordinance adopting 2018 Code)

City of Wimberley
221 Stillwater Drive
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:

(2) Substantial interest in any business entity located within the city limits of the City of Wimberley:

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 9/1/2017)

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070
(512) 463-5800 FAX (512) 463-5777 TDD 1-800-735-2989
Visit us at <http://www.ethics.state.tx.us> on the Internet.

CHAPTER 258, ELECTION CODE

FAIR CAMPAIGN PRACTICES

TABLE OF CONTENTS

Chapter 258. Fair Campaign Practices 1

 Sec. 258.001. Short Title..... 1

 Sec. 258.002. Purpose..... 1

 Sec. 258.003. Delivery Of Copy Of Code 1

 Sec. 258.004. Text Of Code 1

 Sec. 258.005. Forms 2

 Sec. 258.006. Acceptance And Preservation Of Copies 2

 Sec. 258.007. Subscription To Code Voluntary 2

 Sec. 258.008. Indication On Political Advertising 2

 Sec. 258.009. Civil Cause Of Action..... 2

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 untrammelled 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 - VOID¹

Date

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.

¹ 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 <input type="checkbox"/> POLITICAL COMMITTEE <input type="checkbox"/> <i>If filing as a candidate, complete boxes 3 - 6, then read and sign page 2.</i> <i>If filing for a political committee, complete boxes 7 and 8, then read and sign page 2.</i>				
3 NAME OF CANDIDATE (PLEASE TYPE OR PRINT)	TITLE (Dr., Mr., Ms., etc.) NICKNAME	FIRST LAST	MI 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.) NICKNAME	FIRST LAST	MI 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 untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

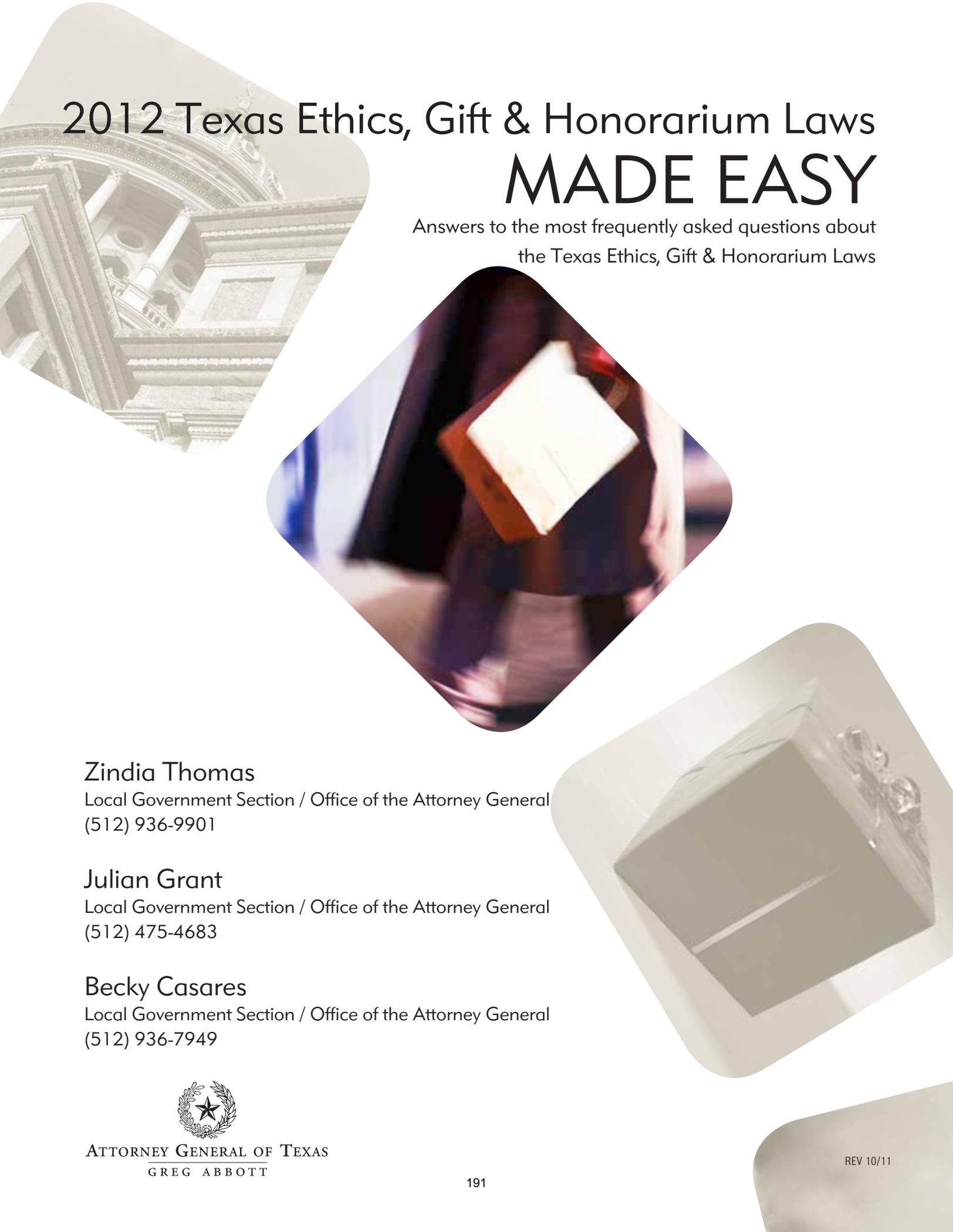
THEREFORE:

- (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.

Signature

Date



2012 Texas Ethics, Gift & Honorarium Laws MADE EASY

Answers to the most frequently asked questions about
the Texas Ethics, Gift & Honorarium Laws

Zindia Thomas

Local Government Section / Office of the Attorney General
(512) 936-9901

Julian Grant

Local Government Section / Office of the Attorney General
(512) 475-4683

Becky Casares

Local Government Section / Office of the Attorney General
(512) 936-7949



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

Ethics, Gift and Honorarium Laws Made Easy

Numerous state statutes address ethical limitations that apply to elected and appointed public officials, as well as to staff members. Some of the provisions are contained in the Texas Penal Code and cover the ability of local officials to accept gifts and honoraria and to use certain official information for their own benefit. Additionally, there are laws outside of the Penal Code that place ethical limitations on local officials. These include laws, regulations and codes that regulate the conduct of certain types of professionals, including attorneys, engineers, accountants and others. Throughout the law, there are specific statutes and court decisions that have ethical implications, some of which are discussed in other handbooks and articles available on the Texas Attorney General's website. Public officials and candidates for public office should pay particular attention to the reporting requirements and restrictions set forth in Title 15 of the Election Code; most ethics complaints filed with the Texas Ethics Commission stem from alleged violations of this law. Relevant statutes, rules, opinions and frequently asked questions may be found on the Ethics Commission's website at www.ethics.state.tx.us. However, neither this handbook nor these other resources can catalogue all relevant issues. Finally, local entities might adopt ethics-related limitations through an ordinance, policy or city charter provision that contains such restrictions. Each of these sources should be consulted.

The following questions and answers provide a layperson's explanation of the ethics-related provisions contained in state law or other sources. This handbook is intended to provide general guidance on the issues raised in this area. The Local Government Affairs Section of the Office of the Attorney General is available to answer questions from local officials, who should nonetheless consult with their own legal counsel regarding the application of the law to the facts of each particular situation.

Table of Contents

General Ethics Requirements	1
1. Is there a general state statute that provides a code of ethics for local officials or staff?	1
2. Are there state statutes that impose a set of professional and ethical requirements on certain professionals who may be employed by a local entity (e.g., county engineer, city attorney)?.....	1
3. What role does the Texas Ethics Commission have in enforcing or advising local officials on state or local ethics requirements?	2
4. Can a local governing body impose a specific set of ethical requirements on elected and/or appointed officials and staff?.....	3
5. What types of issues are typically addressed in an ethics ordinance regarding elected and appointed officials?	3
6. What types of issues are typically addressed in an ethics ordinance regarding employees?.....	3
Bribery and Illegal Gift Statutes	4
7. Is it illegal for a person to offer, or for a public official to accept, a gift or benefit in exchange for an exercise of official discretion?	4
8. Does state law prohibit a local official or employee from accepting a gift or benefit if the item was offered or accepted after the exercise of official discretion?.....	4
9. Does state law prohibit a local official or employee from accepting a gift or benefit if it was unsolicited and if it can be shown that it did not influence the exercise of official discretion?	5
10. Can a local official or staff member accept a gift that is simply provided in appreciation for superior public service and that is not in exchange for any official exercise of discretion?	5
11. What is considered a “gift or benefit” for purposes of the general prohibition against the acceptance of gifts by public officials and public employees?.....	5
12. Are there exceptions to the gift or benefit limitations that apply to public officials and public employees?.....	5
13. What can public officials or public employees do with unsolicited benefits that they are prohibited from accepting?	6
14. Can a public official or employee be criminally prosecuted if found to have illegally accepted a gift or benefit?.....	6
15. Can a public official or public employee be removed from office if found to have illegally accepted a gift or benefit?.....	6

Honorarium Statutes	7
16. Does state law prohibit a public official or public employee from accepting an honorarium or other item of value in exchange for providing a speech or other service?	7
17. Is the prohibition on accepting honoraria waived if the public official or employee provides the speech or service on his or her own personal time and there is no expenditure of public resources?	7
18. Does the prohibition against honoraria apply to expenses incurred by a public servant for food, lodging or transportation in connection with providing a speech or service?	8
Misuse of Government Property Statutes.....	8
19. Does state law prohibit a public official or public employee from using government property for personal purposes?.....	8
20. Does state law prohibit the use of public employees to perform private work for public officials during work hours?	8
21. Can a public official use government property or the services of public employees for private purposes if the public entity is reimbursed for the value of the property usage or service that is provided?.....	8
22. Can a public official use a public employee to perform private work if the employee is paid for the value of the work and the work is performed on the employee's own time without the use of any public resources?.....	8
23. Can a public official or public employee be criminally prosecuted for a violation of the misuse of government property law?	9
24. Can a public official or public employee be removed for violation of the misuse of government property prohibition?	9
Misuse of Official Information Statutes.....	9
25. Does state law prohibit a public official or public employee from using confidential information to gain a benefit or advantage?	9
26. Does the prohibition on the misuse of government property apply to a public official or employee who uses information that is deemed open to the public (e.g., an open record)?	9
27. Can a public official or public employee be removed for a violation of the misuse of official information prohibition?	9
28. Can a public official or public employee be criminally prosecuted for a violation of the misuse of official information law?.....	10
Acknowledgment.....	10

General Ethics Requirements

1. Is there a general state statute that provides a code of ethics for local officials or staff?

There is not a general statutory code of ethics specifically for local officials or staff. To determine whether an official has violated any ethical duties, one must consult several Texas statutes, including the conflict of interest laws under chapters 171 and 176 of the Local Government Code, as well as any special statutes that may apply to the conduct or to the profession at issue. Most local officials are also “public servants” for purposes of Title 8 of the Texas Penal Code – entitled “Offenses Against Public Administration” – which addresses bribery, honoraria, impermissible gifts and abuse of office. Additionally, the official must look to any local provisions that may have been adopted through a city charter or a local ordinance or policy. State officials are subject to other laws, such as chapter 572 of the Government Code. In summary, there are several provisions in Texas law that may be applicable to local officials.

2. Are there state statutes that impose a set of professional and ethical requirements on certain professionals that may be employed by a local entity (e.g., county engineer, city attorney)?

There are certain state statutes that impose a special set of professional responsibilities on how individuals within certain professions or offices must perform their functions. For example, judges are subject to the standards imposed under the State Code of Judicial Conduct.¹ Generally, a judge who is a licensed attorney is subject to the code of professional responsibility applicable to all practicing lawyers.² Summarized below are some professional ethical and performance standards that may apply to local officials if they are acting within the scope of their professions.

Accountants: Regulated by the Texas Board of Public Accountancy. Phone: (512) 305-7866. Statutes that contain the regulations: (TEX. OCC. CODE ANN.) Chapter 901 - Public Accountancy Act. The Texas State Board of Public Accountancy can be found at www.tsbpa.state.tx.us.

Architects: Regulated by the Texas Board of Architectural Examiners. Phone: (512) 305-9000. Statutes that contain the regulations: (TEX. OCC. CODE ANN.) Chapter 1051. The Texas Board of Architectural Examiners can be found at www.tbae.state.tx.us.

Physicians: Regulated by the Texas Medical Board. Phone: (800) 248-4062. Statutes that contain the regulations: (TEX. OCC. CODE ANN.) Chapters 151-165 - Medical Practice Act. The Texas Medical Board can be found at www.tmb.state.tx.us.

Engineers: Regulated by the Texas Board of Professional Engineers. Phone: (512) 440-7723. Statutes that contain the regulations: (TEX. OCC. CODE ANN.) Chapter 1001. The Board of Professional Engineers can be found at www.tbpe.state.tx.us.

Judges: Regulated by the State Commission on Judicial Conduct. Phone: (877) 228-5750 or (512) 463-5533. Statutes that contain the regulations: (TEX. OCC. CODE ANN.) Chapter 33

¹ TEX. CODE JUD. CONDUCT, reprinted in TEX. GOV'T CODE ANN., tit. 2, subtit. G app. B (West 2005 & Supp. 2011).

² TEX. DISCIPLINARY R. PROF'L CONDUCT 1.01-9.01, reprinted in Tex. Gov't Code Ann., tit. 2, subtit. G app. A (West 2005 & Supp. 2011).

and the Code of Judicial Conduct, *reprinted in* Gov't Code tit. 2, subtit G. app. B. The Commission on Judicial Conduct can be found at www.scjc.state.tx.us.

Lawyers: Regulated by the State Bar of Texas. Phone: (800) 204-2222. Statutes that contain the regulations: Texas Disciplinary Rules of Professional Conduct (1990), *reprinted in* Gov't Code tit. 2, subtit. G. app. A. The State Bar of Texas can be found at www.texasbar.com.

Nurses: Regulated by the Texas Board of Nursing. Phone: (512) 305-7400. Statutes that contain the regulations: (TEX. OCC. CODE ANN.) Chapter 301. The Board of Nurse Examiners can be found at www.bon.state.tx.us.

Physical Therapists and Occupational Therapists: Regulated by the Executive Council of Physical Therapy and Occupational Therapy Examiners. Phone: (512) 305-6900. Statutes that contain the regulations: (TEX. OCC. CODE ANN.) Chapter 452. The Executive Council of Physical Therapy and Occupational Therapy Examiners can be found at www.ecptote.state.tx.us.

Plumbers: Regulated by the Texas Board of Plumbing Examiners. Phone: (512) 936-5200 or (800) 845-6584. Statutes that contain the regulations: (TEX. OCC. CODE ANN.) Chapter 1301. The Board of Plumbing Examiners can be found at www.tsbpe.state.tx.us.

Real Estate Professionals: Regulated by the Texas Real Estate Commission. Phone: (512) 459-6544. Statutes that contain the regulations: (TEX. OCC. CODE ANN.) Chapters 1101, 1102 and 1103. The Real Estate Commission can be found at www.trec.state.tx.us.

For a complete list of state licenses issued for various occupations, see www.texas.gov.

Local professionals may also voluntarily join professional associations that have a code of ethics for their members. For example, city managers and local attorneys often belong to organizations that have their own code of ethics for members. If a member is found to have violated the code in the performance of his profession, the organization might issue a written reprimand to the person and/or cancel the person's membership in the organization. Since membership in such an organization is voluntary, the remedies available to the organization are limited.

3. What role does the Texas Ethics Commission have in enforcing or advising local officials on state or local ethics requirements?

The Texas Ethics Commission administers and enforces several types of statutes, including campaign finance laws, political advertising laws, lobbying restrictions and filing requirements of personal financial statements.³

The Texas Ethics Commission may also issue advisory opinions to a requestor subject to Chapter 36 (Bribery, Gift and Honorarium laws) or Chapter 39 (Misuse of Government Resources) of the Penal Code. The Commission will consider an opinion request only from a person who seeks advice on how the law applies to that person in regard to a specific factual situation, either existing or hypothetical. Once an opinion is issued by the Commission, the opinion is an open record and is posted on the agency's website. The requestor may choose to keep his or her name

³ See TEX. GOV'T CODE ANN. § 571.061 (West Supp. 2011).

confidential. Reasonable reliance upon a written advisory opinion issued by the Commission may serve as a defense to prosecution or the imposition of a civil penalty.⁴

4. Can a local governing body impose a specific set of ethical requirements on elected and/or appointed officials and staff?

Unless prohibited by law, a governing body, by majority vote of its members, may impose a set of ethical requirements for elected and/or appointed local officials and staff. If adopted, such a set of requirements is generally contained in an ethics ordinance or policy. In home rule cities (cities that adopted a home rule charter while over 5,000 in population), such ethical limitations may also be contained in the city charter, as well as in the city ethics ordinance or policy.

5. What types of issues are typically addressed in an ethics ordinance regarding elected and appointed officials?

An ethics ordinance regarding elected and appointed officials typically addresses issues such as: conflicts of interest;⁵ voting on zoning classifications affecting property owned by an official within a certain distance; supplemental compensation; outside employment; representing business entities before a board, commission or governing body;⁶ post-employment restrictions; restrictions on lobbying for ballot items; requirements for annual financial disclosure statements; and the receipt of gifts.⁷

Some large cities such as Dallas, El Paso, Houston and San Antonio have also imposed registration and reporting requirements on local lobbyists and other individuals and entities.

To the extent authorized by law, local ordinances may be stricter than state law but may not lower the standards set forth in state law.

6. What types of issues are typically addressed in an ethics ordinance regarding employees?

An ethics ordinance regarding employees typically addresses issues such as: supplemental compensation; outside employment; representing business entities before a board, commission or governing body;⁸ post-employment restrictions; restrictions on lobbying for ballot items; and the receipt of gifts.⁹

⁴ *Id.*

⁵ See SACHSE, TEX. HOME RULE CHARTER § 14.08.

⁶ See FORT WORTH, TEX., CODE OF ORDINANCES § 2-238(b)(1).

⁷ See SOUTHLAKE, TEX., CODE OF ORDINANCES § 2-264(a)(1); FORT WORTH, TEX., CODE OF ORDINANCES § 2-238(a); see also TEX. PEN. CODE ANN. § 36.08 (West 2003).

⁸ See FORT WORTH, TEX., CODE OF ORDINANCES § 2-238(b)(1).

⁹ See SOUTHLAKE, TEX., CODE OF ORDINANCES § 2-264(a)(1); FORT WORTH, TEX., CODE OF ORDINANCES § 2-238(a); see also TEX. PEN. CODE ANN. § 36.08 (West 2003).

Bribery and Illegal Gift Statutes

7. Is it illegal for a person to offer, or for a public official to accept a gift or benefit in exchange for an exercise of official discretion?

Section 36.02 of the Texas Penal Code makes it a crime of bribery for a person to offer, confer or agree to confer, or for a public official or employee to accept, agree to accept or solicit, any benefit as consideration for a decision, opinion, recommendation, vote or other exercise of discretion.¹⁰ The Penal Code defines a prohibited “benefit” as:

Anything reasonably regarded as pecuniary [monetary] gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.¹¹

In other words, a benefit would include anything that is offered that a reasonable person would consider having some monetary value, whether it is given to the public official or to someone in whom the official has a direct and substantial interest (such as a family member or a business associate).

The state law on bribery does not contain a monetary threshold at which point a benefit that is provided could be considered a potential bribe. Therefore, anything that a reasonable person would find as having a monetary value should be refused. The Texas Ethics Commission, however, has advised that a plaque, unless it was quite elaborate, would not be considered a benefit under the bribery law if such item is unsolicited and not offered or accepted in exchange for any action or inaction on the part of a public servant.¹²

To prove bribery, a prosecutor must show that the benefit offered or given to an official was done so as consideration for an official’s decision, vote, recommendation or other exercise of discretion. Whether a benefit was given as consideration for such actions remains a fact question that would have to be addressed on a case-by-case basis by the local prosecutor.

However, it is important to note that the Penal Code prohibits, with certain exceptions, a public official from ever accepting a benefit from a person subject to his or her jurisdiction, regardless of whether it was in consideration or in exchange for any official action.¹³

8. Does state law prohibit a local official or employee from accepting a gift or benefit if the item was offered or accepted after the exercise of official discretion?

Even if an item was offered or accepted after the exercise of an official action, it may still be considered bribery of a public official or employee. According to section 36.02(c) of the Penal Code, the fact that a benefit was not offered or accepted until after the exercise of some official discretion is not a defense to bribery.

¹⁰ TEX. PEN. CODE ANN. § 36.02(a) (West 2003).

¹¹ *Id.* § 36.01(3).

¹² Op. Tex. Ethics Comm’n No. 36 (1992).

¹³ TEX. PEN. CODE ANN. §§ 36.08, 36.10 (West 2003 & Supp. 2011).

9. Does state law prohibit a local official or employee from accepting a gift or benefit if it was unsolicited and if it can be shown that it did not influence the exercise of official discretion?

Even if an item was not solicited and had no influence over the decision that was made, it may still be considered bribery of a public official or employee. The fact that a benefit did not have influence over the decision would not be considered a defense to a prosecution for bribery.

Additionally, it is important to note that the Penal Code generally prohibits a public servant from ever accepting a benefit from a person subject to his or her jurisdiction, regardless of whether it was in consideration or in exchange for any official action.¹⁴ There are some exceptions to this prohibition (see below). (Nonetheless, these exceptions do not apply to the bribery statute.)

10. Can a local official or staff member accept a gift that is simply provided in appreciation for superior public service and that is not in exchange for any official exercise of discretion?

The Penal Code generally prohibits a public official from ever accepting a benefit from a person subject to his or her jurisdiction, regardless of whether it was in recognition of superior service or a token of gratitude.¹⁵

11. What is considered a “gift or benefit” for purposes of the general prohibition against the acceptance of gifts by public officials and public employees?

A gift or benefit is considered anything reasonably regarded as monetary gain or a monetary advantage. A floral arrangement, gift basket or other item would constitute a gift. Similarly, tickets to an event or the provision of complimentary or discounted services or products would likewise constitute a gift. Whether an item has such a value is a fact question that must be determined on a case-by-case basis by the local prosecutor.

12. Are there exceptions to the gift or benefit limitations that apply to public officials and public employees?

Several exceptions exist to the prohibition against providing a gift to a public official or public employee. (Again, these are not exceptions to the bribery statute.) The following are not prohibited:

1. **Token Gifts:** An item that has a value of less than \$50, excluding cash or a negotiable instrument, if it was not given in exchange for any exercise of official discretion;
2. **Gifts from Family or Close Friends:** A gift conferred by an official’s family or by a personal friend, if there is an independent relationship that is not related to the status or work of the official;
3. **Gifts from Individuals with Whom the Public Official or Public Employee Has an Independent Business Relationship:** A gift conferred by a professional or business contact if there is an independent relationship that is not related to the status or work of the official;

¹⁴ *Id.*

¹⁵ *Id.*

4. **Statutorily Provided Fees:** A fee that is provided by law that an official is lawfully entitled to receive for performing some function other than his or her official function as a public servant (e.g., jury duty fee);
5. **Payment of Expenses:** This exception applies only to a benefit given in honor or appreciation to a public servant who is required to file a campaign finance report under Title 15 of the Election Code or to file a personal financial disclosure statement under Chapter 572 of the Government Code. This benefit must be used solely to defray expenses that accrue in the performance of duties or activities in connection with the office. The expenses must be non-reimbursable by the political subdivision. The benefit and the source of any benefit in excess of \$50 must be reported in the campaign finance report or the personal financial disclosure statement;
6. **Political Contributions as defined by Title 15 of the Election Code;** and
7. **Food, lodging, transportation or entertainment accepted as a guest.** A public servant may lawfully accept food, lodging, transportation or entertainment *as a guest* – meaning that the recipient must be *in the presence* of the donor.¹⁶ A public servant may accept lodging, transportation and meals in connection with a seminar or conference in which the public servant renders a substantive service.¹⁷ Each exception has its own reporting requirements.

13. What can public officials or public employees do with unsolicited benefits that they are prohibited from accepting?

A public official or employee who receives an unsolicited benefit may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious or scientific purposes.¹⁸ However, this exception does not apply if the gift was provided as part of an honorarium. In such a case, the gift should be refused, and the offering entity is free to make some other use of the benefit.

14. Can a public official or employee be criminally prosecuted if found to have illegally accepted a gift or benefit?

A public official who accepts or solicits a gift or benefit in exchange for some exercise of official discretion may be prosecuted for bribery, which is a felony of the second degree.¹⁹ A public official who accepts or solicits a gift or benefit from a person subject to his or her jurisdiction can be prosecuted for accepting an illegal gift, which is a Class A misdemeanor.²⁰

15. Can a public official or public employee be removed from office if found to have illegally accepted a gift or benefit?

There is no special remedy under the Penal Code that provides for removal of a public official due to a violation of the gift laws. However, if a person is criminally convicted of such an offense, it may affect his or her eligibility for office. Additionally, such a conviction may act to automatically remove the official from office or be a ground for seeking the removal of a

¹⁶ *Id.* § 36.07(b).

¹⁷ *Id.* § 36.10(a).

¹⁸ *Id.* § 36.08(i).

¹⁹ *Id.* § 36.02(e).

²⁰ *Id.* § 36.08(h).

member of a governing body through a recall or other removal action if such action is authorized under state law or a city charter.²¹

Honorarium Statutes

16. Does state law prohibit a public official or public employee from accepting an honorarium or other item of value in exchange for providing a speech or other service?

State law generally prohibits a public servant from soliciting, accepting or agreeing to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties.²²

In other words, acceptance of an honorarium by a public official or employee is prohibited if the public servant was asked to provide the speech or the service because of his official position or knowledge that was gained in his official position.

Although the Penal Code does not define "honorarium," numerous ethics opinions and attorney general opinions can provide some guidance. The Texas Ethics Commission has noted that an "honorarium" is commonly understood to be "a payment in recognition of acts or professional service for which custom or propriety forbids a price to be set."²³ The Ethics Commission has determined that fees for speaking, teaching and certain other services are included in the term "honorarium."²⁴ The Ethics Commission has concluded that an honorarium payment "in consideration for services" can be either payment of contractual consideration or payment in appreciation of such services.²⁵

The holding in GA-354 (2005) is also illustrative. A payment by a private association of public officials, compensating one of its members for services as its immediate past president, does not per se violate sections 36.07 (concerning prohibited honoraria) or 36.09 (concerning the offer of a gift to a public servant) of the Texas Penal Code. Section 36.07 does not prohibit fair compensation to a person for services as the president of a private association, assuming the person was elected president because of the person's skills and abilities and not because the person is a public servant of a particular county or district. Section 36.09 does not prohibit payment to a person for legitimate consideration rendered in a capacity other than as a public servant.

17. Is the prohibition on accepting honoraria waived if the public official or employee provides the speech or service on his or her own personal time and there is no expenditure of public resources?

The prohibition on accepting honoraria may apply even if the public official or employee provides the speech or service on his or her own personal time and there is no expenditure of public resources. It also does not matter for whom or where the speech or service is being provided.²⁶

²¹ See TEX. LOC. GOV'T CODE ANN. §§ 21.025 & 21.031 (West 2008).

²² TEX. PENAL CODE ANN. § 36.07(a) (West Supp. 2011).

²³ Op. Tex. Ethics Comm'n No. 401 (1998) at p.2, n.1.

²⁴ Op. Tex. Ethics Comm'n Nos. 305 (1996), 416 (1999) and 294 (1995).

²⁵ Op. Tex. Ethics Comm'n No. 97 (1992).

²⁶ See Op. Tex. Ethics Comm'n No. 173 (1993).

18. Does the prohibition against honoraria apply to expenses incurred by a public servant for food, lodging or transportation in connection with providing a speech or service?

The prohibition on honoraria does not prohibit a public official or public employee from accepting payment for meals, transportation or lodging expenses in connection with a conference or similar event in which the public servant renders services, such as providing a speech, to the extent that those services are more than merely perfunctory.²⁷

Misuse of Government Property Statutes

19. Does state law prohibit a public official or public employee from using government property for personal purposes?

State law prohibits a public official or public employee from misusing government property, services, personnel or any other thing of value belonging to the government with the intent to obtain a benefit or to harm or defraud another.²⁸ Misuse is defined as dealing with property in a way that is contrary to an agreement under which the public servant holds the property, a contract of employment or oath of office of a public servant, a law that prescribes the manner of custody or disposition of the property, or a limited purpose for which the property is delivered or received.²⁹

20. Does state law prohibit the use of public employees to perform private work for public officials during work hours?

State law prohibits a public official or public employee from misusing any government property, including personnel.³⁰ Since most public employees are only allowed to perform work that benefits the general public during work hours, use of such employees to perform private work for an official during such hours would be prohibited.

21. Can a public official use government property or the services of public employees for private purposes if the public entity is reimbursed for the value of the property usage or service that is provided?

State law does not allow the use of government property or the services of government employees by a public official for his or her private use even if the public entity is fully reimbursed for the value of the property or the services after the fact.

22. Can a public official use a public employee to perform private work if the employee is paid for the value of the work and the work is performed on the employee's own time without the use of any public resources?

State law does not prohibit the use of the services of a public employee if the work is done on the employee's own time and without the use of any public resources. However, if the employee working on his or her own time for an official is paid less than fair market value by the official for this work, the official might run afoul of gift prohibitions previously discussed.

²⁷ TEX. PENAL CODE ANN. § 36.07(b) (West Supp. 2011).

²⁸ *Id.* § 39.02(a)(2) (West 2003).

²⁹ *Id.* § 39.01(2)(A)-(D).

³⁰ *Id.* § 39.02(a)(2).

23. Can a public official or public employee be criminally prosecuted for a violation of the misuse of government property law?

A public official or public employee can be criminally prosecuted for a violation of the misuse of government property law. *See, e.g., Megason v. State*, 19 S.W.3d 883 (Tex. App.—Texarkana 2000, pet. ref'd). Punishment for a violation of this law ranges from a Class C misdemeanor to a first degree felony, depending on the value of the misused property.³¹

24. Can a public official or public employee be removed for violation of the misuse of government property prohibition?

There is no special remedy under the Penal Code that provides for removal of a public official due to a misuse of government property. However, if a person is criminally convicted of such an offense, it may affect his or her eligibility for office. Additionally, such a conviction may act to automatically remove the official from office or be a ground for seeking the removal of a member of a governing body through a recall or other removal action if such is authorized under state law or a city charter.³²

Misuse of Official Information Statutes

25. Does state law prohibit a public official or public employee from using confidential information to gain a benefit or advantage?

Yes, state law specifically prohibits a public official or public employee from disclosing or using confidential information to which the official or employee has access by virtue of the office or employment to gain a benefit or advantage or with intent to harm or defraud another.³³

26. Does the prohibition on the misuse of government property apply to a public official or employee who uses information that is deemed open to the public (e.g., an open record)?

The prohibition on the misuse of official information applies only to information to which the public does not generally have access and that is prohibited from disclosure under Chapter 552 of the Government Code.³⁴

27. Can a public official or public employee be removed for a violation of the misuse of official information prohibition?

There is no special remedy under the Penal Code that provides for removal of a public official due to a misuse of official information. However, if a person is criminally convicted of such an offense, it may affect his or her eligibility for office. Additionally, such a conviction may act to automatically remove the official from office or be a ground for seeking the removal of a member of a governing body through a recall or other removal action if such is authorized under state law or a city charter.³⁵

³¹ *Id.* § 39.02(c).

³² *See* TEX. LOCAL GOV'T CODE ANN. §§ 21.025 & 21.031 (West 2008).

³³ Tex. Penal Code Ann. § 39.06 (West 2003).

³⁴ *Id.* § 39.06(d).

³⁵ *See* TEX. LOCAL GOV'T CODE ANN. §§ 21.025 & 21.031 (West 2008).

28. Can a public official or public employee be criminally prosecuted for a violation of the misuse of official information law?

A public official or public employee can be criminally prosecuted for a violation of the misuse of official information law. An offense of this law is generally a felony of the third degree.³⁶

Acknowledgment

This paper was reviewed by Henry De La Garza, Ethics Advisor with the Office of the Attorney General, and by Ross Fischer, former chairman of the Texas Ethics Commission.

³⁶ TEX. PENAL CODE ANN. § 39.06(e) (West 2003).

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

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 AFFIDAVIT

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

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, 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

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. Affidavit.** Signature of local government officer.

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:

(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.

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)

(Seal)

(Signature of officer)

(Title of officer)

My commission expires: _____

*Forma prescrita por la Secretaría de Estado
Fracción 145.001 del Código Electoral de Tejas*

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)

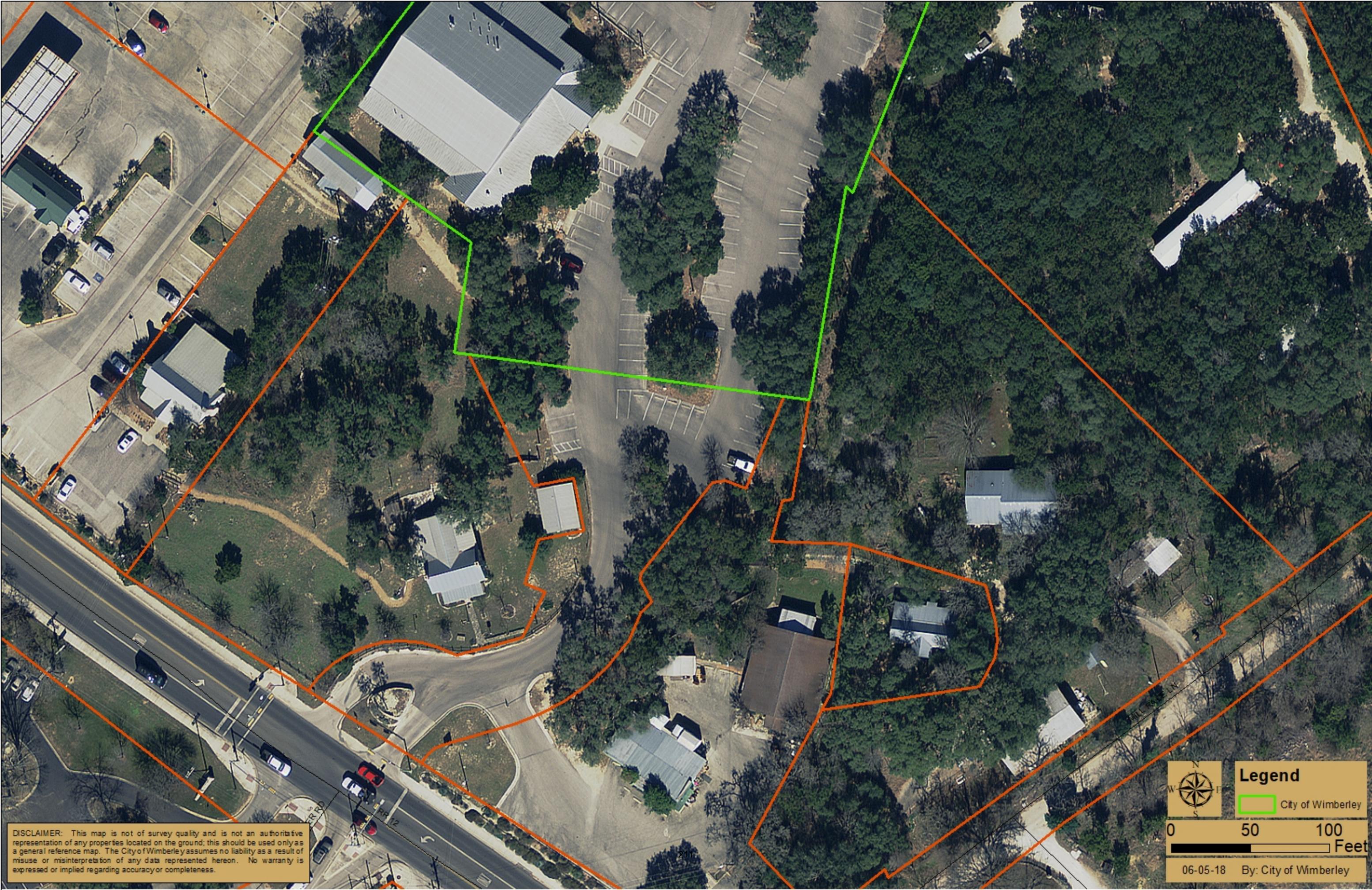
(Seal)

Firma del/de la Oficial

*(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.

Revised July 16, 2019

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.

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](#).



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

Divisions

Aviation 

Bridge 

Civil Rights 