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CANDIDATES FILING PACKET
CITY COUNCIL ELECTION
MAY 1, 2021**

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City Secretary's Office

City of Fort Worth★200 Texas Street★Fort Worth, Texas 76102

(817) 392-6150★FAX (817) 392-6196

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December 13, 2020

Dear Candidate:

The City of Fort Worth will conduct a general election to elect the following:

Mayor (District 1)
Council Member District 2
Council Member District 3
Council Member District 4
Council Member District 5
Council Member District 6
Council Member District 7
Council Member District 8
Council Member District 9

This election will be held on **Saturday, May 1, 2021**. Therefore, in an effort to inform you of dates that will be important to you, applicable City ordinances and legal requirements of the state, the City Secretary's Office has prepared this "Candidate's Packet." **There are bookmarks to help you navigate this electronic packet.** It is very important that you read and become familiar with all of the documents that have been provided.

NOTE: ALL DOCUMENTS REQUIRING A NOTARY SHOULD BE NOTARIZED BEFORE FILING WITH THE CITY SECRETARY'S OFFICE.

The following items are of particular importance:

- **Application for a Place on the City of Fort Worth General Election Ballot**

The loyalty oath is included on this form. **This application must be filed in the City Secretary's Office no later than 5:00 p.m., Friday, February 12, 2021. The first day of filing is January 13, 2021.** To allow time for the application to be reviewed

by the City Secretary, candidates are encouraged to submit their application and other documents as soon as practicable.

For your assistance, a highlighted version of the application has also been provided reflecting all areas that require completion prior to being accepted by the City Secretary's Office.

NOTE: The application contains an area for the inclusion of a public E-Mail Address. Please be advised that completion of this area is optional and if completed, the e-mail address will become part of the public record and may be releasable.

- **Filing Fee or Petition**

The above application must be accompanied by a \$100.00 filing fee (cash, cashier's check, campaign account check, or certified check [no personal checks accepted]). In lieu of the filing fee, you may submit a petition pursuant to City of Fort Worth Charter Chapter IV, Section 2. If you will submit a petition in lieu of the filing fee, the minimum amount of signatures required on the petition for the Mayor and each Council District is reflected below. (Only one petition form is included in this packet; you may copy it, ask this office to supply the number needed or print copies from the enclosed flash drive or the City's Elections webpage.)

- ✓ **Office of the Mayor: 195 signatures**
- ✓ **Council District 2: 25 signatures**
- ✓ **Council District 3: 38 signatures**
- ✓ **Council District 4: 25 signatures**
- ✓ **Council District 5: 25 signatures**
- ✓ **Council District 6: 35 signatures**
- ✓ **Council District 7: 25 signatures**
- ✓ **Council District 8: 25 signatures**
- ✓ **Council District 9: 25 signatures**

- **Designation of Campaign Treasurer**

Forms are included for both a Candidate (CTA) and a Specific Purpose Committee (STA). **Candidates** this form (CTA) must be on file with the City Secretary's Office prior to collecting or spending any money. Please note there is an option for modified reporting located on the back of the forms, along with the footnote on the nepotism law. The form must be printed and signed to be officially filed with the City Secretary's Office.

- **Candidate/Officeholder Campaign Finance Report**

These statements are to be filed by the dates and times specified on the calendar and on the appropriate forms. You can copy as needed, or ask for additional forms. These forms are created by the Texas Ethics Commission and currently are not available for electronic filing but may be completed electronically by using this link: <https://www.ethics.state.tx.us/filinginfo/local/OHindex.php> then printed, signed and filed with the City Secretary's Office.

Filing dates for these forms are as follows:

- **Thursday, April 1, 2021 (30th day before election), by 5:00 p.m.**
- **Friday, April 23, 2021 (8th day before election), by 5:00 p.m.**
- **Thursday, July 15, 2021 (Semiannual report), by 5:00 p.m. This report is required to be filed by all candidates regardless of who is elected to office.**

- **Personal Financial Statement (PFS)**

The PFS financial form will need to be completed and filed with the City Secretary's Office by **March 4, 2021, by 5:00 p.m.** This form is available for completion electronically on the Texas Ethics Commission website: https://www.ethics.state.tx.us/filinginfo/pfsforms_ins-FileWithLocalAuthority.html

However, the form cannot be submitted electronically to our office. It must be printed and signed to be officially filed with the City Secretary's Office.

- **A calendar of important dates for the City's election process.**
- **Information sheets on political signs.**

Election documents are public records and are open for inspection by any person. Questions regarding the Texas Election Code may be directed to the Secretary of State at toll free number 1-800-252-8683, or www.elections@sos.state.tx.us.

Campaign expenditure questions or questions regarding the Personal Financial Statement should be directed to the Texas Ethics Commission at 1-512-463-5800, or www.ethics.state.tx.us. The City Secretary's Office is merely the filing repository for these documents.

We appreciate your interest in municipal government and trust this period will be a positive and exciting experience for you and your supporters. Please call me at 817-392-6161 if you have any further questions.

Sincerely,



Mary J. Kayser, TRMC, MMC
City Secretary



CANDIDATE QUALIFICATIONS

See Texas Election Code (TEC) Section 141.001, and the City of Fort Worth Charter. The pertinent portion of the Charter is in this packet under Item No. 4.

- Be a United States citizen (TEC)**
- Be 21 years of age (City of Fort Worth Charter)**
- Be a qualified voter (City of Fort Worth Charter)**
- Be a registered voter as of **February 12, 2021** in the Council District for which you are seeking election. (TEC)**
- Not been determined mentally incompetent by a final judgment of a court (TEC)**
- Not been finally convicted of a felony from which not pardoned (TEC)**
- Resided continuously in the state for 12 months and City for 6 months immediately preceding February 12, 2021 (the filing deadline). (TEC)**
- Resided continuously in the Council District for which you are seeking election for 180 days (**July 17, 2020**) before the first allowed filing date for the election. (City of Fort Worth Charter)**

City Secretary's Office

City of Fort Worth★200 Texas Street★Fort Worth, Texas 76102

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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 \$900 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 \$900: If you elect to file on the modified reporting schedule but later exceed \$900 in either contributions or expenditures, what reports you will be required to file depends upon when you exceed \$900.
 - If you exceed \$900 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 \$900 after the 30th day before the election, you are **required** to file an Exceeded Modified Reporting Limit report using [Form C/OH](#). To be timely filed, this report must be filed with the city clerk or city secretary within 48 hours of exceeding \$900. 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 \$900 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.



**CITY COUNCIL ELECTION
MAY 1, 2021
CALENDAR OF EVENTS**

DATE OF ACTION	TYPE OF ACTION	ELECTION CODE
Wednesday January 13, 2021	FIRST DAY FOR CANDIDATES TO FILE FOR OFFICE	TEC §143.007(a)
Wednesday January 13, 2021	FIRST DAY FOR FILING DECLARATION OF WRITE-IN CANDIDACY	TEC §146.025(a) and 146.055
Friday February 12, 2021	LAST DAY FOR CANDIDATES TO FILE FOR OFFICE BY 5:00 P.M.	TEC §143.007(a)
Tuesday February 16, 2021	LAST DAY FOR FILING BY A WRITE-IN CANDIDATE BY 5:00 P.M.	TEC §146.054
Friday February 19, 2021	LAST DAY FOR BALLOT CANDIDATES TO WITHDRAW BY 5:00 P.M.	TEC §146.0301(a)
Friday February 19, 2021	LAST DAY FOR WRITE-IN CANDIDATES TO WITHDRAW BY 5:00 P.M.	TEC §145.092(b) and 145.094(a)(3)
Monday February 22, 2021	DRAWING FOR PLACES ON THE BALLOT AT 2:00 P.M. IN THE COUNCIL CHAMBER (in person with virtual viewing if you do not want to come in person)	TEC § 52.094
Thursday March 4, 2021	STATE REQUIREMENT FOR PERSONAL FINANCIAL DISCLOSURE STATEMENT DUE BY 5:00 P.M.	LGC, Chapter 145
Thursday April 1, 2021	LAST DAY TO REGISTER TO VOTE FOR MAY ELECTION	TEC §13.143(a)
Thursday April 1, 2021	FIRST CONTRIBUTION AND EXPENDITURE REPORT DUE BY 5:00 P.M. (30 days before election)	TEC §254.064(b)
Monday April 19, 2021	FIRST DAY OF EARLY VOTING BY PERSONAL APPEARANCE	TEC §85.001(a)

City Secretary's Office

City of Fort Worth ★ 200 Texas Street ★ Fort Worth, Texas 76102

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**CITY COUNCIL ELECTION
MAY 1, 2021
CALENDAR OF EVENTS
Page 2**

Tuesday April 20, 2021	LAST DAY FOR COUNTY ELECTIONS ADMINISTRATION TO RECEIVE APPLICATION FOR VOTING BY MAIL BALLOT FOR THE MAY 1 ST ELECTION	TEC §84.007(c)
Friday April 23, 2021	SECOND CONTRIBUTION AND EXPENDITURE REPORT DUE BY 5:00 P.M. (8 days before the election)	TEC §254.064(c)
Tuesday April 27, 2021	LAST DAY FOR EARLY VOTING BY PERSONAL APPEARANCE	TEC §85.001(a)
Saturday May 1, 2021	ELECTION DAY Polls open 7:00 a.m. to 7:00 p.m.	TEC §41.031
May 4-12, 2021 (Proposed Date is May 11, 2021)	TIMEFRAME TO PERFORM CANVASS OF ELECTION RETURNS, DECLARE WINNERS AND ISSUE CERTIFICATES OF ELECTION AND ADMINISTER OATH OF OFFICE	TEC §67.003
Saturday June 5 or 12, 2021	RUN-OFF ELECTION (IF NEEDED)	TEC §2.025
Thursday July 15, 2021	SEMI-ANNUAL CONTRIBUTION AND EXPENDITURE REPORT FILING DUE BY 5:00 P.M. <u>FROM ALL CANDIDATES</u>	TEC §254.063



Fort Worth City Charter

CHAPTER III: THE CITY COUNCIL

Section

- 1 [Powers of city vested in] the City Council [;composition, terms]
- 2 [Election, powers, duties, term of mayor]
- 3 Compensation of the members of the City Council
- 4 Vacancies in the City Council; how filled
- 5 Meetings of council and committees open to public; quorum; regulations of proceedings; council to provide rules of procedure
- 6 Mayor pro tem; duties of
- 7 City secretary
- 8 Relating to City Councilpersons accepting different office and providing for forfeiture of offices and positions of aspirants for compensated office

§ 1 [POWERS OF CITY VESTED IN] THE CITY COUNCIL [;COMPOSITION, TERMS].

The powers of the city government shall be vested in a body to be known as the City Council, composed of eleven (11) members, one of whom shall be the mayor. Their terms of office shall be for a period of two (2) years and until the election and qualification of their successors.

(Ord. 22081-02-2016, § 2(II), 2-2-2016, approved 5-7-2016)

Editor's Note: Proposition 2 of Ord. 22081-02-2016, adopted 5-7-2016 increased the number of Councilmembers from nine (9) to eleven (11). This increase will not go into effect until after the 2020 census.



§ 2 [ELECTION, POWERS, DUTIES, TERM OF MAYOR].

The City Council shall be composed of eleven (11) places. The person elected as councilperson, Place No. 1, shall be the presiding officer who shall be known as the mayor of the City of Fort Worth. He shall have a vote on all matters coming before the council, but no power of veto. He shall represent the city on all ceremonial occasions and be known as the official head of the city government. The mayor shall be elected at each biennial election and shall serve for a period of two (2) years, or until the election and qualification of his successor.

(Ord. 22081-02-2016, § 2(II), 2-2-2016, approved 5-7-2016)

Editor's Note: Proposition 2 of Ord. 22081-02-2016, adopted 5-7- 2016 increased the number of Councilmembers from nine (9) to eleven (11). This increase will not go into effect until after the 2020 census.

§ 3 COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.

Commencing on October 1, 2006, each member of the City Council, except the mayor, shall receive as compensation for such member's services the sum of twenty-five thousand dollars (\$25,000.00) per annum and the mayor shall receive as compensation for the mayor's service, the sum of twenty-nine thousand dollars (\$29,000.00) per annum. In addition to the above, all necessary expenses incurred by the City Council in performance of their official duties shall be paid by the city. Nothing herein shall prohibit a council member from waiving the right to all or any part of such compensation or payment of expenses.

(Ord. 10272, § I(I), 3-16-1989, approved 5-6-1989; Ord. 16797, § 1(I), 1-24-2006, approved 5-13-2006)

§ 4 VACANCIES IN THE CITY COUNCIL; HOW FILLED.

Vacancies in the City Council shall be filled by special elections from the districts whose places have been vacated. Vacancies in the office of mayor shall be filled under the provisions applicable to other council members except that the district of the mayor shall be the city as a whole. These special elections shall be held on the first available election date specified in the Texas Election Code unless the council shall request, and receive, permission from the governor to call an emergency special election.

If vacancies should occur within thirty (30) days of the special election date, the council may set the election for the next date following the impending special election date or it may request permission for an emergency special election from the governor.

In the event any candidate for a vacancy fails to receive a majority of all votes cast for all the candidates for such vacancy at such special election, the mayor shall on the first day



following the completion of the official count of the ballots cast at said special election issue a call for a run-off election pursuant to Chapter IV, section 2, to be held in accordance with the Texas Election Code to determine who shall be elected.

Such new council members, when duly qualified and elected, shall serve for the unexpired period of the terms of the council members whose offices are being filled. However, no such elections shall be held where said vacancy shall occur within a period of less than ninety (90) days prior to a general election as specified in Chapter IV, section 2. When a vacancy shall occur less than ninety (90) days prior to the general election as specified in Chapter IV, section 2, a majority of the remaining council members may appoint a qualified person from the district whose place has been vacated to serve the unexpired term.

Should a vacancy occur in the office of mayor, the mayor pro tem shall serve until a special election shall be called under the rules pertaining to filling vacancies among the other councilmembers. If members of the City Council seek the office of mayor in such a special election, they shall first resign from the City Council, and special elections, simultaneous to the mayoral election, shall be held in their districts under the terms specified above.

(Ord. 10272, § I(II), 3-16-1989, approved 5-6-1989; Ord. 16797, § 1(III), 1-24-2006, approved 5-13-2006)

§ 5 MEETINGS OF COUNCIL AND COMMITTEES OPEN TO PUBLIC; QUORUM; REGULATIONS OF PROCEEDINGS; COUNCIL TO PROVIDE RULES OF PROCEDURE.

The City Council shall hold a meeting within the city limits of Fort Worth for the purpose of canvassing the election results. The elected members of the new Council may take the oath of office at the same City Council meeting where the election results are canvassed, but all elected members shall take the oath of office no later than the next City Council meeting after the results are canvassed. Special meetings may be called by the Mayor or by any three (3) Councilmembers. Such call shall be in writing and shall state the object of the meeting, and no business shall be transacted at such meeting other than that specified in the call. The Council shall meet at such times and places as may be prescribed by ordinance or resolution but not less than forty-four (44) regular and special meetings shall be held each calendar year.

A quorum shall consist of two-thirds (2/3) of the members. All official meetings of the Council and all sessions of the Committees of the Council shall be public except as authorized by law. The ayes and nos shall be taken upon the passage of all ordinances or resolutions and entered upon the minutes of the proceedings of the Council, and every ordinance or resolution shall require on final passage the affirmative vote of a majority of all of the remaining members.



No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved, or unless excused by the Council for other valid reasons by majority vote. The Council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members.

(Ord. 16797, § 1(II), (V), 1-24-2006, approved 5-13-2006; Ord. 22081-02-2016, § 2(II), (V), 2-2-2016, approved 5-7-2016)

Editor's Note: Proposition 2 of Ord. 22081-02-2016, adopted 5-7-2016 increased the number of Councilmembers from nine (9) to eleven (11). This increase will not go into effect until after the 2020 census.

§ 6 MAYOR PRO TEM; DUTIES OF.

The City Council shall elect one of its members as mayor pro tem, who shall perform the duties of mayor in case of the absence or inability of the mayor to perform the duties of his office, and shall for the time being be vested with all the powers belonging to the mayor. In case of the absence of both the mayor and the mayor pro tem, the remaining councilpersons shall elect one of their members to act in the place of the mayor or mayor pro tem.

§ 7 CITY SECRETARY.

The City Council shall appoint a city secretary and prescribe the duties and compensation of said officer, and shall provide him with such assistance as it may deem necessary. He shall hold office during the pleasure of the City Council. During his term of office, the city secretary shall be a resident citizen of the City of Fort Worth.



§ 8 RELATING TO CITY COUNCILPERSONS ACCEPTING DIFFERENT OFFICE AND PROVIDING FOR FORFEITURE OF OFFICES AND POSITIONS OF ASPIRANTS FOR COMPENSATED OFFICE.

No person elected to the City Council shall, during the term for which he/she was elected, be appointed to any office or position in the service of the city. If a member of the council shall become a candidate for nomination or election to any public office, other than that of councilperson, he/she shall forfeit his place in the council; but shall continue to hold the office until a successor is duly qualified in cases in which such holdover is required by state law.

(Ord. 16797, § 1(VI), 1-24-2006, approved 5-13-2006; Ord. 22081-02-2016, § 2(XI), 2-2-2016, approved 5-7-2016)

Editor's note: See Texas Local Government Code Chapter 150, Section 150.041, for state legislation affecting the enforceability of this section.

CHAPTER IV: METHOD OF NOMINATING AND ELECTING MEMBERS OF THE CITY COUNCIL

Section

- 1 Councilpersons; eligibility
- 2 No primary election to determine nominations; councilpersons to be selected in general election biennially
- 3 [Councilpersons to be elected from districts]
- 4 Residence of Councilmembers in Single member Districts

§ 1 COUNCILPERSONS; ELIGIBILITY.

Only qualified voters under the laws of Texas, twenty-one (21) years of age and over, who have continuously resided in the Council District for which he or she seeks election for 180 days before the first allowed filing date for the election, shall be eligible to the office of councilperson. The first allowed filing date shall not be included in calculating the 180 days.

(Ord. 16797, § 1(VII), 1-24-2006, approved 5-13-2006; Ord. 22081-02-2016, § 2(VI), 2-2-2016, approved 5-7-2016)



**§ 2 NO PRIMARY ELECTION TO DETERMINE NOMINATIONS;
COUNCILPERSONS TO BE SELECTED IN GENERAL ELECTION BIENNIALY.**

Primary elections to determine the selection of nominees for members of the City Council shall not be resorted to. There shall be but one (1) election, and that a general election, for the purpose of selecting members of the City Council, the same to be held biennially, on the first available election date in May specified in the Texas Election Code of odd-numbered years.

Any qualified person who desires to become a candidate for election to the City Council shall file with the city secretary a sworn application for his or her name to appear on the ballot, in accordance with the laws of Texas for nonpartisan or independent candidates, and must accompany the application with a filing fee of one hundred dollars (\$100.00) or, in lieu of the payment of a filing fee, any qualified person who desires to become a candidate for mayor may become a candidate by petition signed by qualified voters equaling at least one-half of one (0.5) percent of the total vote received by all Candidates for mayor in the most recent mayoral general election, or by twenty-five (25) qualified voters, whichever is the greater number. In lieu of the payment of a filing fee, any qualified person who desires to become a candidate for election to the City Council, other than the office of mayor, may become a candidate by petition signed by a number of qualified voters of the district from which the candidate seeks election equal to at least one-half of one (0.5) percent of the total vote received by all candidates for mayor in that district in the most recent mayoral general election, or by twenty-five (25) qualified voters of the district, whichever is the greater number. The signed petition shall be filed with the city secretary, together with the candidate's sworn application. Each signer next to his signature shall indicate voter registration number, date of signing, the signer's printed name, and the street address of his place of residence. Such petitions shall also meet all requirements established by the laws of Texas for petitions which are filed with a candidate's application for a place on the ballot in an election of a home-rule city.

The city secretary shall make up the official ballot from the names presented to him. The order in which the names of such candidates are to appear on the ballot shall be determined by a drawing to be held in the office of the city secretary. The city secretary shall post a notice in his office, at least three (3) days prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice; and each candidate involved in the drawing, or a representative designated by him, shall have a right to be present and observe the drawing.

The candidates receiving the majority of the votes cast for each place shall be declared elected. If no candidate receives a majority, or if there is a tie for any one (1) place, the mayor shall order a second election to be held on a date in compliance with the Texas Election Code to fill that place. Only the names of the candidates who tie for the highest number of votes cast for that place, or the two (2) candidates who receive the highest number of votes with neither having a majority of the votes cast for that place, shall be



printed on the ballot for such election. In the event of a tie vote at the second election, the candidates who tie shall cast lots in the presence of the city secretary to determine which one shall be declared elected, and said lots shall be cast within five (5) days of the second election.

(Ord. 10272, § (III), (IV), 3-16-1989, approved 5-6-1989; Ord. 16797, § 1(IV), 1-24-2006, approved 5-13-2006)

§ 3 [COUNCILPERSONS TO BE ELECTED FROM DISTRICTS].

With the exception of Place No. 1 to be held by the mayor as provided for in section 2 of Chapter III of this Charter, the City Council shall provide by ordinance for ten (10) single member districts so that with the exception of the mayor, one (1) member of the City Council shall be elected from each of such defined districts by the voters residing therein, and each candidate therefrom shall be a qualified elector of the city and shall have continuously resided in the Council District for which he or she seeks election for 180 days before the first allowed filing date for the election. The first allowed filing date shall not be included in calculating the 180 days.

The City Council shall, as often as census data is available, determine as nearly as practicable the population of the respective districts and shall, by ordinance, revise the boundaries of any or all of said districts to maintain a substantial equality of population in each. Within sixty (60) days after passage of this amendment, the City Council shall, by ordinance, designate the original district limits.

(Ord. 16797, § 1(VIII), 1-24-2006, approved 5-13-2006; Ord. 22081-02-2016, § 2(II), (VI), 2-2-2016, approved 5-7-2016)

Editor's Note: Proposition 2 of Ord. 22081-02-2016, adopted 5-7- 2016 increased the number of Councilmembers from nine (9) to eleven (11). This increase will not go into effect until after the 2020 census.

§ 4 RESIDENCE OF COUNCILMEMBERS IN SINGLEMEMBER DISTRICTS.

During his term of office a Councilmember must continue to reside within the limits of the district from which he was elected. Any Councilmember who shall establish residence outside the district from which he was elected shall be automatically considered to have resigned and the vacancy left by such resignation shall be filled as provided by law.

January 2021						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23(d)	24	25	26	27
28	29	30	31			

April 2021						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20(d)	21	22	23	24
25	26	27	28	29	30	

May 2021						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18(d)	19	20	21	22
23	24	25	26	27	28	29
30	31					

June 2021						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

NOTES
Day meeting (d)
January 1: New Year's Day City Hall Closed
January 5: Council Meeting Cancelled
January 18: MLK Jr.'s Birthday
January 19: Council Meeting Cancelled
February 9: Council Planning Retreat (no Work Session or Council meeting)
February 23: Council Meeting Cancelled (4 th Tuesday and Tarrant County Days in Austin)
March 7-11 NLC (Washington)
March 14-19 FWISD Spring Break
March 16 Council Meeting Cancelled Spring Break)
March 30: Council Meeting Cancelled (5 th Tuesday)
April 27: Council Meeting Cancelled (4 th Tuesday)
May 1: Election Day
May 11: Council Meeting/Canvass Election Returns
May 25: Council Meeting Cancelled (4 th Tuesday)
May 31 Memorial Day Holiday
June 1: Council Meeting Cancelled (Memorial Day)
June 22: 2 nd Zoning docket
June 29: Council Meeting Cancelled (5 th Tuesday)

July 2021						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August 2021						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17(d)	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September 2021						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28(d)	29	30	

October 2021						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16(d)	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December 2021						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOTES
Day meeting (d)
July 4: 4 th of July Holiday (City Hall closed July 5)
July 6-27: Council Meeting Cancelled – Summer break
August 3 – Capital Budget Presentation
August 10 – Operating Budget Presentation
August 19-20 – Budget Wksn.
August 31 – Council Meeting Cancelled 5 th Tuesday
September 6 : Labor Day Holiday
September 7: Council Meeting Cancelled
September 9-10 Budget Wksn.
October 5 National Night Out(meeting cancelled)
October 6-8 - TML – Houston
October 12: Zoning meeting
October 26: 4 th Tuesday
November 17-20: NLC – Salt Lake City
November 23: Council Meeting Cancelled (4 th Tuesday and Thanksgiving week)
November 30: Council Meeting Cancelled (5 th Tuesday)
November 25&26: Thanksgiving Holiday
December 21: Christmas Week (meeting cancelled)
December 24: Christmas Holiday
December 28: New Year’s Eve week (meeting cancelled)
December 31: New Year’s Day observed

2021 CITY COUNCIL EVENT SCHEDULE PLANNER
 JULY – DECEMBER ADOPTED BY: RESOLUTION 5297-11-2020

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)				LENGTH OF CONTINUOUS RESIDENCE AS OF DATE APPLICATION SWORN							
Home:				IN STATE				IN TERRITORY FROM WHICH THE OFFICE SOUGHT IS ELECTED ³			
Work:				_____ year (s)				_____ year (s)			
Cell:				_____ month(s)				_____ month(s)			
If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan 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 <table style="width:100%; border: none;"> <tr> <td style="width: 50%; padding: 5px; border: none;"> EN EL ESTADO ____ año(s) ____ mes(es) </td> <td style="width: 50%; padding: 5px; border: none;"> EN EL TERRITORIO POR EL CUAL SERIA ELECTO/A³ ____ año(s) ____ mes(es) </td> </tr> </table>			EN EL ESTADO ____ año(s) ____ mes(es)	EN EL TERRITORIO POR EL CUAL SERIA ELECTO/A³ ____ año(s) ____ mes(es)
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 _____, _____.							
_____ 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)							
Voter Registration Status Verified <input type="checkbox"/>		_____ Date Received		_____ Signature of Secretary			

SELLO

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.

PETITION FOR A PLACE ON THE CITY GENERAL ELECTION BALLOT
(PETICIÓN PARA QUE SU NOMBRE ESTE PUESTO EN LA BOLETA DE LA ELECCIÓN GENERAL DE LA CIUDAD)

Name of Circulator _____ Page ____ of ____

Signing the petition of more than one candidate for the same office in the same election is prohibited.
(Se prohíbe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)

COMPLETE ALL BLANKS. (LENE TODOS LOS ESPACIOS EN BLANCO.)

You are hereby requested to place the name indicated below on the ballot for the next general election for the City of _____ for the office indicated.
(Por la presente se la solicita que el nombre del individuo indicado abajo esté puesto en la boleta para la próxima elección general de la Ciudad de _____ para el puesto oficial indicado.)

Name <i>(Nombre)</i> ¹	Address <i>(Dirección)</i>	Office sought <i>(Puesto oficial solicitado)</i> ²
-----------------------------------	----------------------------	---

Date Signed <i>(Fecha de Firma)</i>	Signature <i>(Firma)</i>	Printed Name <i>(Nombre en letra de molde)</i>	Street Address (Including City, Texas, Zip) <i>(Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))</i>	County <i>(Condado)</i>	Voter VUID Number ³ <i>(Núm. de VUID de Votante)</i>	Date of Birth ³ <i>(Fecha de Nacimiento)</i>

AFFIDAVIT OF CIRCULATOR (DECLARACION JURADA DE LA PERSONA QUE HACE CIRCULAR LA PETICION)

STATE OF TEXAS *(ESTADO DE TEJAS)* COUNTY OF *(CONDADO DE)* _____ BEFORE ME, the undersigned, on this ___/___/___ (date) personally appeared *(ANTE MI, el/la suscrito(a), en este (fecha) compareció)* _____, (name of person who circulated petition) – *(nombre de la persona que hizo circular la petición)* who being duly sworn, deposes and says: “I called each signer’s attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer’s registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct.” *(quien, habiendo prestado el juramento correspondiente, declaró y dijo: “Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigué cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.”)* SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE *(JURADO Y SUSCRITO ANTE MI, CON ESTA FECHA)*

(SEAL)

X _____ X _____ X _____
 Signature of circulator *(Firma de la persona que hizo circular la petición)* Signature of officer administering oath *(Firma del/de la funcionario(a) que le tomó juramento)* Title of officer administering oath *(Titulo oficial del/de la funcionario(a) que le tomó juramento)*

INSTRUCTIONS (Petition in City Election)

The petition shall be filed with the same officer with whom an application for a place on the ballot for the office being sought is to be filed and must be filed at the same time as such application.

The petition may consist of several parts, and each part may consist of several pages. The statement in the box at the head of the page must appear at the head of each page of signatures. The affidavit at the bottom of the page must accompany each part but is not required for each page of signatures.

The person or persons who circulate the petition must be administered the affidavit by the proper officer.

INSTRUCCIONES: (Petición para elección de la ciudad)

Esta petición deberá presentarse ante el mismo oficial a quien se solicite inscripción el la boleta para el puesto que se busca y al mismo tiempo que la solicitud correspondiente.

La petición puede estar dividida en diversas secciones y cada sección a su vez puede constar de varias páginas. La declaración que está en el cuadro que encabeza el formulario deberá aparecer al principio de cada hoja que contenga firmas. La declaración jurada que aparece al pie del formulario deberá incluirse con cada sección de la petición; no se exige que aparezca en cada página de firmas.

La(s) persona(s) que haga(n) circular la petición deberá(n) firmar la declaración jurada ante el oficial correspondiente.

FOOTNOTES

¹ Insert Candidate's name.

² Insert office title, including any place number or other distinguishing number.

³ Either the voter registration certificate number or the date of birth is required.

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, and the Secretary of State of Texas.

ANOTACIONES

¹ Indicar el nombre del candidate.

² Indicar el cargo oficial e incluir el número de su lugar en la boleta o cualquier otro número distintivo.

³ Su número de certificado de registro de votante o su fecha de nacimiento es necesario.

⁴ Todo juramento, testimonio o afirmación hecho dentro de este Estado se podrá administrar y se podrá dar un certificado del hecho por un juez, escribano, o comisionado de alguna corte de registro, un notario público, un juez de paz, secretario de la ciudad, y el Secretario del Estado de Texas.

TO CANDIDATES FOR CITY COUNCIL ELECTION

Attached is the petition form to be used for gathering signatures of voters to place your name on the ballot, in lieu of the \$100.00 filing fee. There are spaces on the form for ten signatures. Only one petition form is included in this packet; you may copy it, ask this office to supply the amount needed or print copies from the enclosed FLASH DRIVE or the City's Elections webpage. The minimum amount of signatures required on the petition for the Mayor and each Council District is reflected below:

- ✓ **Mayor (District 1): 195 signatures**
- ✓ **Council District 2: 25 signatures**
- ✓ **Council District 3: 38 signatures**
- ✓ **Council District 4: 25 signatures**
- ✓ **Council District 5: 25 signatures**
- ✓ **Council District 6: 35 signatures**
- ✓ **Council District 7: 25 signatures**
- ✓ **Council District 8: 25 signatures**
- ✓ **Council District 9: 25 signatures**

***NOTE: A qualified person who desires to become a candidate for Mayor** may become a candidate by petition signed by qualified voters equaling at least one-half of one percent of total votes received by all candidates for a mayor in the most recent mayoral general election, or by 25 qualified voters, whichever is the greater number.*

***A qualified person who desires to become a candidate for election to the City Council** may become a candidate by petition signed by a number of qualified voters of the DISTRICT from which the candidate seeks election equal to at least one-half of one percent of the total votes received by all candidates for mayor in that district in the most recent mayoral general election, or by 25 qualified voters of the district, whichever is the greater number.*

Reference: Chapter IV, Section 2, Charter of the City of Fort Worth, Texas

IMPORTANT NOTE: Please ensure that the name of the circulator for the petition is reflected on each page of the petition. In addition, each page of the petition must be signed by the circulator and notarized before being submitted to the City Secretary's Office.

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

TEXAS ETHICS COMMISSION
CHAPTER 258, ELECTION CODE
FAIR CAMPAIGN PRACTICES



Effective September 1, 1997
(Revised 9/1/2019)

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

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

CHAPTER 258, ELECTION CODE

FAIR CAMPAIGN PRACTICES

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ELECTION CODE

TITLE 15. REGULATING POLITICAL FUNDS AND CAMPAIGNS

CHAPTER 258. FAIR CAMPAIGN PRACTICES

Sec. 258.001. SHORT TITLE. This chapter may be cited as the Fair Campaign Practices Act.

Sec. 258.002. PURPOSE.

(a) The purpose of this chapter is to encourage every candidate and political committee to subscribe to the Code of Fair Campaign Practices.

(b) It is the intent of the legislature that every candidate and political committee that subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play to encourage healthy competition and open discussion of issues and candidate qualifications and to discourage practices that cloud the issues or unfairly attack opponents.

Sec. 258.003. DELIVERY OF COPY OF CODE.

(a) When a candidate or political committee files its campaign treasurer appointment, the authority with whom the appointment is filed shall give the candidate or political committee a blank form of the Code of Fair Campaign Practices and a copy of this chapter.

(b) The authority shall inform each candidate or political committee that the candidate or committee may subscribe to and file the code with the authority and that subscription to the code is voluntary.

Sec. 258.004. TEXT OF CODE. The Code of Fair Campaign Practices reads as follows:

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate and political committee in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional rights to a free and 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.

APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

FORM CTA
PG 1

See CTA Instruction Guide for detailed instructions.		1 Total pages filed:	
2 CANDIDATE NAME	MS / MRS / MR	FIRST	MI
	NICKNAME	LAST	SUFFIX
3 CANDIDATE MAILING ADDRESS	ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE		
	Date Hand-delivered or Postmarked		
4 CANDIDATE PHONE	AREA CODE	PHONE NUMBER	EXTENSION
	()		
5 OFFICE HELD (if any)	Receipt #		Amount \$
	Date Processed		
6 OFFICE SOUGHT (if known)	Date Imaged		
7 CAMPAIGN TREASURER NAME	MS/MRS/MR	FIRST	MI
	NICKNAME	LAST	SUFFIX
8 CAMPAIGN TREASURER STREET ADDRESS (residence or business)	STREET ADDRESS (NO PO BOX PLEASE); APT / SUITE #; CITY; STATE; ZIP CODE		
9 CAMPAIGN TREASURER PHONE	AREA CODE	PHONE NUMBER	EXTENSION
	()		
10 CANDIDATE SIGNATURE	I am aware of the Nepotism Law, Chapter 573 of the Texas Government Code.		
	I am aware of my responsibility to file timely reports as required by title 15 of the Election Code.		
I am aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations.			
_____		_____	
Signature of Candidate		Date Signed	

GO TO PAGE 2

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 \$930 in political contributions or make more than \$930 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

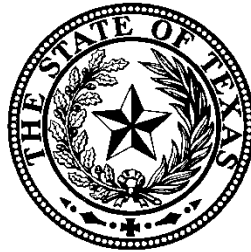
**Non-TEC Filers must file this form with the local filing authority
DO NOT SEND TO TEC**

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 January 1, 2021

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

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

FORM CTA—INSTRUCTION GUIDE

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APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

GENERAL INSTRUCTIONS

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

DUTIES OF A CANDIDATE OR OFFICEHOLDER

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

QUALIFICATIONS OF CAMPAIGN TREASURER

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

DUTIES OF A CAMPAIGN TREASURER

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

REQUIREMENT TO FILE BEFORE BEGINNING A CAMPAIGN

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

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

- (C) the filing of an application for nomination by convention;
- (D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy;
- (E) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (F) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of 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 (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 Commission are required to file those reports electronically unless the person is entitled to claim an exemption. Please check the Commission’s website at <http://www.ethics.state.tx.us> for information about exemptions from the electronic filing requirements.

GUIDES

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

SPECIFIC INSTRUCTIONS

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

PAGE 1

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

4. **CANDIDATE PHONE:** Enter your phone number, including the area code and extension, if applicable.
5. **OFFICE HELD:** If you are an officeholder, please enter the office you currently hold. Include the district, precinct, or other designation for the office, if applicable.
6. **OFFICE SOUGHT:** If you are a candidate, please enter the office you seek, if known. Include the district, precinct, or other designation for the office, if applicable.
7. **CAMPAIGN TREASURER NAME:** Enter the full name of your campaign treasurer, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.
8. **CAMPAIGN TREASURER STREET ADDRESS:** Enter the complete street address of your campaign treasurer, including the zip code. You may enter either the treasurer's business or residential street address. If you are your own treasurer, you may enter either your business or residential street address. 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 and candidates for county chair of a political party.

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

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

An opposed candidate in an election is eligible to report under the modified reporting schedule if he or she does not intend to accept more than \$930 in political contributions or make more than \$930 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 \$930 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 \$930 maximums apply to each election within the cycle. In other words, you are limited to \$930 in contributions and expenditures in connection with the primary, an additional \$930 in contributions and expenditures in connection with the general election, and an additional \$930 in contributions and expenditures in connection with a runoff.

EXCEEDING \$930 IN CONTRIBUTIONS OR EXPENDITURES. If you exceed \$930 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 \$930 limits *after the 30th day before the election*, you must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, you must file any pre-election reports or runoff reports that are due under the regular filing schedule.

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

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

AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

FORM ACTA
PG 1

1 CANDIDATE
NAME

2 FILER ID#

3 Total pages filed:

See ACTA Instruction Guide for detailed instructions.

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

4 CANDIDATE
NAME

NEW

MS / MRS / MR

FIRST

MI

NICKNAME

LAST

SUFFIX

OFFICE USE ONLY

Date Received

5 CANDIDATE
MAILING
ADDRESS

NEW

ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE

Date Hand-delivered or Postmarked

Receipt #

Amount \$

Date Processed

6 CANDIDATE
PHONE

NEW

AREA CODE

PHONE NUMBER

EXTENSION

()

Date Imaged

7 OFFICE HELD
(if any)

NEW

8 OFFICE
SOUGHT
(if known)

NEW

9 CAMPAIGN
TREASURER
NAME

NEW

MS / MRS / MR

FIRST

MI

NICKNAME

LAST

SUFFIX

10 CAMPAIGN
TREASURER
STREET
ADDRESS
(residence or business)

NEW

STREET ADDRESS (NO PO BOX PLEASE); APT / SUITE #; CITY;

STATE;

ZIP CODE

11 CAMPAIGN
TREASURER
PHONE

NEW

AREA CODE

PHONE NUMBER

EXTENSION

()

12 CANDIDATE
SIGNATURE

I am aware of the Nepotism Law, Chapter 573 of the Texas Government Code.

I am aware of my responsibility to file timely reports as required by title 15 of the Election Code.

I am aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations.

Signature of Candidate

Date Signed

GO TO PAGE 2

**AMENDMENT:
CANDIDATE MODIFIED REPORTING DECLARATION**

**FORM ACTA
PG 2**

13 CANDIDATE
NAME

14 MODIFIED
REPORTING
DECLARATION

NEW

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

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

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

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

I do not intend to accept more than \$930 in political contributions or make more than \$930 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 January 1, 2021

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

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

FORM ACTA–AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

GENERAL INSTRUCTIONS

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

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

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

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

SPECIFIC INSTRUCTIONS

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

PAGE 1

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

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

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

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

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

10. **CAMPAIGN TREASURER STREET ADDRESS:** Complete this section only if your campaign treasurer's street address has *changed*. If your campaign treasurer's street address has changed, enter the complete new address of your campaign treasurer, including the zip code. You may enter either the treasurer's new business or residential street address. If you are your own treasurer, you may enter either your business or residential street address. 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 \$930 in political contributions or make more than \$930 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 \$930 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 \$930 maximums apply to each election within the cycle. In other words, you are limited to \$930 in contributions and expenditures in connection with the primary, an additional \$930 in contributions and expenditures in connection with the general election, and an additional \$930 in contributions and expenditures in connection with a runoff.

Exceeding \$930 in contributions or expenditures. If you exceed \$930 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 \$930 limits *after the 30th day before the election*, you must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, you must file any pre-election reports or runoff reports that are due under the regular filing schedule.

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

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

APPOINTMENT OF A CAMPAIGN TREASURER BY A SPECIFIC-PURPOSE COMMITTEE

FORM STA
PG 1

See STA Instruction Guide for detailed instructions.
If you are involved in a School District Bond Election, you must file Form STA with the local filing authority BEFORE sending a file-stamped copy to the Texas Ethics Commission.

1 Total pages filed:

2 COMMITTEE NAME		OFFICE USE ONLY	
		Filer ID #	
3 COMMITTEE ADDRESS	ADDRESS / POBOX; APT / SUITE #; CITY; STATE; ZIP CODE		Date Received
			Date Hand-delivered or Postmarked
4 CAMPAIGN TREASURER NAME	MS / MRS / MR FIRST MI		
	NICKNAME LAST SUFFIX		
5 CAMPAIGN TREASURER STREET ADDRESS (residence or business)	STREET ADDRESS (NO PO BOX PLEASE); APT / SUITE #; CITY; STATE; ZIP CODE		
	Receipt #	Amount \$	
	Date Processed		
	Date Imaged		

6 MAILING ADDRESS
 same as above

ADDRESS / POBOX; APT / SUITE #; CITY; STATE; ZIP CODE

7 CAMPAIGN TREASURER PHONE

AREA CODE PHONE NUMBER EXTENSION
()

8 PERSON APPOINTING TREASURER

FIRST MI LAST SUFFIX

9 SIGNATURE

I understand that I have been appointed as the campaign treasurer for this specific-purpose committee and that I am responsible for filing all required reports and that I may be subject to fines for failure to do so. I am aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations.

Signature of Campaign Treasurer

10 ASSISTANT CAMPAIGN TREASURER
(see instructions)

FIRST MI LAST SUFFIX

11 ASSISTANT CAMPAIGN TREASURER ADDRESS

ADDRESS / POBOX; APT / SUITE #; CITY; STATE; ZIP CODE

12 ASSISTANT CAMPAIGN TREASURER PHONE

AREA CODE PHONE NUMBER EXTENSION
()

CONTINUE ON PAGE 2

**SPECIFIC-PURPOSE COMMITTEE:
PURPOSE AND MODIFIED REPORTING DECLARATION**

**FORM STA
PG 2**

13 COMMITTEE NAME

14 COMMITTEE PURPOSE

SUPPORT CANDIDATE

OPPOSE CANDIDATE

ASSIST OFFICEHOLDER

CANDIDATE / OFFICEHOLDER NAME

OFFICE SOUGHT (candidate) / OFFICE HELD (officeholder)

SUPPORT MEASURE

OPPOSE MEASURE

BALLOT IDENTIFICATION OF MEASURE / #

ELECTION DATE

Month / Day / Year

DESCRIPTION

15 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 declaration is valid for one election cycle only. ••
(An election cycle includes a primary election, a general election, and any related runoffs.)

The committee does not intend to accept more than \$900 in political contributions or make more than \$900 in political expenditures (excluding filing fees) in connection with any future election within the election cycle. The committee understands that if either one of those limits is exceeded, the committee's campaign treasurer 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 Campaign Treasurer

ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED

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://ethics.state.tx.us/filinginfo/QuickFileAReport.php>

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

**SPECIFIC-PURPOSE COMMITTEE:
STATEMENT AUTHORIZING DIRECT CAMPAIGN EXPENDITURES
FROM CORPORATION OR LABOR ORGANIZATION POLITICAL
CONTRIBUTIONS UNDER SECTION 252.0031, ELECTION CODE**

**FORM STA
PG 3**

16 COMMITTEE
NAME

17 AFFIRMATION
(If applicable)

I swear, or affirm, under penalty of perjury that the following statement is in all things true and correct:

(Check if
applicable)

The political committee named above is not established or controlled by a candidate or an officeholder, and will not use any political contribution from a corporation or a labor organization to make a political contribution to: (1) a candidate for elective office or an officeholder, or (2) a political committee that has not included in its campaign treasurer appointment a Statement Authorizing Direct Campaign Expenditures from Corporation or Labor Organization Political Contributions declaring the same.

PLEASE COMPLETE EITHER OPTION (1) OR (2) BELOW:

(1) **Affidavit Jurat:**

Signature of Committee Representative

Notary Stamp/Seal

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

Signature of officer administering oath

Printed Name of officer administering oath

Title of officer administering oath

OR

2) **Unsworn Declaration Jurat:**

My name is _____, and my date of birth is _____.

My Address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

Executed in _____ County, State of _____, on the ____ day of _____, 20____.

Signature of Committee Representative (Declarant)

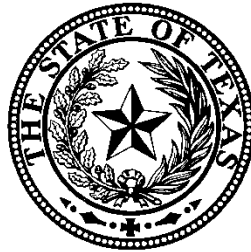
Filers may send this form to the TEC electronically at treasappoint@ethics.state.tx.us or by mail to: Texas Ethics Commission, P.O. Box 12070, Austin, TX 78711-2070

**Non-TEC Filers must file this form
with the local filing authority**

TEXAS ETHICS COMMISSION

APPOINTMENT OF A CAMPAIGN TREASURER BY A SPECIFIC-PURPOSE COMMITTEE

FORM STA – INSTRUCTION GUIDE



Revised January 13, 2020

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

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

FORM STA – INSTRUCTION GUIDE

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APPOINTMENT OF A CAMPAIGN TREASURER BY A SPECIFIC-PURPOSE COMMITTEE

GENERAL INSTRUCTIONS

These instructions are for the APPOINTMENT OF A CAMPAIGN TREASURER BY A SPECIFIC-PURPOSE COMMITTEE (Form (STA)). Use Form STA only for appointing the specific-purpose committee's campaign treasurer. Use the AMENDMENT form (Form ASTA) for changing information previously reported on Form STA and for renewing the committee's choice to report under the modified schedule.

TYPES OF POLITICAL COMMITTEES

A political committee is a group of two or more people that accepts political contributions or makes political expenditures. There are two types of political committees: general-purpose committees and specific-purpose committees. Please consult the Texas Ethics Commission's Campaign Finance Guide for Political Committees for an explanation of the difference.

WHEN TO FILE A CAMPAIGN TREASURER APPOINTMENT

A specific-purpose committee must file a campaign treasurer appointment before it may accept more than \$870 in political contributions or make more than \$870 in political expenditures.

A specific-purpose committee that has not exceeded \$870 in contributions or expenditures may file a campaign treasurer appointment. Once a specific-purpose committee files a campaign treasurer appointment, however, the committee must begin filing reports of contributions, expenditures, and loans.

In addition, a specific-purpose committee may not make over \$870 in campaign contributions or \$870 in campaign expenditures to support or oppose candidates in a primary or general election for the following offices unless the committee's campaign treasurer appointment is on file by the 30th day before the appropriate election day:

- 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
- multi-county district judge or district attorney
- single-county district judge

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 contributions made in violation of this provision.

DUTIES OF A CAMPAIGN TREASURER

The campaign treasurer is responsible for filing all reports of the committee, except for the campaign treasurer appointment form (STA) that designates him or her as the committee's campaign treasurer. Therefore, the person appointed should be capable of fulfilling those duties. Failing to file a report on time or filing an incomplete report may subject the campaign treasurer to criminal or civil penalties.

WHERE TO FILE A CAMPAIGN TREASURER APPOINTMENT

The appropriate filing authority depends on the nature of the specific-purpose committee's activities.

a. Texas Ethics Commission.

- The Texas Ethics Commission (Commission) is the appropriate filing authority for a political committee that supports, opposes, or assists candidates or officeholders who are required to file with the commission. Candidates for and officeholders of the offices listed in the "When to File a Campaign Treasurer Appointment" section are required to file with the commission.
- A specific-purpose political committee files with the Commission if it supports, opposes, or assists a candidate for or holder of 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 specific-purpose committee files with the Commission if it supports or opposes a measure to be submitted to the voters of the entire state.
- A specific-purpose committee files with the Commission if it supports or opposes a measure that concerns 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.

b. County Clerk. The county clerk (or the county elections administrator or tax assessor, as applicable) is the appropriate local filing authority for a specific-purpose committee that supports, opposes, or assists a candidate for or holder of the following offices:

- A county office
- A precinct office
- A district office other than the office of single-county district judge
- 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
- A specific-purpose committee files with the county clerk if it supports or opposes a measure to be submitted to the voters of a single county in an election ordered by a county authority
- A specific-purpose committee files with the county clerk if it supports or opposes a measure that concerns a political subdivision other than a county if no boundary of the political subdivision crosses a boundary of the county and if the governing body of the political subdivision has not been formed.

c. Other Local Filing Authority. Except for certain specific-purpose committees described in the next paragraph below, a specific-purpose committee that supports, opposes, or assists a candidate for or holder of an office of a political subdivision other than a county or that supports or opposes a measure to be submitted at an election ordered by an authority of a political subdivision other than a county, must file with 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 and municipal utility districts.

Specific-Purpose Committees Involved in School District Bond Elections: New filing requirements apply to any specific-purpose committee created to support or oppose a measure on the issuance of bonds by a school district. A school district includes a junior college district or community college district.

- Campaign Treasurer Appointment (Form STA, Form ASTA): The committee must file its campaign treasurer appointment with the secretary of the school district's governing body. The campaign treasurer of the committee should also file with the Ethics Commission a file-stamped copy of any campaign treasurer appointment that it filed with the school district.
- Campaign Finance Reports (Form SPAC): The committee must file its campaign finance reports with the Ethics Commission.

FILING OPTION FOR CERTAIN SPECIFIC-PURPOSE COMMITTEES

A specific-purpose committee required to file with more than one authority may instead choose to file with the Texas Ethics Commission only and with no other authority.

SPECIFIC-PURPOSE COMMITTEE SUPPORTING A CANDIDATE

Before a specific-purpose committee has exceeded \$870 in contributions or expenditures to support a candidate, the committee must file a specific-purpose committee campaign treasurer appointment (Form STA). The candidate must file a candidate's campaign treasurer appointment (Form CTA). Remember that the specific-purpose committee's campaign treasurer must file reports for the committee. However, this does not eliminate the requirement that the candidate also file a candidate's campaign treasurer appointment and periodic reports.

JUDICIAL SPECIFIC-PURPOSE COMMITTEE

A specific-purpose committee that supports or opposes a judicial candidate or assists a judicial officer should review the Commission's Campaign Finance Guide for Political Committees, which is available on the Commission's website at <http://www.ethics.state.tx.us>.

CHANGING THE CAMPAIGN TREASURER

If the committee wishes to change its campaign treasurer, the committee simply files an amended appointment form (ASTA). This will automatically terminate the previous campaign treasurer appointment. Within 10 days of the termination, the outgoing treasurer must file a SPECIFIC-PURPOSE COMMITTEE CAMPAIGN FINANCE REPORT (Form SPAC) designated as the "10th day after campaign treasurer termination" report. If the committee changes treasurers on the last day of a reporting period, no separate termination report is required. However, if the committee changes treasurers on the day it files a report, the outgoing treasurer must file a separate termination report.

AMENDING A CAMPAIGN TREASURER APPOINTMENT

The committee's campaign treasurer must file an AMENDMENT form (Form ASTA) within 24 hours of a change or addition to candidates or measures the committee supports or opposes or officeholders the committee assists.

If any of the other information reported on the specific-purpose committee's campaign treasurer appointment form (Form STA) changes, such as an address or phone number, the campaign treasurer must file an AMENDMENT form (Form ASTA) within 10 days of the change.

An AMENDMENT form (Form ASTA) must also be filed to renew the committee's choice to select the modified reporting schedule.

APPOINTING AN ASSISTANT CAMPAIGN TREASURER

A specific-purpose committee formed to support or oppose a candidate or candidates for the following offices may appoint an assistant campaign treasurer:

- 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 district attorney
- single-county district judge

A specific-purpose committee formed to support or oppose a statewide or district measure may appoint an assistant campaign treasurer. Specific-purpose committees that support or oppose candidates or measures who file only with a local authority may *not* appoint an assistant campaign treasurer.

The assistant campaign treasurer may sign reports if the campaign treasurer is not available. However, if the campaign treasurer appointment is terminated, the assistant campaign treasurer does not have authority to sign the committee's reports or otherwise act as the committee's campaign treasurer. Also, the campaign treasurer, not the assistant campaign treasurer, is responsible for any penalties imposed for failure to file a report on time or for filing an incomplete report.

USING CERTAIN POLITICAL CONTRIBUTIONS FOR DIRECT CAMPAIGN EXPENDITURES

A specific-purpose political committee must file an affidavit containing specific language before it can use corporation or labor organization political contributions to make a direct campaign expenditure in connection with a campaign for an elective office. The affidavit must state that the committee is not established or controlled by a candidate or an officeholder, and that the committee will not use any political contribution from a corporation or labor organization to make a political contribution to a candidate for elective office, an officeholder, or a political committee that has not filed such an affidavit with its campaign treasurer appointment. The Commission provides a form affidavit containing the required language. This affidavit can be found on Page 3 of Form STA or Form ASTA.

This requirement also applies to direct campaign expenditure-only committees. Thus, if a direct campaign expenditure-only committee wishes to use a political contribution that it accepted from a corporation or labor organization to make a direct campaign expenditure in connection with a campaign for elective office, it must also file the "Statement Authorizing Direct Campaign Expenditures from Corporation or Labor Organization Political Contributions" before making the expenditure.

TERMINATING A CAMPAIGN TREASURER APPOINTMENT

A specific-purpose committee may terminate its campaign treasurer appointment at any time by:

1. notifying the filing authority in writing of the termination;
2. filing a campaign treasurer appointment for a successor campaign treasurer; or
3. filing a dissolution report.

Remember that once a committee's campaign treasurer appointment is terminated, the committee may not accept any political contributions or make any political expenditures until a new campaign treasurer appointment is filed.

A committee's campaign treasurer may resign by notifying both the appointing authority and the filing authority in writing. If the campaign treasurer resigns or otherwise leaves the position, the termination is effective on the date the committee actually receives the notice or on the date the filing authority actually receives the notice, whichever is later (except for purposes of calculating the period covered by the outgoing campaign treasurer's termination report, see "Termination Report" below.)

TERMINATION REPORT

No later than 10 days after the campaign treasurer files the termination, the outgoing treasurer must file a SPECIFIC-PURPOSE COMMITTEE CAMPAIGN FINANCE REPORT (Form SPAC) designated as the "10th day after campaign treasurer termination" report. (The 10-day period is calculated beginning with the day the treasurer files the termination, not the day the committee receives it.) If the termination occurs on the last day of a reporting period, no separate termination report is required.

Filing a termination of a specific-purpose committee's campaign treasurer appointment and a termination report does not dissolve the specific-purpose committee. A specific-purpose committee may dissolve only by filing a dissolution report. A specific-purpose committee that does not have a campaign treasurer appointment on file may not accept political contributions or make political expenditures.

DISSOLVING THE COMMITTEE

The campaign treasurer of a specific-purpose committee may file a dissolution report at any time that the committee expects no further reportable activity to occur. Filing a dissolution report terminates the specific-purpose committee's campaign treasurer appointment and relieves the campaign treasurer of the obligation of filing additional reports, including a termination report. A specific-purpose committee must file a new campaign treasurer appointment form (STA) if it intends to accept political contributions or make political expenditures.

To dissolve the specific-purpose committee, the campaign treasurer must complete the SPECIFIC-PURPOSE COMMITTEE CAMPAIGN FINANCE REPORT (Form SPAC), check the "Dissolution report" box on Page 1, Section 9, and complete and attach the POLITICAL COMMITTEE AFFIDAVIT OF DISSOLUTION (Form PAC-DR).

ELECTRONIC FILING

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

GUIDES

The Ethics Commission's Campaign Finance Guide For Political Committees is available on the commissions 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 completing the form, enter the total number of pages you are filing 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. COMMITTEE NAME: Enter the committee's full name here and on Page 2, Section 13, of this form. The committee's name must include the candidate's name if the committee was formed to support a candidate for one 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
- multi-county district judge or district attorney
- single-county district judge

3. COMMITTEE ADDRESS: Enter the committee's complete mailing address (street address or P.O. Box, apartment or suite number, city, state, and zip code).

4. CAMPAIGN TREASURER NAME: Enter the full name of the committee's campaign treasurer.

5. CAMPAIGN TREASURER STREET ADDRESS: Enter the complete business or residential street address of the committee's campaign treasurer. Please do not enter a P.O. Box.

6. MAILING ADDRESS: If the campaign treasurer's mailing address is the same as the address entered in Section 5, check the "SAME AS ABOVE" box. If the campaign treasurer's mailing address is different from the street address entered in Section 5, enter the mailing address in this Section (street address or P.O. Box, apartment or suite number, city, state, and zip code).

7. CAMPAIGN TREASURER PHONE: Enter the phone number of the committee's campaign treasurer, including the area code and extension, if applicable.

8. PERSON APPOINTING TREASURER: Enter the full name of the person who is appointing the committee's campaign treasurer.

9. SIGNATURE: The person appointed campaign treasurer must enter his or her signature in this Section.

Sections 10 - 12 pertain to the assistant campaign treasurer. If the committee is authorized to appoint an assistant campaign treasurer and chooses to do so, continue with Section 10. If the committee is not appointing an assistant campaign treasurer, skip these Sections. See the "Appointing an Assistant Campaign Treasurer" section in the General Instructions for this form to determine which types of specific-purpose committees may appoint an assistant campaign treasurer.

10. ASSISTANT CAMPAIGN TREASURER: Enter the full name of the committee's assistant campaign treasurer.

11. ASSISTANT CAMPAIGN TREASURER ADDRESS: Enter the assistant campaign treasurer's complete mailing address (street address or P.O. Box, apartment or suite number, city, state, and zip code).

12. ASSISTANT CAMPAIGN TREASURER PHONE: Enter the phone number of the assistant campaign treasurer, including the area code and extension, if applicable.

PAGE 2

13. COMMITTEE NAME: Enter the committee name as you did on Page 1, Section 2.

14. COMMITTEE PURPOSE: A specific-purpose political committee must report certain information for each candidate or measure that the committee supports or opposes and each officeholder that the committee assists. Changes in this information must be reported within 24 hours of the change by filing an AMENDMENT form (Form ASTA). Please attach additional copies of Form STA, Page 2, if the committee is required to make multiple entries.

CANDIDATE/OFFICEHOLDER INFORMATION

"Support Candidate" Box: Check this box if the committee accepts political contributions or makes political expenditures to support a candidate.

"Oppose Candidate" Box: Check this box if the committee accepts political contributions or makes political expenditures to oppose a candidate.

"Assist Officeholder" Box: Check this box if the committee accepts political contributions or makes political expenditures to assist an officeholder.

Note: If the committee supports a candidate who is an officeholder, you may check two boxes.

Candidate/Officeholder Name: Enter the full name of the candidate or officeholder, if applicable.

Office Sought/Office Held: For a candidate, enter the office the candidate is seeking. For an officeholder, enter the office held. Include the district, precinct, or other designation for the office, if applicable.

MEASURE INFORMATION

“Support Measure” Box: Check this box if the committee accepts contributions or makes expenditures to support a measure.

“Oppose Measure” Box: Check this box if the committee accepts contributions or makes expenditures to oppose a measure.

Ballot Identification/#: Enter the ballot or proposition number of the measure, if known.

Election Date: Enter the date of the election in which the measure will be put to a vote, if known.

Description: Enter a description of the measure.

15. MODIFIED REPORTING DECLARATION: Sign this option if the specific-purpose committee wishes to report under the modified reporting schedule. To the left of the signature, enter the year of the election or election cycle to which the selection of modified reporting applies.

The committee’s selection of modified reporting is valid for an entire election cycle. For example, if the committee chooses modified reporting before a primary election, the selection remains in effect for any runoff and for the general election and any related runoff. The committee must make this selection at least 30 days before the first election to which the selection applies.

A specific-purpose committee that supports or opposes an opposed candidate or a measure in an election is eligible to report under the modified reporting schedule if the committee does not intend to accept more than \$900 in political contributions or make more than \$900 in political expenditures in connection with an election. A specific-purpose committee that reports under the modified reporting 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:* a specific-purpose committee that supports or opposes an *unopposed* candidate is not required to file pre-election reports in the first place.) The committee campaign treasurer’s obligation to file semi-annual reports, special pre-election reports (formerly known as telegram reports), or special session reports, if applicable, is not affected by selecting the modified reporting schedule.

The \$900 maximums apply to each election within the cycle. In other words, the committee is limited to \$900 in contributions and expenditures in connection with the primary, an additional

\$900 in contributions and expenditures in connection with the general election, and an additional \$900 in contributions and expenditures in connection with a runoff.

Exceeding \$900 in contributions or expenditures. If the committee exceeds \$900 in contributions or expenditures in connection with an election, the campaign treasurer must file according to the regular filing schedule. In other words, the committee's campaign treasurer must file pre-election reports and a runoff report, if applicable.

If the committee exceeds either of the \$900 limits *after the 30th day before the election*, the campaign treasurer must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, the campaign treasurer must file any pre-election reports or runoff reports that are due under the regular filing schedule.

The selection is not valid for other elections or election cycles. Use the AMENDMENT form (ASTA) to renew the option to file under the modified reporting schedule for a different election year or election cycle.

PAGE 3:

NOTE: Complete this page ONLY if it applies to the political committee. This page is used for specific-purpose committees that intend to use corporation or labor organization political contributions to make a direct campaign expenditure in connection with a campaign for an elective office. This page is NOT REQUIRED for all political committees. If a political committee does not accept political contributions from any corporations or labor organizations, this affidavit is not required.

16. COMMITTEE NAME: Enter the committee name as you did on Page 1, Section 2.

17. AFFIRMATION: If the political committee wishes to use a political contribution from a corporation or labor organization to make a direct campaign expenditure in connection with a campaign for an elective office, check the box beside the statement and complete one of the jurats in the bottom half of this page. If the political committee has previously filed this affirmation and the first statement no longer applies to the committee, use form ASTA instead to amend the campaign treasurer appointment.

The affirmation must include EITHER: 1) a completed Affidavit Jurat, or 2) a completed Unsworn Declaration Jurat. If you use the Affidavit Jurat, the affirmation must be signed and notarized or sworn before an officer administering an oath. If you use the Unsworn Declaration Jurat, the affirmation must be signed and must include your name, date of birth, and address, and the county, state, and date of your signature.

SIGNATURE OF COMMITTEE REPRESENTATIVE: A person representing the committee must enter his or her signature for the corresponding jurat used.

For more information, see the Commission's Campaign Finance Guide for Political Committees.

TEXAS ETHICS COMMISSION

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



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

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

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

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

Revised January 1, 2020

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

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

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

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INTRODUCTION

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

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

IMPORTANT UPDATES

Starting January 1, 2020, new itemization thresholds apply to all campaign finance reports. These changes mean that the dollar thresholds for itemizing contributions, expenditures, and other activities in a report are now higher. For example, the requirement to itemize a political contribution has increased from \$50 to \$90, and only political contributions that exceed \$90 must be itemized when accepted on or after January 1, 2020. The higher itemization thresholds have been updated on the paper forms and in these instructions. For a full list of the changes, please go to new Texas Ethics Commission Rules §18.31 on our website:
https://www.ethics.state.tx.us/rules/adopted/2016-2020/adopted_Mar_2019.php.

These changes only apply to activity that occurs on or after January 1, 2020. For activity occurring before that date, you must use the form applicable to that time period. For example, if you are filing a semiannual campaign finance report that is due on January 15, 2020, you must use the campaign finance report form that is applicable to the period ending December 31, 2019 (the last date covered by that semiannual report).

These changes are made by a new rule, 18.31, adopted by the Texas Ethics Commission (Commission) on March 22, 2019. As directed by section 571.064 of the Texas Election Code, the Commission is required to annually adjust these thresholds upward to the nearest multiple of \$10 in accordance with the percentage increase for the previous year in the Consumer Price Index for Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor. Accordingly, one or more thresholds will generally be adjusted each year, depending upon the figures in the index.

OFFICEHOLDERS

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

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

to individuals who have campaign treasurer appointments on file, to officeholders who do not have campaign treasurer appointments on file, or to both.

JUDICIAL CANDIDATES AND OFFICEHOLDERS

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

Nonjudicial Officeholder Seeking Judicial Office. Pursuant to 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.

FEDERAL OFFICES

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

FILING AUTHORITIES

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

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

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

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

Other local filing authority. If a candidate is seeking an office of a political subdivision other than a county, the appropriate filing authority is the *clerk or secretary of the*

governing body of the political subdivision. If the political subdivision has no clerk or secretary, the appropriate filing authority is the governing body's presiding officer.

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

- Multi-county district offices. (Reminder: This guide does not apply to multi-county district offices.)
- An office of a political subdivision other than a county if the political subdivision includes areas in more than one county and if the governing body of the political subdivision has not been formed.

POLITICAL COMMITTEES (PACS)

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

FINANCIAL DISCLOSURE STATEMENTS

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

FEDERAL INCOME TAX

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

TEXAS ETHICS COMMISSION

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

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

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

APPOINTING A CAMPAIGN TREASURER

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

- (A) the filing of a campaign treasurer appointment, except that the filing does not constitute candidacy or an announcement of candidacy for purposes of the automatic resignation provisions of Article XVI, Section 65, or Article XI, Section 11, of the Texas Constitution;
- (B) the filing of an application for a place on the ballot;
- (C) the filing of an application for nomination by convention;
- (D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy;
- (E) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (F) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of communication;
- (G) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure; and
- (H) the seeking of the nomination of an executive committee of a political party to fill a vacancy.

NO CAMPAIGN CONTRIBUTIONS OR EXPENDITURES WITHOUT TREASURER APPOINTMENT ON FILE

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

APPOINTING TREASURER TRIGGERS REPORTING DUTIES

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

campaign treasurer appointment, may still be required to file semiannual reports of contributions and expenditures as an officeholder.)

QUALIFICATIONS OF CAMPAIGN TREASURER

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

DUTIES OF CAMPAIGN TREASURER

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

EFFECTIVE DATE OF APPOINTMENT

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

CODE OF FAIR CAMPAIGN PRACTICES

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

APPOINTMENT BY OFFICEHOLDER

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

FILING FOR A PLACE ON THE BALLOT

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

CHANGING TREASURERS

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

TRANSFERRING TO A DIFFERENT FILING AUTHORITY

If a candidate has a campaign treasurer appointment on file with one filing authority and wishes to accept campaign contributions or make campaign expenditures in connection with a candidacy for an office that would require reporting to a different filing authority, the candidate must file a new campaign treasurer appointment and a copy of the old campaign treasurer appointment (certified by original authority) with the second filing authority. The candidate should also provide written notice to the original filing authority that future reports will be filed with another authority. In general, funds accepted in connection with one office may be used in connection with a campaign for a different office, as long as neither of the offices is a judicial office.

TERMINATING A CAMPAIGN TREASURER APPOINTMENT

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

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

DECIDING NOT TO RUN

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

THINGS TO REMEMBER

- If you plan to run for a public office in Texas (except for a federal office), you must file an APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM CTA) with the proper filing authority before you become a candidate, even if you do not intend to accept campaign contributions or make campaign expenditures.
- A person may not accept a campaign contribution or make a campaign expenditure unless the person has a campaign treasurer appointment on file with the proper filing authority.
- Once a person files a form appointing a campaign treasurer, the person is a candidate for disclosure filing purposes and is responsible for filing periodic reports of contributions and expenditures with the proper filing authority until the person files a “final report.”

- The candidate, not the campaign treasurer, is responsible for filing periodic reports of contributions and expenditures.
 - Filing a campaign treasurer appointment does not automatically “sign you up” for a place on the ballot. The Secretary of State can provide information about getting on the ballot. Call (512) 463-5650 or (800) 252-8683.
-

POLITICAL CONTRIBUTIONS AND EXPENDITURES

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

CAMPAIGN CONTRIBUTIONS

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

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

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

CAMPAIGN EXPENDITURES

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

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

- Paying people to put up yard signs in connection with an election is a campaign expenditure.

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

OFFICEHOLDER CONTRIBUTIONS

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

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

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

OFFICEHOLDER EXPENDITURES

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

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

CAMPAIGN EXPENDITURES BY OFFICEHOLDER

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

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

PERMISSIBLE USE OF POLITICAL CONTRIBUTIONS

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

USE OF POLITICAL FUNDS TO RENT OR PURCHASE REAL PROPERTY

A candidate or officeholder is prohibited from using political funds to purchase real property or to pay the interest on or principal of a note for the purchase of real property.

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

ACCEPTING CONTRIBUTIONS

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

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

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

REIMBURSEMENT FOR POLITICAL EXPENDITURES FROM PERSONAL FUNDS

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

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

SEPARATE ACCOUNT REQUIRED

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

RESTRICTIONS INVOLVING LOBBYING

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

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

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

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

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

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

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

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

INFORMATION REQUIRED ON REPORTS

CONTRIBUTIONS

A report must disclose the amount of each contribution or the value and nature of any in-kind contribution, as well as the name and address of the individual or political committee making the contribution, and the date of the contribution. (Detailed information about a contributor is not required to be reported if the contributor contributed \$90 or less during the reporting period. However, all contributions made electronically must be itemized with this information.)

PLEDGES

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

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

Example 1: In June a supporter promises that he will give Juan Garcia \$1,000 in the last week before the November election. Juan accepts his promise. Juan must report the pledge on his July 15 report. Juan must also report a political contribution when the pledge is actually received.

(Note: If Juan receives the pledge during the July semiannual reporting period then he does not report the pledge and only reports a political contribution. Also, if he never receives the \$1,000, he does not amend his report to delete the entry for the pledge.)

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

LOANS

Loans made for campaign or officeholder purposes are reportable. A filer must report the amount of a loan, the date the loan is made, the interest rate, the maturity date, the type of collateral, and the name and address of the lender. The filer must also report the name, address, principal occupation, and employer of any guarantor and the amount guaranteed by the guarantor. (Detailed information is not required if a particular lender lent \$90 or less during a reporting period.) If a candidate or officeholder deposits personal funds in an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code, the deposited amount must be reported as a loan. *See* “Campaign Expenditures from Personal Funds” in this guide for additional information.

Note: A loan from an incorporated financial institution that has been in business for more than one year is not a contribution. Other loans are considered to be contributions. This distinction is important because of the prohibition on contributions from banks and certain other financial institutions. *See* “Campaign Finance Restrictions” in this guide. All loans are reported on the same schedule, regardless of whether they are contributions. Additionally, the forgiveness of a loan is a reportable in-kind contribution. *See* 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 \$900 in a reporting period. Before *accepting* more than \$900 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 \$180 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 \$900 or less in a reporting period. For a contribution of \$900 or less from an out-of-state committee in a reporting period, there is no requirement to obtain documentation *before accepting* the contribution. But there is a requirement to include certain documentation with the report of the contribution. The report must include *either* (1) a copy of the out-of-state political committee's statement of organization filed as required by law with the Federal Election Commission and certified by an officer of the out-of-state committee, *or* (2) the committee's name, address, and phone number; the name of the person appointing the committee's campaign treasurer; and the name, address, and phone number of the committee's campaign treasurer.

EXPENDITURES

A filer must report any campaign expenditure (regardless of whether it is made from political contributions or from personal funds) and any political expenditure (campaign or officeholder) from political contributions (regardless of whether the expenditure is a political expenditure). A filer must also report unpaid incurred obligations. *See* "Unpaid Incurred Obligations" in this guide. If the total expenditures to a particular payee do not exceed \$180 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

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

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

- any other gain from a political contribution, the amount of which exceeds \$130.

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

PURCHASE OF INVESTMENTS

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

TOTAL POLITICAL CONTRIBUTIONS MAINTAINED

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

PREPARING REPORTS

FORMS

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

SIGNATURE REQUIRED

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

FILING DEADLINES

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

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

PERIODS COVERED BY REPORTS

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

DEADLINE ON WEEKEND OR HOLIDAY

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

5 P.M. DEADLINE

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

DELIVERY BY MAIL OR OTHER CARRIER

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

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

RETENTION OF RECORDS USED FOR REPORTS

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

REPORTS

SEMIANNUAL REPORTS

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

However, there is an exception to this requirement for officeholders who file with a local filing authority, do not have a campaign treasurer appointment on file, and do not accept more than \$900 in officeholder contributions or make more than \$900 in officeholder expenditures during the period covered by the report.

REPORTS DUE 30 DAYS AND 8 DAYS BEFORE AN ELECTION

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

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

The report that is due 30 days before the election covers the period that begins on the first day after the period covered by the last required report and ends the 40th day before the election. If

this is a filer's first required report, the period covered by the report begins on the day the filer filed a campaign treasurer appointment.

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

REPORT DUE 8 DAYS BEFORE A RUNOFF ELECTION

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

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

MODIFIED REPORTING

On the campaign treasurer appointment form, there is an option to choose modified reporting for the next election cycle. Modified reporting excuses an opposed candidate from filing reports 30 days and 8 days before an election and 8 days before a runoff. An opposed candidate is eligible for modified reporting only if the candidate does not intend to exceed either \$900 in contributions or \$900 in expenditures (excluding filing fees) in connection with an election.

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

If an opposed candidate selects modified reporting but exceeds the \$900 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 \$900 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. The report must cover the period that begins the day after the period covered by the last required report. The

period ends on the day before the campaign treasurer appointment was filed. (**Note:** A person who is *appointed* to elective office may not have filed any previous reports. In that case, the beginning date for the report due 15 days after the campaign treasurer appointment is the date the officeholder took office.) The report is not required if the officeholder did not accept more than \$900 in contributions or make more than \$900 in expenditures by the end of the reporting period.

FINAL REPORT

See “Ending Filing Obligations” below.

ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS

See “Ending Filing Obligations” below.

FINAL DISPOSITION OF UNEXPENDED CONTRIBUTIONS REPORT

See “Ending Filing Obligations” below.

THINGS TO REMEMBER

- An officeholder must file semiannual reports for any period during which he or she is an officeholder. (There is an exception to this rule for officeholders who do not have a campaign treasurer appointment on file and who do not accept more than \$900 in political contributions or make more than \$900 in political expenditures during the period covered by the report.)
- An opposed candidate in an election must file reports of contributions and expenditures 30 days and 8 days before the election, unless the candidate has selected (and remains eligible for) modified reporting. An opposed candidate who has not selected modified reporting must also file a report 8 days before a runoff election. A report due 30 days before an election and a report due 8 days before an election must be received by the appropriate filing authority no later than the report due date.
- An unopposed candidate is not required to file reports 30 days before an election or 8 days before an election but is required to file semiannual reports.
- A candidate who selects modified reporting must file semiannual reports.
- A filer who selects modified reporting for one election cycle will be required to file on the regular reporting schedule for the next election cycle unless the filer submits an amended campaign treasurer appointment selecting modified reporting for the next election cycle.

ENDING FILING OBLIGATIONS

FINAL REPORT

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

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

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

ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS

The following individuals must file annual reports of unexpended contributions:

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

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

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

REPORT OF FINAL DISPOSITION OF UNEXPENDED CONTRIBUTIONS

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

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

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

- The former candidate or officeholder may give them to the political party with which he or she was affiliated when last on the ballot;
- The former candidate or officeholder may contribute them to a candidate or a political committee. (This triggers a requirement to file a report of the contribution.);
- The former candidate or officeholder may give them to the comptroller for deposit in the state treasury to be used to finance primary elections;
- The former candidate or officeholder may give them to one or more contributors, but the total returned to any person may not exceed the aggregate amount accepted from that person during the last two years during which the former candidate or officeholder accepted political contributions;
- The former candidate or officeholder may give them to certain charitable organizations; or
- The former candidate or officeholder may give them to a public or private post-secondary educational institution or an institution of higher education as defined by section 61.003(8), Education Code, for the purpose of assisting or creating a scholarship program.

THINGS TO REMEMBER

- Anyone who has an appointment of campaign treasurer on file must file periodic reports of campaign contributions and expenditures.
- An individual who expects no further reportable activity in connection with his or her candidacy, files a final report and thereby terminates his or her campaign treasurer appointment. (Note: A candidate who does not have a campaign treasurer appointment on file may still be required to file a personal financial statement in accordance with chapter 572 of the Government Code or chapter 159 of the Local Government Code.)

- An officeholder may be required to file semiannual reports even if he or she does not have a campaign treasurer appointment on file. A local officeholder who has not accepted more than \$900 in contributions or made more than \$900 in expenditures in a semiannual period since terminating his or her campaign treasurer appointment is not required to file a semiannual report for that period.

PENALTIES FOR REPORTING VIOLATIONS

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

CAMPAIGN FINANCE RESTRICTIONS

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

1. An individual may not accept a campaign contribution or make a campaign expenditure (including a campaign expenditure from personal funds) without a campaign treasurer appointment on file. Elec. Code § 253.031. An officeholder may accept officeholder contributions and make officeholder expenditures regardless of whether he or she has a campaign treasurer appointment on file.
2. Political contributions from labor organizations and from most corporations are prohibited. Elec. Code § 253.091, *et seq.* Partnerships that include one or more corporate partners are subject to the prohibition.
3. Certain documentation must be obtained in order to accept contributions from an out-of-state political committee. Elec. Code § 253.032. *See* “Contributions from Out-of-State Political Committees” in this guide.
4. Cash contributions of more than \$100 in the aggregate from one contributor in a reporting period are prohibited. (Here “cash” means coins and currency, not checks.) Elec. Code § 253.033.
5. The use of political contributions to purchase real property is prohibited. There is also a restriction on the use of political funds to rent or purchase real property from a person related to the candidate or officeholder within the second degree of consanguinity or affinity or from a business in which the candidate or officeholder or such a relative has a participating interest of more than 10 percent, holds a position on the governing body, or serves as an officer. Elec. Code § 253.038.
6. Texas law does not allow anonymous contributions. Also, reports must disclose the actual source of a contribution, not an intermediary. Elec. Code § 253.001.
7. Personal use of political contributions is prohibited. Elec. Code § 253.035.

8. A candidate or officeholder may not use political contributions to pay for personal services rendered by the candidate or officeholder or by the spouse, or dependent children of the candidate or officeholder. There are also restrictions of a candidate's or officeholder's use of political contributions to make payments to a business in which the candidate or officeholder holds a participating interest of more than 10 percent, a position on the governing body of the business, or a position as an officer of the business. *See* Ethics Advisory Opinion No. 35 (1992) (regarding the combined effect of this prohibition and the prohibition on corporate contributions). Elec. Code § 253.041.

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

9. A candidate, officeholder, or political committee may not accept political contributions in the Capitol, the Capitol Extension, or a courthouse. "Courthouse" means any building owned by the state, a county, or a municipality, or an office or part of a building leased to the state, a county, or a municipality, in which a justice or judge sits to conduct court proceedings. Elec. Code § 253.039.
10. A person required to register as a lobbyist is prohibited from making or authorizing a political contribution to another candidate, officeholder, or political committee, or making or authorizing a direct campaign expenditure, from political contributions accepted by: (1) the lobbyist as a candidate or officeholder; (2) a specific-purpose committee that supports or assists the lobbyist as a candidate or officeholder; or (3) a political committee that accepted a political contribution from (1) or (2), described above, during the two years immediately before the contribution or expenditure was made. Elec. Code § 253.006.
11. A person who makes a political contribution to another candidate, officeholder, or political committee, or makes a direct campaign expenditure, from political contributions accepted by the person as a candidate or officeholder is prohibited from engaging in activities that require registration as a lobbyist for two years thereafter. This does not apply to a person who does not receive compensation other than reimbursement for actual expenses to lobby on behalf of a nonprofit organization, a group of low-income individuals, or a group of individuals with disabilities. Elec. Code § 253.007.
12. A registered lobbyist, or a person on behalf of the lobbyist and with the lobbyist's consent or ratification, is prohibited from making a reportable lobby expenditure from a political contribution accepted by: (1) the lobbyist as a candidate or officeholder; (2) a specific-purpose committee that supports or assists the lobbyist as a candidate or officeholder; or (3) a political committee that accepted a political contribution from (1) or (2), described above, during the two years immediately before the lobbyist made or authorized the expenditure. Gov't Code § 305.029.
13. Federal law generally prohibits the acceptance of contributions from foreign sources. Contact the Federal Election Commission for more detailed information.



TEXAS ETHICS COMMISSION
2021 FILING SCHEDULE FOR REPORTS DUE IN CONNECTION WITH
ELECTIONS HELD ON UNIFORM ELECTION DATES

This is a filing schedule for reports to be filed in connection with elections held on uniform election dates in May and November. Examples of elections held on uniform election dates are elections for school board positions and city offices. The uniform election dates in 2021 are May 1 and November 2.

Candidates and officeholders must file semiannual reports (due on January 15, 2021, and July 15, 2021). In addition, a candidate who has an opponent on the ballot in an election held on a uniform election date must file two pre-election reports (unless the candidate has elected modified reporting).

The campaign treasurer of a political committee that is involved in an election held on a uniform election date must also file pre-election reports (unless the committee is a general-purpose political committee that files monthly or a specific-purpose political committee that files on the modified reporting schedule). This schedule sets out the due dates for pre-election reports in connection with elections on uniform election dates. Please consult the 2021 REGULAR FILING SCHEDULE FOR GENERAL-PURPOSE POLITICAL COMMITTEES (GPAC), COUNTY EXECUTIVE COMMITTEES (CEC), AND SPECIFIC-PURPOSE POLITICAL COMMITTEES (SPAC) for a complete listing of political committee deadlines.

Candidates for and officeholders in local offices regularly filled at the general election for state and county officers (the November election in even-numbered years) should use the 2021 FILING SCHEDULE FOR CANDIDATES AND OFFICEHOLDERS FILING WITH THE COUNTY CLERK OR ELECTIONS ADMINISTRATOR.

EXPLANATION OF THE FILING SCHEDULE CHART

COLUMN I: REPORT DUE DATE - This is the date by which the report must be filed. 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. This schedule shows the extended deadline where applicable. A report transmitted to the Texas Ethics Commission over the Internet is considered timely filed if it is transmitted *by midnight, Central Time Zone, on the night of the filing deadline*. For most filing deadlines, a report filed on paper is considered timely filed if it is deposited with the U.S. Post Office or a common or contract carrier properly addressed with postage and handling charges prepaid, or hand-delivered to the filing authority by the filing deadline. **Pre-Election Reports:** A report due 30 days before an election and a report due 8 days before an election must be *received* by the appropriate filing authority no later than the report due date to be considered timely filed.

COLUMN II: TYPE OF REPORT (WHO FILES) - This column gives the report type and explains which reporting form to use and which filers are required to file the report.

COLUMN III: BEGINNING DATE OF PERIOD COVERED - This column sets out the beginning date of the time period covered by the report. Use the latest one of the applicable dates. The "date of campaign treasurer appointment" is the beginning date only for the *first* report filed after filing a campaign treasurer appointment. For officeholders recently appointed to an elective office, the beginning date for the first report will be the date the officeholder took office, provided that he or she was not already filing as an officeholder or candidate at the time of the appointment. (*NOTE:* If you are ever confused about the beginning date for a required report, remember this rule: **There should never be gaps between reporting periods and, generally, there should not be overlaps.**)

COLUMN IV: ENDING DATE OF PERIOD COVERED - This column sets out the ending date of the time period covered by the report. The report must include reportable activity occurring on the ending date.

Please consult the CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH LOCAL FILING AUTHORITIES or the CAMPAIGN FINANCE GUIDE FOR POLITICAL COMMITTEES for further information.

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
Friday, January 15, 2021	January semiannual [FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$900 in contributions or expenditures for the reporting period) [FORM GPAC] (all GPACs) [FORM SPAC] (all SPACs)	July 1, 2020, <i>or</i> the date of campaign treasurer appointment, <i>or</i> the day after the date the last report ended.	December 31, 2020
Friday, January 15, 2021	Annual report of unexpended contributions [FORM C/OH-UC] (former candidates and former officeholders who have filed a final report and who retained unexpended contributions or assets purchased with contributions)	January 1, 2020, <i>or</i> the day after the date the final report was filed.	December 31, 2020

REPORTS DUE BEFORE THE MAY 1, 2021, UNIFORM ELECTION

Thursday, April 1, 2021 NOTE: This report must be <u>received</u> by the appropriate filing authority no later than April 1, 2021.	30th day before the May 1, 2021, uniform election [FORM C/OH] (all local candidates who have an opponent on the ballot in the May 1 election and who do not file on the modified reporting schedule) [FORM GPAC] (all GPACs that are involved with the May 1 election) [FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that supported or opposed an opposed candidate or a measure in the May 1 election)	January 1, 2021, <i>or</i> the date of campaign treasurer appointment, <i>or</i> the day after the date the last report ended.	March 22, 2021
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NOTE: A political committee must file pre-election reports if the committee is involved with the election during each pre-election reporting period. **A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period.** The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
<p>Friday, April 23, 2021</p> <p>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than April 23, 2021.</p>	<p>8th day before May 1, 2021, uniform election</p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the May 1 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that filed a “30th Day Before Election Report” or that are involved with the May 1 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that filed a “30th Day Before Election Report” or that supported or opposed an opposed candidate or a measure in the May 1 election)</p>	<p>March 23, 2021, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>April 21, 2021</p> <p>NOTE: Daily pre-election reports of contributions accepted and direct campaign expenditures made after April 21, 2021, may be required. Please consult the Campaign Finance Guide for further information.</p>

<p>Thursday, July 15, 2021</p>	<p>July semiannual</p> <p>[FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$930 in contributions or expenditures for the reporting period)</p> <p>[FORM GPAC] (all GPACs)</p> <p>[FORM SPAC] (all SPACs)</p>	<p>January 1, 2021, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>June 30, 2021</p>
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NOTE: A political committee must file pre-election reports if the committee is involved with the election during each pre-election reporting period. **A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period.** The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
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REPORTS DUE BEFORE THE NOVEMBER 2, 2021, UNIFORM ELECTION

<p>Monday, October 4, 2021</p> <p><i>Deadline is extended because of weekend.</i></p> <p>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than October 4, 2021.</p>	<p>30th day before the November 2, 2021, uniform election</p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the November 2 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that are involved with the November 2 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that supported or opposed an opposed candidate or a measure in the November 2 election)</p>	<p>July 1, 2021, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>September 23, 2021</p>
<p>Monday, October 25, 2021</p> <p>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than October 25, 2021.</p>	<p>8th day before the November 2, 2021, uniform election</p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the November 2 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that filed a “30th Day Before Election Report” or that are involved with the November 2 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that filed a “30th Day Before Election Report” or that supported or opposed an opposed candidate or a measure in the November 2 election)</p>	<p>September 24, 2021, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>October 23, 2021</p> <p>NOTE: Daily pre-election reports of contributions accepted and direct campaign expenditures made after October 23, 2021, may be required. Please consult the Campaign Finance Guide for further information.</p>

NOTE: A political committee must file pre-election reports if the committee is involved with the election during each pre-election reporting period. **A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period.** The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
<p>Tuesday, January 18, 2022</p> <p><i>Deadline is extended because of weekend and holiday.</i></p>	<p>January semiannual</p> <p>[FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$930 in contributions or expenditures for the reporting period)</p> <p>[FORM GPAC] (all GPACs)</p> <p>[FORM SPAC] (all SPACs)</p>	<p>July 1, 2021, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>December 31, 2021</p>
<p>Tuesday, January 18, 2022</p> <p><i>Deadline is extended because of weekend and holiday.</i></p>	<p>Annual report of unexpended contributions</p> <p>[FORM C/OH-UC] (former candidates and former officeholders who have filed a final report and who retained unexpended contributions or assets purchased with contributions)</p>	<p>January 1, 2021, <i>or</i></p> <p>the day after the date the final report was filed.</p>	<p>December 31, 2021</p>

CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

**FORM C/OH
COVER SHEET PG 1**

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

GO TO PAGE 2

CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

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

15 C/OH NAME		16 Filer ID (Ethics Commission Filers)
17 CONTRIBUTION TOTALS	1. TOTAL UNITEMIZED POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS, OR CONTRIBUTIONS MADE ELECTRONICALLY)	\$
	2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$
EXPENDITURE TOTALS	3. TOTAL UNITEMIZED POLITICAL EXPENDITURE.	\$
	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 SIGNATURE I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.

Signature of Candidate or Officeholder

Please complete either option below:

(1) Affidavit

NOTARY STAMP / SEAL

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

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

(2) Unsworn Declaration

My name is _____, and my date of birth is _____.

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

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

Signature of Candidate/Officeholder (Declarant)

SUBTOTALS - C/OH

FORM C/OH COVER SHEET PG 3

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

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule A1:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Date	5 Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____) 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#: _____) 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#: _____) 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#: _____) Contributor address; City; State; Zip Code	Amount of contribution (\$)
Principal occupation / Job title (See Instructions)		Employer (See Instructions)

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

NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS

SCHEDULE A2

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule A2:	
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

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule B:	
2 FILER NAME		3 Filer ID (Ethics Commission Filers)	
4 TOTAL OF UNITEMIZED PLEDGES		\$	
5 Date	6 Full name of pledgor <input type="checkbox"/> out-of-state PAC (ID#: _____) 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

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

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

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

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

POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

SCHEDULE F1

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

EXPENDITURE CATEGORIES FOR BOX 8(a)

Advertising Expense	Event Expense	Loan Repayment/Reimbursement	Solicitation/Fundraising Expense
Accounting/Banking	Fees	Office Overhead/Rental Expense	Transportation Equipment & Related Expense
Consulting Expense	Food/Beverage Expense	Polling Expense	Travel In District
Contributions/Donations Made By	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 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

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

EXPENDITURE CATEGORIES FOR BOX 10(a)

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

The Instruction Guide explains how to complete this form.

1 Total pages Schedule F2:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)
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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
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ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

PURCHASE OF INVESTMENTS MADE FROM POLITICAL CONTRIBUTIONS

SCHEDULE F3

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

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

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

EXPENDITURE CATEGORIES FOR BOX 10(a)

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

The Instruction Guide explains how to complete this form.

1 Total pages Schedule 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

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

EXPENDITURE CATEGORIES FOR BOX 8(a)

Advertising Expense	Event Expense	Loan Repayment/Reimbursement	Solicitation/Fundraising Expense
Accounting/Banking	Fees	Office Overhead/Rental Expense	Transportation Equipment & Related Expense
Consulting Expense	Food/Beverage Expense	Polling Expense	Travel In District
Contributions/Donations Made By	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 (\$) <input type="checkbox"/> Reimbursement from political contributions intended	7 Payee address; City; State; Zip Code	
8 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	<input type="checkbox"/> Check if Austin, TX, officeholder living expense
9 Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$) <input type="checkbox"/> Reimbursement from political contributions intended	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 (\$) <input type="checkbox"/> Reimbursement from political contributions intended	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 (\$) <input type="checkbox"/> Reimbursement from political contributions intended	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

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

SCHEDULE H

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

EXPENDITURE CATEGORIES FOR BOX 8(a)

Advertising Expense	Event Expense	Loan Repayment/Reimbursement	Solicitation/Fundraising Expense
Accounting/Banking	Fees	Office Overhead/Rental Expense	Transportation Equipment & Related Expense
Consulting Expense	Food/Beverage Expense	Polling Expense	Travel In District
Contributions/Donations Made By	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

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

The Instruction Guide explains how to complete this form.

1 Total pages Schedule 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.)

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

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

SCHEDULE K

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

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	8 Amount (\$)
 6 Address of person from whom amount is received; City; State; Zip Code	
	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	Amount (\$)
 Address of person from whom amount is received; City; State; Zip Code	
	Purpose for which amount is received <input type="checkbox"/> Check if political contribution returned to filer	

Date	Name of person from whom amount is received	Amount (\$)
 Address of person from whom amount is received; City; State; Zip Code	
	Purpose for which amount is received <input type="checkbox"/> Check if political contribution returned to filer	

Date	Name of person from whom amount is received	Amount (\$)
 Address of person from whom amount is received; City; State; Zip Code	
	Purpose for which amount is received <input type="checkbox"/> Check if political contribution returned to filer	

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

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

SCHEDULE T

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

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

(PAPER FILERS ONLY)

To Report Activity Occurring on or after January 1, 2020



Revised August 11, 2020

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

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

FORM C/OH – INSTRUCTION GUIDE

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

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GENERAL INSTRUCTIONS

These general instructions apply to all C/OH forms required to be filed under title 15, Texas Election Code, for activity that occurs on or after January 1, 2020. For a report that includes activity occurring before January 1, 2020, you must use the instructions applicable before calendar year 2020, which are available on the Texas Ethics Commission's website at <https://www.ethics.state.tx.us/forms/coh/cohfrm.php>.

IMPORTANT UPDATES

Increased Disclosure Thresholds

Starting January 1, 2020, new itemization thresholds apply to all campaign finance reports. These changes mean that the dollar thresholds for itemizing contributions, expenditures, and other activities in a report are now higher. For example, the requirement to itemize a political contribution has increased from \$50 to \$90, and only political contributions that exceed \$90 must be itemized when accepted on or after January 1, 2020. The higher itemization thresholds have been updated on the paper forms and in these instructions. For a full list of the changes, please go to new Texas Ethics Commission Rules §18.31 on our website: https://www.ethics.state.tx.us/rules/adopted/2016-2020/adopted_Mar_2019.php.

These changes only apply to activity that occurs on or after January 1, 2020. For activity occurring before that date, you must use the form applicable to that time period. For example, if you are filing a semiannual campaign finance report that is due on January 15, 2020, you must use the campaign finance report form that is applicable to the period ending December 31, 2019 (the last date covered by that semiannual report).

These changes are made by a new rule, 18.31, adopted by the Texas Ethics Commission (Commission) on March 22, 2019. As directed by section 571.064 of the Texas Election Code, the Commission is required to annually adjust these thresholds upward to the nearest multiple of \$10 in accordance with the percentage increase for the previous year in the Consumer Price Index for Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor. Accordingly, one or more thresholds will generally be adjusted each year, depending upon the figures in the index.

Contributions Made Electronically Must Be Itemized

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

ELECTRONIC FILING

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

FILLING OUT THE FORMS

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

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

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

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

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

TEXAS ETHICS COMMISSION GUIDES

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

PHOTOCOPIES OF FORMS

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

FILING DATE

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

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

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

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

FORM C/OH: CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT

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

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

GENERAL INFORMATION

Use Form C/OH for filing the following reports:

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

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

OFFICEHOLDER ACTIVITY

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

DUTIES OF CANDIDATE OR OFFICEHOLDER

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

DUTIES OF CAMPAIGN TREASURER

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

WHERE TO FILE

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

FILING A FINAL REPORT

For filing purposes, you are a “candidate” as long as you have an appointment of campaign treasurer on file. If you do not expect to accept any further campaign contributions or to make any further campaign expenditures, you may file a Final Report of contributions and expenditures. A Final Report terminates your appointment of campaign treasurer and relieves you of the obligation of filing further reports *as a candidate*. If you are an officeholder at the time of filing a Final Report, you may be required to file semiannual reports of contributions and expenditures as an officeholder. The only officeholders who are not required to file semiannual reports are officeholders who file locally, who do not have a campaign treasurer appointment on file, *and* who do not exceed \$900 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 \$900 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 \$900 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 Modified Reporting Limit Report: Candidates who chose to file under the modified reporting schedule but then, after the 30th day before the election, exceeded \$900 in contributions or \$900 in expenditures in connection with the election must file this Exceeded Modified Reporting Limit report within 48 hours after exceeding the \$900 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 \$900 in either contributions or expenditures during the period covered by the report. Candidates who are not officeholders do not file this report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exceeded Modified Reporting Limit Report: The start date for the report is either the day you appointed your campaign treasurer or the day after the last day covered by your last required report, whichever is later. The end date is the day you exceeded the \$900 limit for contributions or expenditures.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 12. OFFICE HELD:** If you are an officeholder, please enter the office you currently hold. Include the district, precinct, or other designation for the office, if applicable.
- 13. OFFICE SOUGHT:** If you are a candidate in an upcoming election, please enter the office you seek. If you were a candidate in a recently held election, but were unsuccessful or are not currently an officeholder, please enter the office you sought during the election that most immediately precedes the deadline for this report. Include the district, precinct, or other designation for the office, if applicable.
- 14. NOTICE FROM POLITICAL COMMITTEE(S):** Complete this section if you received notice from a political committee that it accepted political contributions or made political expenditures on your behalf. You are required to disclose the receipt of such a notice in the report covering the period in which you receive the notice. If you have not received such notice, you may skip this section.

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

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

Committee Type:

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

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

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

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

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

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

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

16. FILER ID: See instructions for section 1.

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

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

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

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

Line 3- Total Unitemized Political Expenditures: Enter the total of all unitemized political expenditures of \$180 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 \$180 to one payee. You also had the option of itemizing expenditures totaling \$180 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 \$180 to one payee. You also had the option of itemizing incurred political expenditures totaling \$180 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 \$180 to one payee. You also had the option of itemizing political expenditures totaling \$180 or less to one payee. Do not include any political or non-political expenditures itemized on Schedule F4 in the total entered on line 3, regardless of amount.

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

On Schedule H, you were required to itemize payments from political contributions made to certain businesses. Do not include any expenditures itemized on Schedule H in the total entered on line 3, regardless of amount.

Line 4- Total Political Expenditures: Add the following:

- (a) the total expenditures itemized on Schedule F1;
- (b) the total political expenditures itemized on Schedule F2;
- (c) the total political expenditures itemized on Schedule F4;
- (d) the total political expenditures itemized on Schedule G;
- (e) the total political expenditures itemized on Schedule H; and
- (f) the amount you entered on line 3.

Enter that total on line 4.

Enter a “0” if you did not make any expenditures during the period covered.

Line 5- Total Political Contributions Maintained: Enter the total amount of political contributions, including interest or other income on those contributions, maintained as of the last day of the reporting period. Enter “0” if you do not maintain political contributions, including interest or other income on those contributions, as of the last day of the reporting period. This is different from the total contributions reported on line 2. Only contributions accepted during the period covered by the report are entered on line 2.

The law requires you to disclose the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period.

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

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

Note: Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.

Line 6- Total Principal Amount of All Outstanding Loans: Enter the aggregate outstanding principal amount of all loans accepted for campaign or officeholder purposes as of the last day of the reporting period. Enter a “0” if you did not accept any loans during the period covered and have no outstanding loans as of the last day of the reporting period. This is different from the information reported on Schedule E. This line must include outstanding principal of loans made in this reporting period as well as outstanding principal of loans made previously.

18. SIGNATURE: Complete this section only after you have completed all applicable sections and schedules. You must always sign a report that you file. You must complete this section even if you have no schedules to attach. *Only the candidate or officeholder filing the report may sign the report.*

If you are using the paper form, fill this section out by hand after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says “Signature of Candidate/Officeholder (Declarant)” (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say “Signature of Candidate/Officeholder (Declarant)” (an electronic signature is not acceptable), and fill out the unsworn declaration section.

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

20. FILER ID: See instructions for section 1.

21. SCHEDULE SUBTOTALS: Complete this section only after you have completed all applicable schedules.

Check the appropriate boxes to indicate which schedules are attached to your report. If a schedule is not included in the report, leave the check box blank.

Line 1- Schedule A1: Add the total amount of contributions itemized on Schedule A1 to the amount of unitemized monetary political contributions accepted during the period covered. Enter that total on line 1. Enter a “0” if you did not accept any contributions during the period covered.

Line 2- Schedule A2: Add the total amount of non-monetary in-kind contributions itemized on Schedule A2 to the amount of unitemized non-monetary in-kind contributions accepted during the period covered. Enter that total on line 2. Enter a “0” if you did not accept any non-monetary in-kind contributions during the period covered.

Line 3- Schedule B: Add the total amount of pledged contributions itemized on Schedule B to the amount of unitemized pledged contributions accepted during the

period covered. Enter that total on line 3. Enter a “0” if you did not accept any pledged contributions during the period covered.

Line 4- Schedule E: Add the total amount of loans itemized on Schedule E to the amount of unitemized loans accepted during the period covered. Enter that total on line 4. Enter a “0” if you did not accept any loans during the period covered.

Line 5- Schedule F1: Add the total amount of political expenditures from political contributions itemized on Schedule F1 to the amount of unitemized political expenditures from political contributions made during the period covered. Enter that total on line 5. Enter a “0” if you did not make any political expenditures from political contributions during the period covered.

Line 6- Schedule F2: Add the total amount of unpaid incurred obligations itemized on Schedule F2 to the amount of unitemized unpaid obligations incurred during the period covered. Enter that total on line 6. Enter a “0” if you did not incur any unpaid obligations during the period covered.

Line 7- Schedule F3: Enter the total amount of investments purchased from political contributions itemized on Schedule F3. Enter a “0” if you did not purchase any investments from political contributions during the period covered.

Line 8- Schedule F4: Add the total amount of expenditures made by a credit card itemized on Schedule F4 to the amount of unitemized expenditures made by a credit card during the period covered. Enter that total on line 8. Enter a “0” if you did not make any expenditures by credit card during the period covered.

Line 9- Schedule G: Add the total amount of political expenditures from personal funds itemized on Schedule G to the amount of unitemized political expenditures from personal funds made during the period covered. Enter that total on line 9. Enter a “0” if you did not make any political expenditures from personal funds during the period covered.

Line 10- Schedule H: Enter the total amount of payments from political contributions to a business of the candidate or officeholder itemized on Schedule H. Enter a “0” if you did not make any payments from political contributions to a business of the candidate or officeholder during the period covered.

Line 11- Schedule I: Enter the total amount of non-political expenditures from political contributions itemized on Schedule I. Enter a “0” if you did not make any non-political expenditures from political contributions during the period covered.

Line 12- Schedule K: Enter the total amount of interests, credits, gains, refunds, and contributions returned to the filer itemized on Schedule K. Enter a “0” if you did not have any such activity during the period covered.

SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS

These instructions are for candidates and officeholders using SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS.

Use this schedule to disclose information about monetary campaign and officeholder contributions accepted during the reporting period. Do not enter on this schedule information on non-monetary, in-kind contributions, pledges, loans, or guarantees of loans. Once you actually receive pledged money, it must be reported on Schedule A1. (Report non-monetary, in-kind contributions on Schedule A2; report pledges on Schedule B; report loans and guarantees of loans on Schedule E.)

Itemization: You must enter incoming monetary contributions that exceed \$90 from one person, and any monetary contribution made electronically, during a reporting period on this schedule. If you accepted two or more contributions from the same person, the total of which exceeds \$90, enter each contribution separately. Although you are not required to do so, you may also report contributions from one person that do not exceed \$90 in the period on this schedule. If you do not itemize contributions of \$90 and less on this schedule, you must total all such contributions and report them on the Cover Sheet, page 2, section 17, line 1.

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

- 1. TOTAL PAGES SCHEDULE A1:** After you have completed Schedule A1, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date you *accepted* the contribution. Accepting a contribution is different from receiving a contribution. You accept a contribution when you decide to accept it rather than reject it. This may or may not be the same day that you receive the contribution.
- 5. FULL NAME OF CONTRIBUTOR:** Enter the full name of the contributor. If the contributor is an individual, enter the full first and last name, and suffix (Jr., III, etc.) if applicable. If the contributor is an entity, enter the full name of the entity.

“Out-of-State PAC” box: If the contributor is an out-of-state political committee, check the box. Certain restrictions apply to contributions from out-of-state PACS. The fact that a political committee has a mailing address outside of Texas does not mean that the committee is an out-of-state PAC for purposes of these restrictions. A political committee that has a campaign treasurer appointment on file in Texas is not an out-of-state PAC. A political committee that makes most of its political expenditures outside of Texas may be an out-of-state PAC. A political committee must determine if it is an out-of-state PAC.

If the contributor is an out-of-state political committee from which you accepted more than \$900 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 \$180 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 \$900 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 \$900 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 \$900 or more during the reporting period. In other circumstances, filers are not required to report this information but may do so.

SCHEDULE A2: NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS

These instructions are for candidates and officeholders using SCHEDULE A2: NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS.

Use this schedule to disclose information about non-monetary, in-kind campaign and officeholder contributions received during the reporting period. An in-kind contribution is a contribution of goods, services, or any other thing of value ***other than money*** that is given to your campaign. You are not required to include contributions of an individual's personal services or travel if the individual receives no compensation from any source for the services. Do not enter on this schedule information on monetary political contributions, pledges, loans, or guarantees of loans. Once you actually receive a pledged in-kind contribution, it must be reported on Schedule A2. (Report monetary contributions on Schedule A1; report pledges on Schedule B; report loans and guarantees of loans on Schedule E.)

Itemization: You must enter non-monetary (in-kind) contributions of goods, services, or other things of value that exceed \$90 from one person, and any non-monetary contribution made electronically, during a reporting period on this schedule. If you accepted two or more non-monetary contributions from the same person, the total of which exceeds \$90, enter each contribution separately. Although you are not required to do so, you may also report contributions from one person that do not exceed \$90 in the period on this schedule. If you do not itemize contributions of \$90 and less on this schedule, you must total all such contributions and report them on the Cover Sheet, page 2, section 17, line 1.

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

- 1. TOTAL PAGES SCHEDULE A2:** After you have completed Schedule A2, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. TOTAL OF UNITEMIZED IN-KIND POLITICAL CONTRIBUTIONS:** Enter the total amount of in-kind political contributions of \$90 or less that you accepted during the period covered that are not itemized on this schedule. If you choose to itemize an in-kind contribution of \$90 or less on this schedule, do not include it in this total. All contributions made electronically must be itemized.
- 5. DATE:** See instructions for Schedule A1, section 4.
- 6. FULL NAME OF CONTRIBUTOR:** See instructions for Schedule A1, section 5.
“Out-of-State PAC” box: See instructions for Schedule A1, section 5.
- 7. CONTRIBUTOR ADDRESS:** Enter the complete address of the contributor.
- 8. AMOUNT OF CONTRIBUTION:** Enter the fair market value of the in-kind contribution.

9. IN-KIND CONTRIBUTION DESCRIPTION: Enter a description of the contribution. The description should be sufficiently detailed to allow a person reviewing your report to understand what was contributed.

“Travel Outside of Texas” box: If the contribution was for travel outside of Texas, please check the box and *report this information on Schedule T.*

10. PRINCIPAL OCCUPATION OR JOB TITLE: See instructions for Schedule A1, section 8.

11. EMPLOYER: See instructions for Schedule A1, section 9.

Sections 12-16 pertain to judicial candidates and officeholders only. Do not complete these sections. If you are a judicial candidate or officeholder, please use form JC/OH and the corresponding instructions.

SCHEDULE B: PLEDGED CONTRIBUTIONS

These instructions are for candidates and officeholders using SCHEDULE B: PLEDGED CONTRIBUTIONS.

Use this schedule to disclose information about pledges accepted during the reporting period for campaign or officeholder purposes. You are not required to include pledges of an individual's personal services or travel if the individual receives no compensation from any source for the services. Do not enter on this schedule information on contributions actually received, loans, or guarantees of loans. (Report contributions actually received on Schedule A1 or Schedule A2, as applicable; report loans and guarantees of loans on Schedule E.)

If you accept a pledge from a person to give you money, goods, services, or anything of value, that pledge is a reportable contribution and you must include the pledge on this schedule for the report covering the period in which you accept the pledge.

Itemization: You must itemize pledges that exceed \$90 in the aggregate from one person during the reporting period. If you received pledges totaling more than \$90 from one person during the reporting period, you must itemize all of those pledges, even if individual pledges were for \$90 or less. Although you are not required to do so, you may also itemize pledges for \$90 or less from one person. You must also disclose the receipt of the pledged contribution on Schedule A1 (used for monetary contributions) or A2 (used for non-monetary contributions), as applicable, in the reporting period in which you actually receive the pledged money or thing of value. If the pledge is accepted and received in the same reporting period, it is not required to be reported on Schedule B.

Note: See the Campaign Finance Guide for more information on pledges.

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

- 1. TOTAL PAGES 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 \$90 in the aggregate per person. Although you are not required to do so, you may also itemize pledges of \$90 or less on this schedule. If you itemize some pledges of \$90 or less, do not include those pledges in the total entered here. If you choose to itemize all pledges of \$90 or less, do not enter a total amount here.
- 5. DATE:** Enter the date you *accepted* the pledge. Accepting a pledge is different from receiving a contribution. You accept a pledge when you decide to accept it rather than reject it.

Pledge accepted and received in different reporting periods: If you accept a pledge in one reporting period and then receive the pledged money or other thing of value in a later reporting period, you will disclose the pledge on this schedule in

the reporting period in which you accepted the pledge. You will also disclose the receipt of the pledged money or other thing of value on the appropriate incoming funds schedule (report monetary contributions on Schedule A1; report in-kind contributions on Schedule A2; report loans on Schedule E) in the reporting period in which you received the pledge.

Pledge received in same reporting period as accepted: If you receive a pledge in the same reporting period in which it was accepted, then you will not report the pledge on this schedule. You will only disclose the contribution on the appropriate incoming funds schedule (report monetary contributions on Schedule A1; report in-kind contributions on Schedule A2; report loans on Schedule E). The date of the contribution will be the date you accepted the pledged contribution, regardless of when the pledged contribution was actually received.

Pledge accepted but never received: You will disclose the pledge on this schedule in the reporting period in which you accepted the pledge. If you never actually receive the pledge, it is not necessary to correct your report to delete the pledge.

Example: In June a supporter promises that he will give Juan Garcia \$1,000 in the last week before the November election. Juan accepts his promise. Juan must disclose the pledge on his July 15 report covering the period in which he accepted the pledge. (Note: When he receives the \$1,000, he will disclose it as a monetary contribution on Schedule A1 of the report covering the period in which he received the money. Also, if he never receives the \$1,000, he does not correct/amend his report to delete the entry for the pledge.)

6. FULL NAME OF PLEDGOR: Enter the full name of the person who made the pledge.

“Out-of-State PAC” box: See instructions for Schedule A1, section 5.

7. PLEDGOR ADDRESS: Enter the complete address of the person who made the pledge.

8. AMOUNT OF PLEDGE: Enter the amount of the pledge or the fair market value of any pledged goods or services or other thing of value, as applicable.

9. IN-KIND DESCRIPTION: If the pledge was for goods or services or any other thing of value, enter a description of the pledged goods or services or other thing of value. The description should be sufficiently detailed to allow a person reviewing your report to understand what was pledged.

“Travel Outside of Texas” box: If the pledged contribution was an in-kind contribution for travel outside of Texas, please check the box and *report this information on Schedule T.*

10. PRINCIPAL OCCUPATION OR JOB TITLE: See instructions for Schedule A1, section 8.

11. EMPLOYER: See instructions for Schedule A1, section 9.

You do not need Schedules C1-4 and D. These schedules are for political committees to report contributions from corporations and labor organizations. Candidates and officeholders are generally prohibited from accepting such contributions.

SCHEDULE E: LOANS

These instructions are for candidates and officeholders using SCHEDULE E: LOANS.

Use this schedule to disclose information about loans and guarantees of loans accepted during the reporting period for campaign or officeholder purposes. This schedule must also be used to disclose deposits of personal funds into an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. This schedule may also be used to disclose political expenditures from personal funds.

Loans to Your Campaign from Your Personal Funds: You may disclose political expenditures from personal funds as a loan to your campaign on Schedule E. Outgoing political expenditures made from that loan must then be disclosed as if they were made from political contributions. The amount you disclose as a loan from yourself in a reporting period may NOT exceed the amount you actually spent from personal funds in that reporting period. In other words, do not report a \$100,000 loan to your campaign if the amount actually spent from your personal funds in the reporting period was \$5,000. When you reimburse yourself, disclose the reimbursement as an outgoing political expenditure on Schedule F1. The reimbursement may not exceed the amount disclosed as a loan. (You may also disclose political expenditures from personal funds on Schedule G. See the Schedule G instructions below for more information.)

Personal Funds Deposited into a Political Account: If you deposit personal funds in an account in which political contributions are held, you must disclose the deposited amount as a loan on Schedule E and check the box indicating "Personal Funds Deposited into Political Account." Personal funds deposited in an account in which political contributions are held are subject to the personal use restriction. Disclose the outgoing political expenditures made from that loan as if they were made from political contributions. When you reimburse yourself, disclose the reimbursement as an outgoing political expenditure on Schedule F1. The reimbursement may not exceed the amount disclosed as a loan.

Itemization: You must itemize loans (including loans from personal funds) that exceed \$90 that you accepted during the period from one person. If you accepted two or more loans from the same person, the total of which exceeds \$90, itemize each loan separately. You must also itemize loans that are made electronically by a person other than a financial institution. Although you are not required to do so, you may also itemize any other loans that do not exceed \$90.

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

- 1. TOTAL PAGES SCHEDULE E:** After you have completed Schedule E, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.

- 4. TOTAL OF UNITEMIZED LOANS:** Enter the total amount of loans accepted during the reporting period that did not exceed \$90 in the aggregate per person and were not from financial institutions, unless the loans were made electronically.

Although you are not required to do so, you may itemize loans of \$90 or less from persons other than financial institutions on this schedule. If you itemize some loans of \$90 or less, do not include those loans in the total you enter here. If you choose to itemize all loans of \$90 or less, enter a “0” here.

- 5. DATE OF LOAN:** Enter the date you *accepted* the loan.
- 6. IS LENDER A FINANCIAL INSTITUTION?:** If you accepted the loan from a corporation that has been legally engaged in the business of making loans for more than one year, circle “Y” for yes. If you accepted the loan from any other source, circle “N” for no. A loan from a corporation that has not been legally engaged in the business of making loans for more than one year is a corporate contribution. Candidates and officeholders may not accept corporate contributions.
- 7. NAME OF LENDER:** Enter the full name of the person or financial institution that made the loan. If the lender is an individual, enter the full first and last name and suffix (Jr., III, etc.) if applicable. If the lender is an entity, enter the full name of the entity.

“Out-of-State PAC” box: See instructions for Schedule A1, section 5.

Note: See the Campaign Finance Guide for detailed information on accepting and reporting contributions from out-of-state political committees.

- 8. LENDER ADDRESS:** Enter the complete address of the person or financial institution that made the loan.
- 9. LOAN AMOUNT:** Enter the principal amount of the loan.
- 10. INTEREST RATE:** Enter the interest rate.
- 11. MATURITY DATE:** Enter the maturity date.
- 12. PRINCIPAL OCCUPATION OR JOB TITLE:** Candidates for and holders of statewide offices in the executive branch and candidates for and holders of legislative offices must disclose the principal occupation or job title of each individual from whom the candidate or officeholder has accepted a loan (including a pledge of a loan) of \$900 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 \$900 or more during the reporting period. Other types of filers are not required to report this information but may do so.

- 14. DESCRIPTION OF COLLATERAL:** If there is no collateral for the loan, check the “none” box and go to section 15. If there is collateral for the loan, enter a description of the collateral for the loan.
- 15. “Check if personal funds were deposited into political account” box:** Check this box *only if* the loan is a deposit of your personal funds into an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. Political expenditures made from that loan, and any subsequent expenditures to reimburse the candidate or officeholder, must be reported as if they were made from political contributions. The reimbursement may not exceed the amount reported as a loan. Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.
- 16. GUARANTOR INFORMATION:** If there are no guarantors for the loan, check the “Not Applicable” box and go to the next loan. If you have no further loans to report, go to the next applicable schedule.

A person who guarantees all or part of a loan makes a reportable contribution in the amount of the guarantee. You must report such a contribution on this schedule, and not on the contributions schedule.

- 17. NAME OF GUARANTOR:** Enter the full name of the person guaranteeing the loan. If the guarantor is an individual, enter the full first and last name and suffix (Jr., III, etc.) if applicable. If the guarantor is an entity, enter the full name of the entity.
- 18. GUARANTOR ADDRESS:** Enter the complete address of the guarantor.
- 19. AMOUNT GUARANTEED:** Enter the dollar amount of the loan that the guarantor has agreed to guarantee.
- 20. PRINCIPAL OCCUPATION:** Enter the principal occupation of the guarantor.
- 21. EMPLOYER:** Enter the employer of the guarantor.

SCHEDULE F1: POLITICAL EXPENDITURES FROM POLITICAL CONTRIBUTIONS

These instructions are for candidates and officeholders using SCHEDULE F1: POLITICAL EXPENDITURES FROM POLITICAL CONTRIBUTIONS.

Use this schedule to disclose information about political expenditures from political contributions that were made during the reporting period. Do not enter on this schedule unpaid incurred obligations, political expenditures made from personal funds, the purchase of investments from political contributions, expenditures made by credit card, or payments from political contributions made to a business that you own or control. (Report unpaid incurred obligations on Schedule F2; report expenditures from personal funds on Schedule G; report the purchase of investments from political contributions on Schedule F3; report expenditures made by credit card on Schedule F4; and report payments from political contributions made to a business that you own or control on Schedule H.)

Expenditures Made by Credit Card: You must disclose expenditures charged to a credit card on Schedule F4 and *not* on this schedule. When you pay the credit card bill, you must disclose the payment to the credit card company on Schedule F1 (used for political payments from political contributions), Schedule G (used for political payments from personal funds), Schedule H (used for payments from political contributions made to a business that you own or control), or Schedule I (used for nonpolitical payments from political contributions), as applicable. See instructions for Schedule F4: [Expenditures Made by Credit Card](#) for more information.

See the *Campaign Finance Guide for Candidates and Officeholders* for important restrictions regarding the use of political funds to rent or purchase real property.

Itemization: You must enter expenditures paid to one individual or entity during a reporting period that in the aggregate exceed \$180 on this schedule. If you made more than one expenditure to the same payee, the total of which exceeded \$180, enter each expenditure separately. Although you are not required to do so, you may also report expenditures to one person that do not exceed \$180 in the period on this schedule. If you choose not to itemize expenditures of \$180 and less on this schedule, you must total all unitemized expenditures and report them on the Cover Sheet, page 2, section 17, line 3.

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

- 1. TOTAL PAGES SCHEDULE F1:** After you have completed Schedule F1, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date the expenditure payment was made. Remember: Expenditure obligations you incurred in this reporting period *but have not yet paid* are entered on Schedule F2. Expenditures made by credit card are entered on Schedule F4.
- 5. PAYEE NAME:** Enter the full name of the person to whom the expenditure was made.

Note: If you make an expenditure for goods or services to benefit another candidate, officeholder, or committee, enter the name of the vendor who sold you the goods or services. Do not enter the name of the person for whose benefit you made the expenditure. Include that information under section 8, “Purpose of Expenditure.”

6. **AMOUNT:** Enter the exact amount of the expenditure.
7. **PAYEE ADDRESS:** Enter the complete address of the person to whom the expenditure was made.
8. **PURPOSE OF EXPENDITURE:** You must disclose the purpose of the expenditure in two parts: Category and Description. Merely disclosing the category of goods, services, or other thing of value for which the expenditure is made does not adequately describe the purpose of an expenditure.

(a) **Category:** Select a category of goods, services, or other thing of value for which an expenditure is made. If none of the listed categories apply, select “Other” and enter your own category. Examples of acceptable categories include:

Advertising Expense

Accounting/Banking

Consulting Expense

Contributions/Donations Made By Candidate/Officeholder/Political Committee

Credit Card Payment

Event Expense

Fees

Food/Beverage Expense

Gifts/Awards/Memorials Expense

Legal Services

Loan Repayment/Reimbursement

Office Overhead/Rental Expense

Polling Expense

Printing Expense

Salaries/Wages/Contract Labor

Solicitation/Fundraising Expense

Transportation Equipment and Related Expense

Travel In District

Travel Out Of District

Other

(b) Description: Enter a brief statement or description of the candidate or officeholder activity that is conducted by making the expenditure. The brief statement or description must include the item or service purchased and must be sufficiently specific, when considered within the context of the description of the category, to make the reason for the expenditure clear. Merely disclosing the category of goods, services, or other thing of value for which the expenditure is made does not adequately describe the purpose of an expenditure.

For examples of acceptable ways to disclose the purpose of an expenditure, please see the "Examples: Purpose of Expenditures" on page 46.

“Check if travel outside of Texas” box: Check this box if the expenditure is for travel outside of Texas. The description of a political expenditure for travel outside of the state of Texas must include detailed information. Please report this information on Schedule T.

“Check if Austin, TX, officeholder living expense” box: Check this box if the expenditure is an officeholder expense for living in Austin, Texas.

9. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER: If you made a direct campaign expenditure to benefit another candidate or officeholder, enter the full name of the candidate or officeholder and the name of the office sought or held, including the district, precinct, or other designation of the office, as applicable. (Attach additional sheets to list multiple candidates.) Do not complete this section if the expenditure was not a direct campaign expenditure.

A “direct campaign expenditure” to benefit another candidate is not a “political contribution” to that other candidate. A direct campaign expenditure is a campaign expenditure that you make on someone else’s behalf and without the prior consent or approval of that person. This is in contrast to a political contribution, which the person has the opportunity to accept or reject.

Example: If you made expenditures to prepare and distribute an endorsement letter in support of a candidate after first asking for and getting the candidate’s approval, you made an *in-kind contribution*. However, if you did not get the candidate’s approval *before* you made the expenditure, you made a *direct campaign expenditure*.

SCHEDULE F2: UNPAID INCURRED OBLIGATIONS

These instructions are for candidates and officeholders using SCHEDULE F2: UNPAID INCURRED OBLIGATIONS.

Use this schedule to disclose information about obligations to make an expenditure that you incurred during the reporting period but have not yet paid. Do not enter on this schedule obligations that were incurred and paid during the reporting period, or other outgoing funds. (Report obligations incurred and paid during the reporting period on Schedule F1, F3, G, H, or I as appropriate, and report expenditures made by credit card on Schedule F4.)

See the *Campaign Finance Guide for Candidates and Officeholders* for important restrictions regarding the use of political funds to rent or purchase real property.

Itemization: Itemization requirements differ depending on whether the unpaid incurred obligation is for a political or non-political expenditure.

Unpaid Incurred Political Obligations: You must enter political obligations incurred but not yet paid to one individual or entity during a reporting period that in the aggregate exceed \$180 on this schedule. If you incurred more than one obligation to the same payee, the total of which exceeded \$180, 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 \$180 in the period on this schedule. If you choose not to itemize incurred political obligations of \$180 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 \$180 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 \$180 in the aggregate per person, unless itemized on this schedule. You are not required to itemize unpaid incurred political obligations of \$180 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 \$130 on this schedule. Although you are not required to do so, you may also report investments purchased with political contributions that do not exceed \$130 in the period on this schedule.

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

- 1. TOTAL PAGES SCHEDULE F3:** After you have completed Schedule F3, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date you purchased the investment.
- 5. NAME OF PERSON FROM WHOM INVESTMENT IS PURCHASED:** Enter the full name of the person or entity from whom you purchased the investment. If you purchased the investment from an individual, enter the full first and last name, and suffix (Jr., III, etc.) if applicable (title is optional). If you purchased the investment from an entity, enter the full name of the entity.
- 6. ADDRESS OF PERSON FROM WHOM INVESTMENT IS PURCHASED:** Enter the complete address of the person or entity from whom you purchased the investment.
- 7. DESCRIPTION OF INVESTMENT:** Enter a brief statement or description of the investment. For example, “Ten shares of stock in ABC company.”
- 8. AMOUNT OF INVESTMENT:** Enter the amount of the investment purchased.

SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD

These instructions are for candidates and officeholders using SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD.

Use this schedule to disclose information about expenditures made by a credit card. You must disclose expenditures charged to a credit card on this schedule and identify the individual, entity, or vendor who receives payment from the credit card company. When you pay the credit card bill, you must disclose the payment to the credit card company on Schedule F1 (used for political payments from political contributions), Schedule G (used for political payments from personal funds), Schedule H (used for payments from political contributions made to a business that you own or control), or Schedule I (used for nonpolitical payments from political contributions), as applicable.

Do not enter on this schedule political expenditures from political contributions, unpaid incurred obligations, political expenditures made from personal funds, or payments from political contributions made to a business that you own or control. (Report political expenditures from political contributions on Schedule F1; report unpaid incurred obligations on Schedule F2; report the purchase of investments from political contributions on Schedule F3; report expenditures from personal funds on Schedule G; and report payments from political contributions made to a business that you own or control on Schedule H.)

For examples regarding the disclosure of expenditures made by credit card, please see “Examples: Reporting Expenditures Made by Credit Card” on page 43.

Itemization: Itemization requirements differ depending on whether the expenditure made by a credit card is for a political or non-political expenditure.

Political Expenditures Made by Credit Card: You must itemize political expenditures made by credit card that exceed \$180 (in the aggregate) to a single payee. If you made two or more expenditures to the same payee, the total of which exceeded \$180, 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 \$180 in the reporting period on this schedule. If you choose not to itemize political expenditures made by credit card of \$180 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 \$180 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 \$180 in the aggregate per person, unless itemized on this schedule. You are not required to itemize political expenditures made by credit card of \$180 or less, but if you choose to do so, do not include those political expenditures made by credit card in the total you enter here.

5. DATE: Enter the date you made the expenditure by credit card.

Note: There is a special reporting rule for expenditures made by credit card. For reports due 30 days and 8 days before an election (pre-election reports) and for runoff reports, the date of the credit card expenditure is the date the credit card is used. For other reports, the date of the credit card expenditure is either the date of the charge or the date the credit card statement is received. *A filer can never go wrong by disclosing the date of the expenditure as the date of the charge.*

6. PAYEE NAME: See instructions for Schedule F1, section 5. Disclose the name of the vendor who sold you the goods or services as the payee, NOT the credit card company. You do not report the name of the credit card company on this schedule.

Note: If you made an expenditure for goods or services to benefit another candidate, officeholder, or committee, enter the name of the vendor of the goods or services. Do not enter the name of the person for whose benefit you made the expenditure. Include that information under section 10, “Purpose of Expenditure.”

7. AMOUNT: Enter the amount of the credit card expenditure.

8. PAYEE ADDRESS: Enter the complete address of the payee of the credit card expenditure.

9. TYPE OF EXPENDITURE: Check only one box to indicate whether the credit card expenditure was political or non-political.

A non-political expenditure is an expenditure that is neither a campaign expenditure nor an officeholder expenditure. As a practical matter, *very few* expenditures made from political contributions are non-political expenditures. For instance, expenditures for administrative expenses, banking fees, and professional dues are typically political expenditures.

10. PURPOSE OF EXPENDITURE: See instructions for Schedule F1, section 8.

Note: Do not choose “Credit Card Payment” as the category for an expenditure made by credit card when an individual, entity, or vendor receives payment from the credit card company. Instead, choose the category that corresponds to the goods, services, or other thing of value purchased from the individual, entity, or vendor.

11. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:

See instructions for Schedule F1, section 9.

SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS

These instructions are for candidates and officeholders using SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS.

You may use this schedule to disclose information about political expenditures from personal funds that were made during the reporting period. Alternatively, you may choose to disclose political expenditures from personal funds as a loan on Schedule E (see the Schedule E instructions above for more information). Do not enter on this schedule information about personal funds deposited in an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. (Report the deposit of personal funds into a political account as a loan on Schedule E.)

Expenditures Made by Credit Card: You must disclose expenditures charged to a credit card on Schedule F4 and *not* on this schedule. When you pay the credit card bill, you must disclose the payment to the credit card company on Schedule F1 (used for political payments from political contributions), Schedule G (used for political payments from personal funds), Schedule H (used for payments from political contributions made to a business that you own or control), or Schedule I (used for nonpolitical payments from political contributions), as applicable. See instructions for Schedule F4: Expenditures Made by Credit Card for more information.

If you intend to seek reimbursement *in any amount* from political contributions for a political expenditure made from personal funds, you must either report the expenditure on Schedule E or itemize the expenditure on this schedule and check the box in Section 6 to indicate that you intend to seek reimbursement from political contributions. ***You may not correct a report to allow reimbursement.*** When you reimburse yourself, disclose the reimbursement as an outgoing political expenditure on Schedule F1.

See the Campaign Finance Guide for important restrictions regarding the use of political funds to rent or purchase real property.

Itemization: If you choose to report political expenditures from personal funds on this schedule, you must itemize political expenditures paid to one individual or entity during a reporting period that in the aggregate exceed \$180 on this schedule. If you made more than one expenditure to the same payee, the total of which exceeded \$180, enter each expenditure separately. Although you are not required to do so, you may also report expenditures to one person that do not exceed \$180 in the period on this schedule. You must total all political expenditures from personal funds that you do not itemize on this schedule and include them in the total of unitemized political expenditures on the C/OH Cover Sheet, page 2, section 17, line 3.

Officeholder expenditures from personal funds for which you do not intend to seek reimbursement are not required to be reported on this schedule or included in the total of unitemized political expenditures.

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

1 TOTAL PAGES SCHEDULE G: After you have completed Schedule G, count the total number of pages. Each side of a two-sided form counts as one page.

2. **FILER NAME:** Enter your full name.
3. **FILER ID:** See instructions for Cover Sheet, page 1, section 1.
4. **DATE:** Enter the date the expenditure was made.
5. **PAYEE NAME:** See instructions for Schedule F1, section 7.
6. **AMOUNT:** Enter the exact amount of the expenditure.

“Reimbursement from Political Contributions Intended” box: Check this box if you intend to reimburse yourself for the expenditure. (In order to be reimbursed from political contributions in any amount for an expenditure made out of personal funds, you must itemize the expenditure on this schedule and check this box or you must report the expenditure as a loan to yourself on Schedule E.)

7. **PAYEE ADDRESS:** Enter the complete address of the person to whom the expenditure was made.
8. **PURPOSE OF EXPENDITURE:** See instructions for Schedule F1, section 8.
9. **DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:** See instructions for Schedule F1, section 9.

SCHEDULE H: PAYMENT FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH

These instructions are for candidates and officeholders using SCHEDULE H: PAYMENT FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH.

Use this schedule to disclose information about payments from political contributions that were made to a business in which you have an interest of more than 10%, a position on the governing body, or a position as an officer. Do not enter on this schedule other payments from political contributions made during the reporting period.

See the *Campaign Finance Guide for Candidates and Officeholders* for a discussion on the important restrictions on making and reporting payments from political contributions to a business in which you have an interest.

This schedule is for payments to a business in which you have one or more of the following interests or positions:

- 1) a participating interest of more than 10%;
- 2) a position on the governing body of the business; or
- 3) a position as an officer of the business.

Itemization: You must enter all payments from political contributions made to certain businesses (as defined above) of a candidate or officeholder made during the reporting period on this schedule, regardless of the amount.

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

- 1. TOTAL PAGES SCHEDULE H:** After you have completed Schedule H, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date you made the payment.
- 5. BUSINESS NAME:** Enter the full name of the business to which you made the payment.
- 6. AMOUNT:** Enter the dollar amount of the payment.
- 7. BUSINESS ADDRESS:** Enter the complete address of the business to which you made the payment.
- 8. PURPOSE OF EXPENDITURE:** See instructions for Schedule F1, section 8.
- 9. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:** See instructions for Schedule F1, section 9.

SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

These instructions are for candidates and officeholders using SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS.

Use this schedule to disclose information about non-political expenditures from political contributions made during the reporting period. Do not enter political expenditures on this schedule. Also, do not enter non-political expenditure obligations you incurred in this reporting period but have not yet paid or non-political expenditures made by credit card. (Report unpaid incurred obligations on Schedule F2; report expenditures made by a credit card on Schedule F4.)

Expenditures Made by Credit Card: You must disclose non-political expenditures charged to a credit card on Schedule F4 and *not* on this schedule. When you pay the credit card bill, you must disclose the payment to the credit card company on Schedule F1 (used for political payments from political contributions), Schedule G (used for political payments from personal funds), Schedule H (used for payments from political contributions made to a business that you own or control), or Schedule I (used for nonpolitical payments from political contributions), as applicable. See instructions for Schedule F4: Expenditures Made by Credit Card for more information.

Itemization: You must enter all non-political expenditures from political contributions on this schedule, regardless of the amount. A non-political expenditure is an expenditure that is neither a campaign expenditure nor an officeholder expenditure. As a practical matter, *very few* expenditures made from political contributions are non-political expenditures. For instance, expenditures for administrative expenses, banking fees, and professional dues are typically political expenditures. You may not convert political contributions to personal use.

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

- 1. TOTAL PAGES SCHEDULE I:** After you have completed Schedule I, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date the expenditure payment was made.
- 5. PAYEE NAME:** See instructions for Schedule F1, section 5.
- 6. AMOUNT:** Enter the exact amount of the expenditure payment.
- 7. PAYEE ADDRESS:** Enter the complete address of the person to whom the expenditure was made.
- 8. PURPOSE OF EXPENDITURE:** See instructions for Schedule F1, section 8.

SCHEDULE K: INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER

These instructions are for candidates and officeholders using SCHEDULE K: INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER.

Use this schedule to report information regarding any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting from the use of a political contribution or an asset purchased with a political contribution, any proceeds of the sale of an asset purchased with a political contribution, the amount of which exceeds \$130, 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 \$130 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 \$130 in the period on this schedule.

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

- 1. TOTAL PAGES SCHEDULE K:** After you have completed Schedule K, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date the credit/gain/refund was received or the interest was earned, as applicable.
- 5. NAME OF PERSON FROM WHOM AMOUNT IS RECEIVED:** Enter the full name of the person or business from whom the credit/gain/refund/returned contribution or interest was received.
- 6. ADDRESS OF PERSON FROM WHOM AMOUNT IS RECEIVED:** Enter the complete address of the person or business from whom the credit/gain/refund/returned contribution or interest was received.
- 7. PURPOSE FOR WHICH AMOUNT IS RECEIVED:** Enter a brief statement or description of the purpose for which the amount was received (for example, “phone service deposit return” “returned contribution” or “interest on savings account”).

“Check if political contribution returned to filer” box: If the incoming credit/gain was originally made by you in the form of a political contribution to another candidate or political committee and was returned to you in this reporting period, check this box.
- 8. AMOUNT:** Enter the exact dollar amount of the credit/gain/refund/returned contribution, or interest.

SCHEDULE T: IN-KIND CONTRIBUTIONS OR POLITICAL EXPENDITURES FOR TRAVEL OUTSIDE OF TEXAS

These instructions are for candidates and officeholders using SCHEDULE T: IN-KIND CONTRIBUTIONS OR POLITICAL EXPENDITURES FOR TRAVEL OUTSIDE OF TEXAS.

Use this schedule to disclose information about contributions accepted or expenditures made during the reporting period. In addition to completing this schedule, you must also report the actual contribution or expenditure on the appropriate schedule or form. The law requires detailed information regarding in-kind contributions or political expenditures for travel outside of the state of Texas.

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

- 1. TOTAL PAGES SCHEDULE T:** After you have completed Schedule T, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter the full name of the candidate, committee, or party on whose report you are including this schedule.
- 3. FILER ID:** If you are filing with the Commission, enter your filer account number. If you do not file with the Commission, you are not required to enter a filer account number.
- 4. NAME OF CONTRIBUTOR/ CORPORATION OR LABOR ORGANIZATION/ PLEDGOR/ PAYEE:** Enter the full name of the contributor / corporation or labor organization / pledgor / payee as it appears on the schedule or form on which you reported the actual contribution or expenditure.
- 5. CONTRIBUTION / EXPENDITURE REPORTED ON:** Check the appropriate box for the schedule or form on which you reported the actual contribution or expenditure.
- 6. DATES OF TRAVEL:** Enter the dates on which the travel occurred.
- 7. NAME OF PERSON(S) TRAVELING:** Enter the full name of the person or persons traveling on whose behalf the travel was accepted or on whose behalf the expenditure was made.
- 8. DEPARTURE CITY OR NAME OF DEPARTURE LOCATION:** Enter the name of the departure city or the name of each departure location.
- 9. DESTINATION CITY OR NAME OF DESTINATION LOCATION:** Enter the name of the destination city or the name of each destination location.
- 10. MEANS OF TRANSPORTATION:** Enter the method of travel (e.g., airplane, bus, boat, car, etc.)
- 11. PURPOSE OF TRAVEL:** Enter the campaign or officeholder purpose of the travel, including the name of a conference, seminar, or other event.

FORM C/OH-FR: DESIGNATION OF FINAL REPORT

These instructions are for candidates and officeholders using Form C/OH-FR: C/OH REPORT: DESIGNATION OF FINAL REPORT. A final report must include this form (Form C/OH-FR) and the CAMPAIGN FINANCE REPORT (Form C/OH) with the “Final Report” box checked on page 1, section 9. It must also include Schedules A1, A2, B, E, F1, F2, F3, F4, G, H, I, K, and T, as applicable.

GENERAL INFORMATION

For filing purposes, you are a “candidate” as long as you have an appointment of campaign treasurer on file. If you do not expect to accept any further campaign contributions or to make any further campaign expenditures, you may file a final report of contributions and expenditures. A final report terminates your appointment of campaign treasurer and relieves you of the obligation of filing further reports as a candidate.

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

The effect of filing a final report differs depending on whether you are an officeholder at the time you file a final report.

Officeholders Filing a Final Report: You will not have to worry about surplus political funds and assets until you cease to be an officeholder. You may still be required to file semiannual reports of contributions and expenditures as an officeholder. The only officeholders who are not required to file semiannual reports are local officeholders who do not exceed \$900 in contributions or \$900 in expenditures during the reporting period.

If you cease to be an officeholder at a time when you do not have a campaign treasurer appointment on file, and you retain political contributions, interest or other income from political contributions, or assets purchased with political contributions or interest or other income from political contributions after filing the last required report as an officeholder, you *must* file an annual report of unexpended contributions not earlier than January 1 and not later than January 15 of each year following the year in which you filed the last required report as an officeholder. You may not retain these unexpended funds longer than six years after the date you ceased to be an officeholder. For information about important restrictions regarding the use and reporting of unexpended contributions, see the Campaign Finance Guide.

Non-Officeholders Filing a Final Report: You will no longer be required to file reports *unless* you retain political contributions, interest or other income from political contributions, or assets purchased with political contributions or interest or other income from political contributions. If you retain any of those items, you must file an annual report of unexpended contributions not earlier than January 1 and not later than January 15 of each year after the year in which you filed your final report. You may not retain these unexpended funds longer than six years after the date of filing a final report. For information about important restrictions regarding the use and reporting of unexpended contributions, see the Campaign Finance Guide.

COMPLETING THE FORM

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

- 1. C/OH NAME:** Enter your full name.
- 2. FILER ID:** If you are filing with the Commission, enter your Filer ID. If you do not file with the Commission, you are not required to enter a Filer ID.
- 3. SIGNATURE:** You must sign this section to indicate that you understand the consequences of filing a final report.
- 4. FILER WHO IS NOT AN OFFICEHOLDER:** Complete this section if you are not an officeholder at the time of filing your final report. Be sure to check the appropriate box in both sections A and B and sign on the “Signature” line.
- 5. OFFICEHOLDER:** Complete this section if you are an officeholder at the time of filing your final report. You must check the box to indicate awareness of further filing requirements.

ADDITIONAL INFORMATION REGARDING EXPENDITURES

EXAMPLES: REPORTING EXPENDITURES MADE BY CREDIT CARD

This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting expenditures made by credit card and payments made to credit card companies.

Example #1: Candidate Using Credit Card to Make Political Expenditures and Using Political Contributions to Pay the Credit Card Bill in the Same Reporting Period

A candidate for office uses her credit card to buy \$1,000 in campaign office supplies from an office store. During the same reporting period, the candidate uses her credit card to buy \$500 in political advertising signs from a sign company. During the same reporting period, the candidate makes a single payment from her political contributions account to pay the \$1,500 credit card bill.

To report that activity, the candidate would report all of the following on a campaign finance report (Form C/OH) covering the period in which she made the credit card charges and sent the payment to the credit card company:

1. For the credit card charges: a \$1,000 expenditure on the “Expenditures Made by Credit Card” Schedule (F4). The schedule identifies the office store as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Office Overhead/Rental Expense,” and a description as “Campaign Office Supplies.” In Section 9 of the schedule, the box for “Political” is also checked. The candidate also reports the \$500 expenditure on the “Expenditures Made by Credit Card” Schedule and identifies the sign company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Advertising Expense,” and a description as “Political Advertising Signs.” In Section 9 of the schedule, the box for “Political” is also checked.
2. For the payment to the credit card company: a \$1,500 expenditure on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Credit Card Payment,” and a description as “Payment of credit card bill for credit card expenditures.”
3. Both \$1,500 amounts reported on each schedule will also be included in the appropriate totals sections of Cover Sheet Pages 2 and 3.

Example #2: Candidate Using Credit Card to Make a Political Expenditure and Using Personal Funds to Pay the Credit Card Bill in the Same Reporting Period

A candidate for *non-judicial* office uses his credit card to purchase \$3,000 in political advertising materials from a print shop. During the same reporting period, the candidate makes a payment from his personal funds account to pay the \$3,000 credit card bill.

To report that activity, the candidate would report all of the following on a campaign finance report (Form C/OH) covering the period in which he made the credit card charge and sent the payment to the credit card company:

1. For the credit card charge: a \$3,000 expenditure on the “Expenditures Made by Credit Card” Schedule (F4). The schedule identifies the print shop as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Advertising Expense,” and a description as “Political Advertising Materials.” In Section 9 of the schedule, the box for “Political” is also checked.
2. For the payment to the credit card company: a \$3,000 expenditure on the “Political Expenditures Made from Personal Funds” Schedule (G). The schedule identifies the credit card company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Credit Card Payment,” and a description as “Payment of credit card bill for political advertising materials.” If the candidate intends to seek reimbursement from political contributions, the candidate may also check the appropriate box in Section 6.
3. Both \$3,000 amounts reported on each schedule will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

Example #3: Political Committee Using Credit Card to Make a Political Expenditure and Using Political Contributions to Pay the Credit Card Bill in Different Reporting Periods

A general-purpose committee uses its credit card to buy \$500 in political advertising in a newspaper. The committee receives the statement from the credit card company but does not send a payment until after the reporting period ends. When the committee sends a payment to the credit card company, it makes a \$500 payment from its political contributions account.

To report the credit card charge, the committee’s campaign treasurer would report all of the following on a campaign finance report (Form GPAC) covering the period in which it made the credit card charge:

1. A \$500 expenditure on the “Expenditures Made by Credit Card” Schedule (F4). The schedule identifies the newspaper as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Advertising Expense,” and a description as “Political Advertising.” In Section 9 of the schedule, the box for “Political” is also checked.
2. The \$500 amount reported on the “Expenditures Made by Credit Card” Schedule (F4) will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

To report the payment to the credit card company, the committee’s campaign treasurer would also report all of the following on a campaign finance report (Form GPAC) covering the period in which it made the payment to the credit card company:

1. A \$500 expenditure on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as

“Credit Card Payment,” and a description as “Payment of credit card bill for political advertising.”

2. The \$500 amount reported on the “Political Expenditures from Political Contributions” Schedule (F1) will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

Example #4: Candidate Using Credit Card to Make a Political Expenditure and Using Political Contributions to Pay the Credit Card Bill in Different Reporting Periods

A candidate for *judicial* office uses her credit card to buy \$500 in political advertising in a newspaper. The candidate receives the statement from the credit card company but does not send a payment until after the reporting period ends. When the candidate sends a payment to the credit card company, she makes a \$500 payment from her political contributions account.

To report the credit card charge, the candidate would report all of the following on a campaign finance report (Form JC/OH) covering the period in which she made the credit card charge:

1. A \$500 expenditure on the “Expenditures Made by Credit Card” Schedule (F4). The schedule identifies the newspaper as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Advertising Expense,” and a description as “Political Advertising.” In Section 9 of the schedule, the box for “Political” is also checked.
2. The \$500 amount reported on the “Expenditures Made by Credit Card” Schedule (F4) will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

To report the payment to the credit card company, the candidate would also report all of the following on a campaign finance report (Form JC/OH) covering the period in which the payment to the credit card company was made:

1. A \$500 expenditure on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Credit Card Payment,” and a description as “Payment of credit card bill for political advertising.”
2. The \$500 amount reported on the “Political Expenditures from Political Contributions” Schedule (F1) will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

EXAMPLES: PURPOSE OF EXPENDITURES

This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting the purpose of an expenditure. However, it is not, and is not intended to be, an exhaustive or an exclusive list of how a filer may permissibly report the purpose of an expenditure.

(1) Example: Candidate X is seeking the office of State Representative, District 2000. She purchases an airline ticket from ABC Airlines to attend a campaign rally within District 2000. The acceptable category for this expenditure is “travel in district.” The candidate activity that is accomplished by making the expenditure is to attend a campaign rally. An acceptable brief statement is “airline ticket to attend campaign event.”

(2) Example: Candidate X purchases an airline ticket to attend a campaign event outside of District 2000 but within Texas, the acceptable category is “travel out of district.” The candidate activity that is accomplished by making the expenditure is to attend a campaign event. An acceptable brief statement is “airline ticket to attend campaign or officeholder event.”

(3) Example: Candidate X purchases an airline ticket to attend an officeholder related seminar outside of Texas. The acceptable method for the purpose of this expenditure is by selecting the “travel out of district” category and completing the “Schedule T” (used to report travel outside of Texas).

(4) Example: Candidate X contracts with an individual to do various campaign related tasks such as work on a campaign phone bank, sign distribution, and staffing the office. The acceptable category is “salaries/wages/contract labor.” The candidate activity that is accomplished by making the expenditure is to compensate an individual working on the campaign. An acceptable brief statement is “contract labor for campaign services.”

(5) Example: Officeholder X is seeking re-election and makes an expenditure to purchase a vehicle to use for campaign purposes and permissible officeholder purposes. The acceptable category is “transportation equipment and related expenses” and an acceptable brief description is “purchase of campaign/officeholder vehicle.”

(6) Example: Candidate X makes an expenditure to repair a flat tire on a campaign vehicle purchased with political funds. The acceptable category is “transportation equipment and related expenses” and an acceptable brief description is “campaign vehicle repairs.”

(7) Example: Officeholder X purchases flowers for a constituent. The acceptable category is “gifts/awards/memorials expense” and an acceptable brief description is “flowers for constituent.”

(8) Example: Political Committee XYZ makes a political contribution to Candidate X. The acceptable category is “contributions/donations made by candidate/officeholder/political committee” and an acceptable brief description is “campaign contribution.”

(9) Example: Candidate X makes an expenditure for a filing fee to get his name on the ballot. The acceptable category is “fees” and an acceptable brief description is “candidate filing fee.”

(10) Example: Officeholder X makes an expenditure to attend a seminar related to performing a duty or engaging in an activity in connection with the office. The acceptable category is “fees” and an acceptable brief description is “attend officeholder seminar.”

(11) Example: Candidate X makes an expenditure for political advertising to be broadcast by radio. The acceptable category is “advertising expense” and an acceptable brief description is “political advertising.” Similarly, Candidate X makes an expenditure for political advertising to appear in a newspaper. The acceptable category is “advertising expense” and an acceptable brief description is “political advertising.”

(12) Example: Officeholder X makes expenditures for printing and postage to mail a letter to all of her constituents, thanking them for their participation during the legislative session. Acceptable categories are “advertising expense” OR “printing expense” and an acceptable brief description is “letter to constituents.”

(13) Example: Officeholder X makes an expenditure to pay the campaign office electric bill. The acceptable category is “office overhead/rental expense” and an acceptable brief description is “campaign office electric bill.”

(14) Example: Officeholder X makes an expenditure to purchase paper, postage, and other supplies for the campaign office. The acceptable category is “office overhead/rental expense” and an acceptable brief description is “campaign office supplies.”

(15) Example: Officeholder X makes an expenditure to pay the campaign office monthly rent. The acceptable category is “office overhead/rental expense” and an acceptable brief description is “campaign office rent.”

(16) Example: Candidate X hires a consultant for fundraising services. The acceptable category is “consulting expense” and an acceptable brief description is “campaign services.”

(17) Example: Candidate/Officeholder X pays his attorney for legal fees related to either campaign matters or officeholder matters. The acceptable category is “legal services” and an acceptable brief description is “legal fees for campaign” or “for officeholder matters.”

(18) Example: Candidate/Officeholder X makes food and beverage expenditures for a meeting with her constituents. The acceptable category is “food/beverage expense” and an acceptable brief statement is “meeting with constituents.”

(19) Example: Candidate X makes food and beverage expenditures for a meeting to discuss candidate issues. The acceptable category is “food/beverage expense” and an acceptable brief statement is “meeting to discuss campaign issues.”

(20) Example: Officeholder X makes food and beverage expenditures for a meeting to discuss officeholder issues. The acceptable category is “food/beverage expense” and an acceptable brief statement is “meeting to discuss officeholder issues.”

(21) Example: Candidate/Officeholder X makes food and beverage expenditures for a meeting to discuss campaign and officeholder issues. The acceptable category is “food/beverage expense” and an acceptable brief statement is “meeting to discuss campaign/officeholder issues.”

EXAMPLES: REPORTING EXPENDITURES FROM PERSONAL FUNDS

This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting expenditures from personal funds.

If you intend to seek reimbursement of any amount from political contributions for a political expenditure made from your personal funds, you must report the expenditure in one of three ways. Keep in mind that this reporting system is not an accounting system and duplication of expenditures is not uncommon when reporting transactions related to expenditures made from personal funds.

Method #1: Itemize the expenditure on the “Political Expenditures Made from Personal Funds” schedule (Schedule G) and check the box to indicate that you intend to seek reimbursement from political contributions. You may not correct a report to allow reimbursement without subjecting yourself to a possible penalty. When you reimburse yourself, which could be months or years later, report the reimbursement on the “Political Expenditures” schedule (Schedule F1).

Example: On December 1, 2007, Candidate A spends \$500 of her own personal funds to purchase political advertising signs. She reports the expenditure to the vendor on Schedule G and checks the box to indicate that reimbursement is intended. One year later, Candidate A reimburses herself from political contributions. She reports the reimbursement on Schedule F1. Candidate A is the payee and the purpose of the expenditure is to reimburse herself for a political expenditure made from personal funds on December 1, 2007.

If you intend to seek reimbursement from political contributions for a political expenditure of any amount made from personal funds, you must itemize the expenditure on Schedule G.

Method #2: Report the political expenditures made from your personal funds as a loan to your campaign on the “Loans” schedule (Schedule E). Next, report the political expenditures made from that loan as if they were made from political funds (report on Schedules F1, F2, F3, F4, or H as appropriate). Do NOT report political expenditures made from the loan on Schedule G.

The amount you report as a loan in a reporting period may NOT exceed the amount you actually spent from personal funds in that reporting period. In other words, do not report a \$100,000 loan to your campaign if the amount actually spent from personal funds in the reporting period was \$5,000. When you reimburse yourself, which could be months or years later, report the reimbursement on the Schedule F1.

Example: In one reporting period, Candidate B spends \$5,000 of his own personal funds to purchase political advertising materials. He spends \$3,000 at Business One and \$2,000 at Business Two. He reports the expenditures as a \$5,000 loan on Schedule E and then itemizes each of the two expenditures as a political expenditure on Schedule F1. A year later, Candidate B reimburses himself from political contributions by disclosing the reimbursement on Schedule F1. He reports the reimbursement on Schedule F1. The payee in this instance is Candidate B, the category of the expenditure is “Loan Repayment/Reimbursement,” and “political expenditure made from personal funds reported as a loan” is an acceptable brief description.

Method #3: Deposit personal funds in an account in which your political contributions are maintained and report that amount as a loan on the "Loans" schedule (Schedule E). Next, report the political expenditures made from that loan as if they were made from political funds (report on Schedules F1, F2, F3, or H as appropriate). When you reimburse yourself, which could be months or years later, report the reimbursement on the Schedule F1. The reimbursement may not exceed the amount reported as a loan. Personal funds deposited in an account in which political contributions are held are subject to the personal use restriction.)

Example: In one reporting period, Candidate C opens a campaign bank account and deposits \$5,000 of her own personal funds into the account. She makes one \$3,000 expenditure for political advertising. Candidate C has no other activity in the reporting period. She reports the \$5,000 as a loan on Schedule E, itemizes the \$3,000 expenditure for the political advertising on Schedule F1, and includes the remaining \$2,000 on her contributions maintained at the end of the reporting period total. A year later, Candidate C reimburses herself from political contributions by disclosing the reimbursement on Schedule F1. The payee in this instance is Candidate C, the category of expenditure is "Loan Repayment/Reimbursement," and "political expenditure made from personal funds reported as a loan" is an acceptable brief description.

EXAMPLES: REPORTING STAFF REIMBURSEMENT

This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting staff reimbursements.

When a staff member makes political payment(s) out of his or her personal funds, how you disclose the payment(s) depends on two things: 1) the aggregate total of those payments in the reporting period; and 2) whether or not you reimburse the staff worker in the same reporting period.

Example #1: The payment out of the staff worker's personal funds does not exceed \$5,000 in the reporting period **and** you reimburse the staff worker from political funds in the same reporting period – You will simply itemize the payment (if over the \$180 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

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

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

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

Attach additional pages as necessary.

INSTRUCTIONS FOR COMPLETING THIS FORM

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

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

If you are using the paper form, fill this section out by hand after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Candidate/Officeholder" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Candidate/Officeholder (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

CANDIDATE / OFFICEHOLDER REPORT OF UNEXPENDED CONTRIBUTIONS

**FORM C/OH-UC
COVER SHEET PG 1**

The C/OH-UC Instruction Guide explains how to complete this form.		1 Filer ID (Ethics Commission Filers)	
2 CANDIDATE / OFFICEHOLDER NAME	MS/MRS/MR	FIRST	MI
	NICKNAME	LAST	SUFFIX
3 CANDIDATE / OFFICEHOLDER ADDRESS <input type="checkbox"/> change of address	ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE		
	Date Received		
4 REPORT TYPE	<input type="checkbox"/> Annual <input type="checkbox"/> Final Disposition		
	Date Hand-delivered or Date Postmarked		
5 PERIOD COVERED	Month Day Year	Month Day Year	Receipt # Amount \$
	THROUGH		Date Processed
6 TOTALS	1. TOTAL AMOUNT OF UNEXPENDED POLITICAL CONTRIBUTIONS AS OF DECEMBER 31 OF THE PREVIOUS YEAR.		\$
	2. TOTAL AMOUNT OF INTEREST AND OTHER INCOME EARNED ON UNEXPENDED POLITICAL CONTRIBUTIONS DURING THE PREVIOUS YEAR.		\$

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

_____ Signature of Candidate/Officeholder

Please complete either option below:

(1) Affidavit

NOTARY STAMP / SEAL

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

Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath



(2) Unsworn Declaration

My name is _____, and my date of birth is _____.

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

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

_____ Signature of Candidate/Officeholder (Declarant)

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

FORM C/OH-UC

PG 2

8 C/OH NAME		9 Filer ID (Ethics Commission Filers)
10 Date	11 Payee name 12 Payee address; City; State; Zip Code	13 Amount (\$)
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 Payee address; City; State; Zip Code	Amount (\$)
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 Payee address; City; State; Zip Code	Amount (\$)
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 Payee address; City; State; Zip Code	Amount (\$)
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 Payee address; City; State; Zip Code	Amount (\$)
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
(PAPER FILERS ONLY)



Revised August 14, 2020

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

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

FORM C/OH-UC: CANDIDATE/OFFICEHOLDER REPORT OF UNEXPENDED CONTRIBUTIONS

These instructions are for candidates and officeholders using FORM C/OH-UC: CANDIDATE / OFFICEHOLDER REPORT OF UNEXPENDED CONTRIBUTIONS. Use Form C/OH-UC for filing either an annual report of unexpended contributions or a report of the final disposition of unexpended contributions.

GENERAL INSTRUCTIONS

ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS. You must file this report if one of the following descriptions applies to you:

- (1) You filed a final report as a candidate at a time when you were not an officeholder and you had unexpended political contributions, interest, assets, or other money earned from political contributions at the time you filed the final report; *or*
- (2) You ceased to be an officeholder at a time when you did not have a campaign treasurer on file, and you had unexpended political contributions, interest, assets, or other money earned from political contributions at the time you ceased to be an officeholder.

You must file an Unexpended Contributions - Annual report not earlier than January 1 and not later than January 15 of the year after each year in which you maintained unexpended contributions or assets. You must complete Form C/OH-UC and designate the report as an annual report by checking the “Annual” box.

You must continue to file Unexpended Contributions - Annual reports until you have disposed of all your unexpended contributions or assets. Once you have disposed of all your contributions or assets, you must file an Unexpended Contributions - Final report.

You may not retain unexpended contributions or assets longer than six years after the date you filed your final report or ceased being an officeholder, as applicable. If you still maintain unexpended assets at the end of the six-year period, you must dispose of the assets in one of the following ways:

- (1) You may give them to the political party with which you were affiliated when your name was last on the ballot.
- (2) You may give them to a candidate or a political committee. If you do so, however, you must file a report on Form AS IF-SPAC as described below under “Extra Reporting for a Contribution to a Candidate or Political Committee.”
- (3) You may give them to the comptroller for deposit in the state treasury to be used to finance primary elections.
- (4) You may give them to one or more persons from whom you received political contributions, but the total returned to any person may not exceed the aggregate

amount accepted from that person during the last two years during which you were accepting political contributions.

- (5) You may give them to a recognized charitable organization formed for educational, religious, or scientific purposes that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, and its subsequent amendments.
- (6) You may give them to a public or private post-secondary educational institution or an institution of higher education as defined by Section 61.003(8), Education Code, for the purpose of assisting or creating a scholarship program.

You may dispose of unexpended contributions or assets in this manner at any time during the six-year period.

EXTRA REPORTING FOR CONTRIBUTION TO CANDIDATE OR POLITICAL COMMITTEE. If you contribute unexpended contributions or assets to another candidate or political committee, you must report the contribution twice. You must include the contribution on your Annual Report and you must also report the contribution on a AS IF-SPECIFIC-PURPOSE COMMITTEE CAMPAIGN FINANCE REPORT (Form AS IF-SPAC). You must file the AS IF-SPAC report with the filing authority with whom the candidate or political committee files reports by the date by which the candidate or political committee receiving the contribution must report the receipt of the contribution.

NOTE: If the candidate or political committee files with the Texas Ethics Commission (Commission), you will need a separate “AS IF-SPAC” filer ID to file the AS IF-SPAC report. Please contact the Commission for help in establishing an AS IF-SPAC filer ID.

FINAL DISPOSITION OF UNEXPENDED CONTRIBUTIONS REPORT. You must file a report of the final disposition of your unexpended contributions or assets. Complete Form C/OH-UC and designate the report as an “Unexpended Contributions – Final” report by checking the “Final Disposition” box. The report is due no later than the 30th day after the end of the six-year period.

SPECIFIC INSTRUCTIONS

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

PAGE 1

- 1. FILER ID:** If you are filing with the Commission, you were assigned a filer identification (ID) number when you filed your initial campaign treasurer appointment. You should have received a letter acknowledging receipt of the form and informing you of your filer ID number. Enter this number wherever you see “Filer ID.” If you do not file with the Commission, you are not required to enter a filer ID number.
- 2. CANDIDATE/OFFICEHOLDER NAME:** Enter your full name, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable. Your entry here should be the same as in your APPOINTMENT OF CAMPAIGN TREASURER BY A CANDIDATE (CTA). Enter your name in the same way wherever you see “C/OH NAME”.

3. CANDIDATE/OFFICEHOLDER ADDRESS: Enter your complete mailing address. Your entry here should be the same as the address in your APPOINTMENT OF CAMPAIGN TREASURER BY A CANDIDATE (CTA). If your mailing address has changed since you last gave notice of your address, check the “Change of Address” box.

4. REPORT TYPE: Check the appropriate box.

“**Annual**” **Box:** Check this box if you are filing an Unexpended Contributions - Annual report.

“**Final Disposition**” **Box:** Check this box if you are filing an Unexpended Contributions - Final report.

5. PERIOD COVERED:

Annual Reports. For your first Unexpended Contributions - Annual report, the start date is the day after the day you filed your Final Report. The start date for all other Unexpended Contributions - Annual reports is January 1 of the previous year. The end date for all Unexpended Contributions - Annual reports is December 31 of the previous year.

Final Disposition Report. For an Unexpended Contributions – Final report, the start date is the day after the period covered by your most recent Unexpended Contributions - Annual report. The end date is the date you file the report.

6. TOTALS: Complete this section only if you are filing an Annual Report. If you are not filing an Annual Report, go to section 7.

Line 1. Enter the total amount of unexpended political contributions and assets that you maintained as of December 31 of the previous year. (Note: Unlike other reports, you are not required to also disclose the total amount of expenditures entered in this Unexpended Contributions report. You are only required to disclose your unexpended balance as of December 31.)

Line 2. Enter the total amount of interest and other income earned on unexpended political contributions and assets during the previous year ending December 31.

7. SIGNATURE: Complete this section only after you have completed all other appropriate sections and schedules. You must always sign a report that you file. You must complete this section even if you have no schedules to attach. **ONLY THE CANDIDATE OR OFFICEHOLDER FILING THE REPORT MAY SIGN THE REPORT.**

If you are using the paper form, fill this section out by hand after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says “Signature of Candidate/Officeholder” (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say “Signature of Candidate/Officeholder (Declarant)” (an electronic signature is not acceptable), and fill out the unsworn declaration section.

PAGE 2

8. **C/OH (CANDIDATE/OFFICEHOLDER) NAME:** Enter your full name as you did on Form C/OH-UC, Page 1.
9. **FILER ID:** If you are filing with the Commission, enter your filer ID number. If you do not file with the Commission, you are not required to enter a filer ID number.

10. **DATE:** Enter the date the expenditure was made.

Credit Card Expenditures: There is a special reporting rule for expenditures made by credit card. The date of a credit card expenditure is either the date of the charge or the date the credit card statement is received. *A filer can never go wrong by disclosing the date of the expenditure as the date of the charge.*

11. **PAYEE NAME:** Enter the full name of the payee. If the payee is an individual, enter the full name, first, last, and suffix (Jr., III, etc.) if applicable (title is optional). If the payee is an entity, enter the full name of the entity.
12. **PAYEE ADDRESS:** Enter the complete address of the payee.
13. **AMOUNT:** Enter the amount of the expenditure payment.
14. **PURPOSE OF EXPENDITURE:** Enter a brief statement or description of the expenditure. The brief statement or description must include the item or service purchased and must be sufficiently specific to make the reason for the expenditure clear.

Reporting Travel Outside of Texas: The law requires detailed information regarding in-kind contributions and political expenditures for travel outside of Texas. This information should be reported on Schedule T and attached to this form. Schedule T can be found on the Commission's website at https://www.ethics.state.tx.us/forms/Schedule_T.pdf.

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.

PERSONAL FINANCIAL STATEMENT (PFS)

The PFS for 2021 was not ready at the time this packet was prepared.

Once you are a candidate the PFS material will be provided to you as required by the Texas Local Government Code Chapter 145.

ARTICLE VII: CODE OF ETHICS

Cross-reference:

Offenses and miscellaneous provisions, Ch. 23

DIVISION 1: GENERALLY

Editor's note:

Ord. 20548-12-2012, § 1, adopted December 18, 2012, amended this division in its entirety as set forth below. Prior to the passage of that ordinance, this division pertained to similar subject matter and derived from Ord. 10617, § 1(1), adopted June 26, 1990. Prior to the passage of that ordinance, this division pertained to similar subject matter and derived from 1964 Code, § 43-1(A) through (E); Ord. 7582, § 1, adopted July 26, 1977; Ord. 7704, § 1, adopted February 21, 1978; Ord. 7830, § 1, adopted October 17, 1978; Ord. 8041, § 1, adopted February 5, 1980 and Ord. 8778, § 1, adopted April 12, 1983.

§ 2-236 DECLARATION OF POLICY.

(a) It is hereby declared to be the policy of the city that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible only to the people of the city and that governmental decisions and policy should be made in the proper channels of the governmental structure. To implement such a policy, the city council deems it advisable to enact this Code of Ethics for all officers, employees and advisory board members, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who fail to abide by its terms. This Code of Ethics is cumulative of other ordinances, City Charter provisions and state statutes defining and prohibiting conflict of interest. This § 2-236 is intended to reflect the general intent behind this Code of Ethics and shall not be deemed to be a part of the Code of Ethics or serve as a basis for a violation of this Code of Ethics.

(b) This Code of Ethics has five primary purposes:

- (1) To encourage high ethical standards in official conduct by officers, employees and advisory board members;
- (2) To establish minimum standards of conduct for officers, employees and advisory board members;
- (3) To establish an ethics review commission;
- (4) To provide a process for the filing and resolution of complaints asserting violations of this article; and
- (5) To provide sanctions for violations of this Article.

(c) This Code of Ethics is not intended to be nor shall it be used as a political weapon to intimidate or embarrass any person covered herein.

(d) Task forces, as defined in § 2-237, shall conduct their meetings in accordance with the requirements imposed on a governmental body by the Texas Open Meetings Act, Tex. Government Code Chapter 551.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-237 DEFINITIONS.

For the purposes of this Code of Ethics, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ADVISORY BOARD. A board, commission or committee that is intended to function only in an advisory or study capacity on a permanent basis, whether specified or implied.

ARTICLE. Chapter 2, Article VII, Code of Ethics of the Code of the City of Fort Worth Texas (1986), as amended.

BENEFIT. Anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any person in whom the beneficiary has a substantial interest, but does not include a political contribution as defined by Tex. Election Code Title 15.

BUSINESS ENTITY. A sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law.

CITY ATTORNEY. The city attorney and any assistant city attorney appointed pursuant to Chapter VI of the Charter of the City of Fort Worth, Texas.

CITY SECRETARY. The city secretary and any assistant city secretary appointed pursuant to Chapter III of the Charter of the City of Fort Worth, Texas.

DOMESTIC PARTNER. An individual of the same or opposite gender as the person referred to in this Article, who has lived in the same household as that person for at least six months and shares resources of life in a close, personal intimate relationship with that person, neither of whom is married or related by blood, if, under Texas law, the individual would not be prevented from marrying the person referred to in this Article on account of consanguinity or prior undissolved marriage to another.

EMPLOYEE. Any person employed by the city whether under civil service or not (except firefighters and police officers who are covered by state civil service laws), including those individuals on a part-time basis, but such term shall not be extended to apply to any independent contractor.

HEARING OFFICER. A resident attorney appointed by the city council pursuant to Division 3 of this article to hear appeals of determinations made by the ethics review commission.

INTENT or INTENTIONALLY. A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his or her conscious objective or desire to engage in the conduct or cause the result.

KNOWINGLY. A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct when he or she is aware that his or her conduct is reasonably certain to cause the result.

OFFICER. Any member of the city council and any person appointed by the mayor or city council to a board, commission or committee established by ordinance, Charter or state law, including hearing officers appointed pursuant to Division 3; provided, no member of an advisory board, task force or any other committee that functions only in an advisory or study capacity shall be deemed an officer.

RESIDENT. A person whose home and fixed place of habitation to which that person intends to return after any temporary absence is located within the corporate limits of the City of Fort Worth, as determined in accordance with Tex. Election Code § 1.015.

SUBSTANTIAL INTEREST.

(1) A person has a ***SUBSTANTIAL INTEREST*** in a business entity if:

a. The interest is ownership of 10% or more of the voting stock or shares of the business entity or ownership of either 10% or more or \$15,000 or more of the fair market value of the business entity; provided, however, that if any ownership interests specified in Tex. Local Government Code § 171.002(a)(1), or a successor statute conflict with any ownership interests specified herein, Tex. Local Government Code § 171.002(a)(1), or the successor statute shall control;

b. Funds received by the person from the business entity exceed 10% of the person's gross income for the previous year; provided, however, that if any ownership interests specified in Tex. Local Government Code §

171.002(a)(2), or a successor statute conflict with any ownership interests specified herein, Tex. Local Government Code § 171.002(a)(2), or the successor statute shall control;

- c. The person holds a position as a member of the board of directors or other governing board of the business entity;
- d. The person serves as an elected officer of the business entity;
- e. The person is an employee of the business entity;
- f. The person is a creditor, debtor or guarantor of any person, group or business entity in the amount of \$5,000 or more; or
- g. Property of the person has been pledged to a person, group or business entity or is subject to a lien in favor of the person, group or business entity in the amount of \$5,000 or more.

(2) A person does not have a ***SUBSTANTIAL INTEREST*** in a business entity if:

- a. The person holds a position as a member of the board of directors or other governing board of a business entity;
- b. The person has been designated by the city council to serve on such board;
- c. The person receives no remuneration, either directly or indirectly, for his or her service on such board; and
- d. The primary nature of the business entity is either charitable, nonprofit or governmental.

(3) A person has a ***SUBSTANTIAL INTEREST*** in real property if the interest is an equitable or legal ownership interest with a fair market value of \$2,500 or more; provided, however, that if the ownership interest specified in Tex. Local Government Code § 171.002(b), or a successor statute conflict with the ownership interest specified herein, Tex. Local Government Code § 171.002(b), or the successor statute shall control.

(4) A person has a ***SUBSTANTIAL INTEREST*** in a business entity or in real property if a person related to the person in the first degree by consanguinity or affinity or if the person's domestic partner has a substantial interest in a business entity or in real property under this article. A person is related in the first degree by consanguinity to his or her father, mother, son and daughter. A person is related in the first degree by affinity to his or her spouse, stepchild, father-in-law, mother-in-law, son-in-law and daughter-in-law.

TASK FORCE. A board, commission or committee that functions only in a study capacity in order to assist the city council in addressing a specific issue or issues on a temporary or short-term basis and to conclude its business within a limited amount of time, whether specified or implied, and that is not empowered to take any final action other than the delivery of written or verbal reports and recommendations to the city council, the city manager or another party designated by the city council.

WRITTEN OPINION OF THE CITY ATTORNEY. Any written or recorded communication of the city attorney, including, but not limited to, a formal written opinion, memorandum, report, handwritten notice, electronic mail communication, facsimile communication or a communication preserved by audio or video recording.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-238 STANDARDS OF CONDUCT.

(a) No officer, employee or advisory board member shall knowingly:

(1) Accept or solicit, or knowingly allow his or her spouse or domestic partner to accept or solicit, any benefit from any person, group or business entity that might reasonably tend to influence the officer, employee or advisory board member in the discharge of his or her official duties;

(2) Grant in the discharge of his or her official duties any improper benefit to any person, group or business entity;

(3) Accept or solicit, or knowingly allow his or her spouse or domestic partner to accept or solicit, any benefit, including a promise of future employment, of sufficient economic value that it might reasonably tend to influence the officer, employee or advisory board member in the discharge of his or her official duties, from any person, group or business entity:

a. That is licensed or has a substantial interest in any business entity that is licensed by any city department, agency, commission or board on which the officer, employee or advisory board member serves; or

b. That has a financial interest in any proposed ordinance or decision upon which the officer, employee or advisory board member may or must act or make a recommendation; provided, however, that any officer, employee or advisory board member, and any spouse or domestic partner thereof, may accept travel and related expenses and attend ceremonial functions, provided that such acceptance and attendance have been approved by the city council prior to the occurrence of the ceremonial function.

(4) a. Disclose any confidential information gained by reason of the position of the officer, employee or advisory board member concerning the property, operations, policies or affairs of the city, or use such confidential information to advance any personal interest, financial or otherwise, of such officer, employee or advisory board member, or others.

b. This subsection (a)(4) shall not preclude disclosure of such confidential information in connection with any investigation or proceeding regarding whether there has been a violation of the standards of conduct set forth in this article.

(5) Use one's position or office of employment, or city facilities, personnel, equipment or supplies for the private gain of the officer, employee or advisory board member, or for the private gain of his or her spouse or domestic partner.

(6) Engage or knowingly allow his or her spouse or domestic partner to engage in any exchange, purchase or sale of property, goods or services with the city, except:

a. Rendering services to the city as an officer, employee or advisory board member;

b. The paying of taxes, fines, utility service or filing fees;

c. Subject to restrictions contained in the City Charter, executing and performing any community facilities contract or plat in compliance with laws and regulations applicable to any person; provided, however, that if any city ordinance, rule or regulation allows any discretion by the appropriate officers or employees in the interpretation or enforcement of such ordinance, rule or regulation any such discretion shall be exercised in favor of the city in connection with any such community facilities contract or plat; and

d. Members of advisory boards who are not otherwise officers or employees of the city, may engage in any exchange, purchase or sale of property, goods or services with the city, or enter into a contract with the city, provided, however, that the board of which they are a member has no advisory function or cognizance, direct or indirect, present or prospective, with respect to the transaction in which such advisory board member engages or proposes to engage.

(b) No salaried officer or employee shall knowingly represent, directly or indirectly, any person, group or business entity:

(1) Before the city council or any department agency, board or commission of the city;

(2) In any action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, board or commission thereof is a party; or

(3) In any action or proceeding in the municipal courts of the city which was instituted by an officer or employee in the course of official duties, or a criminal proceeding in which any officer or employee is a material

witness for the prosecution.

(c) No member of a city board or commission, other than a task force, shall knowingly represent, directly or indirectly, any person, group or business entity:

(1) Before the board or commission of which he or she is a member;

(2) Before a board or commission which has appellate jurisdiction over the board or commission of which he or she is a member;

(3) Before the city council in a matter over which the board or commission of which he or she is a member has authority or an advisory function, direct or indirect, present or prospective, provided that a member of an advisory board who has been elected or appointed to serve as chair or acting chair may present a recommendation to the city council on a matter over which the advisory board has authority if a majority of the members of the advisory board have voted in favor of such recommendation;

(4) In any action or proceeding against the interests of the city or in any litigation in which the city or any department, agency, board or commission thereof is a party; or

(5) In any action or proceeding in the municipal courts of the city which was instituted by an officer or employee in the course of official duties, or a criminal proceeding in which any officer or employee is a material witness for the prosecution.

(d) No member of a task force shall knowingly represent, directly or indirectly, any person, group or business entity:

(1) Before a board or commission which has appellate jurisdiction over the task force of which he or she is a member; or

(2) Before the city council in a matter over which the task force of which he or she is a member has an advisory function, provided that a member of task force who has been elected or appointed to serve as chair or acting chair may present a recommendation to the city council on a matter over which the task force has authority if a majority of the members of the task force have voted in favor of such recommendation.

(e) The restrictions in this section do not prohibit the following:

(1) An employee or member of a city board or commission (other than city council), or his or her spouse or domestic partner, appearing before the city council or a city department, agency, board or commission to represent himself or herself in a matter affecting his or her property: provided, however, that no such person, or his or her spouse, shall appear before the board or commission of which he or she is a member;

(2) An employee or officer of an employee organization appearing before the city council or a city department, agency, board or commission to address employment matters;

(3) Otherwise eligible employees or their spouses or domestic partners from participating in federal or state-funded programs administered through the City of Fort Worth where the benefits of such programs are available to members of the general public and where the employee has no administrative, evaluative or decision-making authority concerning the program in which he or she wishes to participate;

(4) A partner, associate or relative of a member of the city council, or of a salaried officer or employee, from representing a person, group or business entity in an action or proceeding in the municipal courts of the city which was instituted by an officer or employee in the course of official duties, or in a criminal proceeding in which an officer or employee is a material witness for the prosecution; or

(5) A member of a task force from participating in or voting on any matter before the task force to which the member has been appointed, notwithstanding any other provision of this section.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-239 DISCLOSURE OF INTEREST.

(a) If any officer, employee or advisory board member has a substantial interest in any business entity or real property directly and particularly involved in any decision pending before such officer, employee, or advisory board member, or the body of which he or she is a member, such officer, employee or advisory board member shall disclose such interest as provided in subsection (c) below and shall not, except as provided in subsection (b) below, vote or otherwise participate in the consideration of the matter.

(b) If any of the following interests are directly and particularly involved in any decision pending before any officer, employee or advisory board member, or the body of which he or she is a member, such officer, employee or advisory board member must disclose such interest as provided in subsection (c) below, but he or she shall be permitted to vote on and participate in the consideration of such matter:

(1) A decision concerning a bank or other financial institution from which the officer, employee or advisory board member has a home mortgage, automobile loan or other installment loan, if the loan is not currently in default, was originally for a term of more than two years and cannot be accelerated except for failure to make payments according to the terms thereof;

(2) A decision concerning a bank or other financial institution in which the officer, employee or advisory board member holds a savings account, checking account or certificate of deposit and which is fully insured by the U.S. government or an agency thereof;

(3) A decision concerning a business entity with which the officer, employee or advisory board member has a retail or credit card account;

(4) A decision concerning the approval of substitution of collateral by a city depository bank;

(5) A decision concerning real property in which the officer, employee or advisory board member has a substantial interest if it is not reasonably foreseeable that such decision would have a special economic effect on the value of the property, distinguishable from the effect on the public (see Tex. Local Government Code § 171.004);

(6) A decision concerning the refund of property taxes to a business entity in which the officer, employee or advisory board member has a substantial interest, if such refund is required because of a double payment of taxes or a judicially or administratively determined reduction in the valuation of the taxed property;

(7) A decision concerning a business entity with which the officer, employee or advisory board member has a stock brokerage or securities account; and

(8) A decision concerning whether the city should accept a gift from a business entity in which the officer, employee or advisory board member has a substantial interest.

(c) A officer, employee or advisory board member shall disclose the existence of any substantial interest in any person, business entity or real property involved in any decision pending before such officer, employee or advisory board member, or the body of which he or she is a member. To comply with this subsection (c), an officer or advisory board member shall, prior to any discussion or determination of the matter, either file an affidavit of disclosure as required by Tex. Local Government Code § 171.004 or, if not so required, shall publicly disclose in the official records of the body or of the city secretary the nature of the interest. To comply with this subsection (c), an employee shall notify his or her superior in writing of the nature of any substantial interest he or she may have in a person, business entity or real property which would be affected by an exercise of discretionary authority by the employee and such superior shall assign the matter to another employee.

(d) The provisions of subsections (a), (b) and (c) above shall not apply in the following circumstances:

(1) When an officer, employee or advisory board member, or the body of which he or she is a member, is involved in a decision concerning the levy of a special improvement district assessment against real property which is owned by a person, group or business entity in which the officer, employee or advisory board member has a substantial interest if:

a. Assessments are levied at a uniform rate throughout the district; and

b. Such rate is applied to the value of the real property as shown on current Tarrant appraisal district appraisal rolls.

(2) When a task force member is involved in any matter or decision before the task force to which the member has been appointed.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-239.1 EFFECT OF WRITTEN OPINION OF CITY ATTORNEY.

Notwithstanding anything to the contrary in this article, a person does not violate any provision of this division for conduct undertaken in reasonable reliance, either directly or indirectly, upon a written opinion of the city attorney that was either provided prior to the conduct complained against or requested prior to the conduct complained against and provided not later than 15 business days following the date of such request.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

DIVISION 2: ETHICS REVIEW COMMISSION

Editor's note:

Ord. 20548-12-2012, § 1, adopted December 18, 2012, amended this division in its entirety as set forth below. Prior to the passage of that ordinance, this division pertained to the Ethics Review Committee and derived from Ord. 10617, § 1(3), adopted June 26, 1990.

§ 2-240 CREATION AND ORGANIZATION.

(a) *Creation.* There is hereby created an Ethics Review Commission ("ERC"). The ERC shall be composed of five persons, one of whom shall be an attorney appointed in accordance with subsection (b). The remaining four persons shall be selected by random draw method from certain existing city boards and commissions in accordance with subsection (c).

(b) *Attorney appointee to the ERC.* The city council shall appoint by majority vote an attorney who is in good standing with the State Bar of Texas and has been licensed to practice law in the State of Texas for at least five consecutive years. The attorney shall not be appointed for a definite fixed time and may be removed by the city council at any time and for any reason by majority vote. The attorney appointed pursuant to this subsection (b) may not be a member of another city board, commission or committee if the ERC has jurisdiction under this article to review the conduct of that person as a member of such other board, commission or committee. This provision does not prohibit other persons selected pursuant to subsection (c) and who are also licensed attorneys from serving on the ERC.

(c) *Other appointees to the ERC.*

(1) The remaining four persons shall be selected to serve on the ERC in accordance with the process outlined in this subsection (c) in the following circumstances:

a. A sworn complaint is filed with the city secretary's office alleging that a violation of Division I of this article has occurred, and the city secretary acknowledges in accordance with § 2-247(c) that the complaint substantially complies with the requirements of § 2-247; or

b. The city council by majority vote or the city manager of his or her own volition requests the city secretary to convene the ERC for purposes of exercising any other of its delegated powers under § 2-241.

(2) Upon the occurrence of one of the qualifying events set forth in subsection (c)(1), the city secretary shall compile the names of all then-current members of the zoning commission, the plan commission, and the boards of adjustment and then use a random draw method to select four persons on those boards to serve as members of the ERC. Each of the four persons selected must be Residents of different city council districts. If the city secretary draws the name of a person who resides in the same city council district as a person whose

name already has been drawn, the city secretary shall discard that name and proceed to draw another name until four persons who are residents of different city council districts have been selected. The city secretary promptly shall notify in writing the four persons selected to serve on the ERC for that complaint and shall also provide written notice of those selections to the city council, the city manager, and the city attorney.

(3) If the ERC is being convened to hear an ethics complaint, the four persons selected to serve on the ERC pursuant to this subsection (c) shall serve until that complaint has been fully adjudicated by the ERC pursuant to and in accordance with § 2-251 and, if applicable, § 2-252. If the ERC is being convened to exercise any other of its delegated powers under § 2-241, the four persons selected to serve on the ERC pursuant to this subsection (c) shall serve until the ERC has fulfilled the stated purpose for its assembly. There is no limit to the number of times a person may serve on the ERC pursuant to the selection process outlined in this subsection (c).

(4) If the ERC is being convened to hear an ethics complaint, and the person who filed the complaint or the person complained against is a member of the zoning commission, the plan commission, or the boards of adjustment, the persons selected to serve on the ERC pursuant to this subsection (c) may not be members of those boards.

(5) If the ERC is being convened to hear an ethics complaint, and the person who filed the complaint or the person complained against is a member of the city council, the persons selected to serve on the ERC pursuant to this subsection (c) may not be residents of the city council district represented by the city council member who is involved in the complaint.

(6) If a person selected to serve on the ERC pursuant to this subsection (c) cannot fulfill his or her duties as a member of the ERC due to illness, travel, or another bona fide reason, or otherwise refuses to serve on the ERC, that person shall be requested to confirm that fact with the city secretary in writing within 15 calendar days of receipt of the service notification. In this event, the city secretary shall repeat the process outlined in subsection (c)(2) until a substitute has been selected.

(d) *Qualifications.* All members shall be residents of the city who are at least 18 years of age. Additionally, no member of the ERC may be:

- (1) A member of the city council or the spouse or domestic partner of a member of the city council;
- (2) An employee or the spouse or domestic partner of an employee;
- (3) An elected public official; or
- (4) A candidate for elected public office.

(e) Chairperson; quorum; number of members necessary to act. Once the ERC is convened, it shall at its first meeting thereafter elect a chairperson and a vice-chairperson to serve in that capacity until the ERC has concluded its business. The vice-chairperson shall act as chairperson in the absence of the chairperson. Three or more members of the ERC shall constitute a quorum. No action of the ERC shall be of any force or effect unless it is adopted by the favorable votes of three or more of the members.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012; Ord. 23992-12-2019, § 1, passed 12-17-2019)

§ 2-241 JURISDICTION AND POWERS; MEETINGS.

(a) *Jurisdiction.* The ERC shall have jurisdiction to review and make findings and conclusions concerning an alleged violation of Division 1 of this article and, if a violation of Division 1 of this article is determined to have occurred pursuant to the process outlined herein, to levy sanctions in accordance with Division 4.

(b) *Powers.* Once the ERC is convened in accordance with and subject to the purposes set forth in § 2-240(c), the ERC shall have the following powers:

- (1) To establish rules and procedures governing its own internal organization and operations, consistent with this article and the city's Charter and ordinances;

(2) To prescribe forms for reports, statements, notices and other documents required by this article;

(3) To cause sufficient copies of this ordinance, and other ordinances, City Charter provisions and state statutes defining and prohibiting conflicts of interest, to be prepared and published and see that the same are made available to officers, employees, advisory board members, elected officials and the general public;

(4) To provide or assist in providing orientations to officers, employees and advisory board members concerning the provisions of this article;

(5) To review all statements and reports filed with the ERC in order to obtain compliance with this article;

(6) To direct the city secretary to preserve statements and reports filed with the ERC for a period of five years from the date of receipt;

(7) To review this article when deemed necessary and make appropriate recommendations to the city council;

(8) To request the city attorney's interpretation of or opinion on any provision of this article except in cases involving a complaint filed in accordance with this article, in which case § 2-248 shall apply;

(9) In accordance with this article, to review, conduct hearings and make determinations regarding all sworn complaints alleging violations of Division 1 of this article by persons other than members of the city council;

(10) In any hearing conducted pursuant to this article, to administer oaths and affirmations, take evidence, request and issue subpoenas for witnesses to attend and testify, and request and, subject to § 2-255, issue subpoenas for the production of books, papers, records, or other evidence needed for the performance of the ERC's duties or the exercise of its powers;

(11) To request the city council and city manager to provide such assistance as the ERC may require in the discharge of its duties;

(12) On the ERC's own motion or at the request of the city council, to report to the city council when deemed necessary concerning the activities of the ERC; and

(13) To exercise such other powers and duties as may be established by this article.

(c) *Meetings.* The ERC shall meet as necessary to fulfill its responsibilities. The city secretary, the chairperson, or any three members of the ERC may call a meeting provided that notice is given to each member and written notice is posted in accordance with provisions of the Texas Open Meetings Act, Tex. Government Code Chapter 551.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012; Ord. 23992-12-2019, § 2, passed 12-17-2019)

§ 2-242 STAFFING.

The city attorney shall provide such assistance to the ERC as the ERC shall request except in cases involving a complaint filed in accordance with this article.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-243 RESERVED.

DIVISION 3: HEARING OFFICERS

Editor's note:

Ord. 20548-12-2012, § 1, adopted December 18, 2012, enacted this division and amended and renumbered former Division 3, "Disposition of Alleged Violations; Hearings," as current Division 4, as set forth below.

§ 2-244 APPOINTMENTS.

(a) *Purpose.* The city council will appoint one or more hearing officers each year to hear appeals of determinations made by the ERC in the disposition of complaints alleging a violation of Division 1 of this article and to make recommendations to the city council regarding those appeals.

(b) *Qualifications.* A hearing officer shall be a resident who is an attorney in good standing with the state bar of Texas and has been licensed to practice in the State of Texas for at least ten consecutive years. No hearing officer may be:

- (1) A member of the city council or the spouse or domestic partner of a member of the city council;
- (2) An employee or the spouse or domestic partner of an employee;
- (3) An elected public official;
- (4) A candidate for elected public office; or

(5) A member of another city board, commission or committee if the ERC has jurisdiction under this article to review the conduct of that person as a member of such other board, commission or committee.

(c) *Terms.* The city council will appoint hearing officers each at its first meeting in January of each year or as soon thereafter as practicable. The city council shall set the prescribed compensation, if any, that hearing officers are to receive during their terms of service. A hearing officer shall serve a term of one year or until his or her successor is duly appointed, and may be reappointed at the pleasure of the city council. A hearing officer may be removed at any time and for any reason by majority vote of the city council, except that a hearing officer that has initiated the hearing of an appeal of a determination made by the ERC in the disposition of a complaint shall continue to serve until final disposition of the matter before him or her.

(d) *Selection of hearing officer to hear complaint or appeal.* If the city council appoints more than one hearing officer to serve during a particular year, the city secretary shall maintain a list of such hearing officers in order of appointment. In the event that the service of a hearing officer is required under this article to hear the appeal of a determination made by the ERC in the disposition of a complaint, the city secretary shall designate a hearing officer from such list on a rotation basis.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-245 JURISDICTION AND POWERS.

(a) *Jurisdiction.* Hearing officers shall have jurisdiction to review and make findings and recommendations to the city council concerning an alleged violation of Division 1 of this article.

(b) *Powers.* Hearing officers shall have the following powers:

(1) In accordance with this article, to hear appeals of determinations made by the ERC complaints alleging violations of Division 1 of this article, to hear arguments from and pose questions to the person filing the appeal as well as the person responding to the appeal if those persons have elected to make a statement at the hearing, and to make findings, determinations and recommendations to the city council as to the disposition of such appeals in accordance with the standards of review set forth herein;

(2) In any de novo hearing conducted pursuant to § 2-253, to administer oaths and affirmations, take evidence, request and issue subpoenas for witnesses to attend and testify, and request and, subject to § 2-255, issue subpoenas for the production of books, papers, records or other evidence needed for the performance of the ERC's duties or the exercise of its powers; and

(3) To exercise such other powers and duties as may be established by this article.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-246 RESERVED.

DIVISION 4: DISPOSITION OF ALLEGED VIOLATIONS; HEARINGS

Editor's note:

This division was formerly codified as Division 3 of this article and derived from Ord. 10617, § 1(3). It was renumbered as this Division 4 and amended in its entirety by Ord. 20548-12-2012, § 1, adopted December 18, 2012. That ordinance also renumbered former Division 4, "Financial Disclosure by Officers and Candidates," as current Division 5 of this article.

§ 2-247 COMPLAINTS.

(a) *Filing.* Any resident or nonresident owner of taxable real property within the corporate limits of the city who believes that there has been a violation of Division 1 of this article may file a sworn complaint with the city secretary's office. The complaint must be filed within two years after the alleged violation occurred. For purposes of this provision, a complaint shall be considered filed when it has been accepted by the city secretary as complete as to form in accordance with subsection (c) below. If a complaint is dismissed by the ERC but permitted to be re-filed in accordance with this Division, the re-filed complaint shall be deemed to have been filed on the date that the initial complaint was accepted by the city secretary. A complaint must be in writing and contain the following information:

(1) The name, street or mailing address and telephone number of the complainant;

(2) The name and position or title of the person complained about;

(3) The date and nature of the alleged violation and the specific provision of Division 1 of this article alleged to have been violated;

(4) A statement of the facts on which the complaint is based and the date(s) on which the violation occurred;

(5) The sources of evidence or information that are relevant to the complaint, including, if possible, copies of all relevant documents or materials that are available to the complainant.

(b) *Sworn nature.* A complaint must be accompanied by an affidavit stating that the complaint is true and correct or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of Division 1 of this article. The complainant shall swear to the facts by oath before a notary public or other person authorized by law to administer oaths under penalty of perjury.

(c) *Acceptance by the city secretary.* If a complaint does not substantially comply with the filing requirements set forth in subsection (a) above or does not comply with the requirements of subsection (b) above, the city secretary shall by certified mail, return receipt requested, return the complaint to the complainant with a letter stating the defects in the complaint. If a complaint substantially complies with the filing requirements set forth in subsection (a) above and complies with the requirements of subsection (b) above, the city secretary shall acknowledge to the complainant that the complaint is complete as to form and provide a copy of the complaint to the city attorney, ERC and the person complained against.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-248 LEGAL COUNSEL.

(a) *Counsel for the person complained against.* If requested by the person complained against, the city council shall provide legal counsel selected by the person complained against to represent the person complained against, provided that fee arrangements with any such independent outside legal counsel must first be approved by the city council.

(b) *Counsel for the ERC.* If requested by the ERC, the city council shall provide outside legal counsel selected by the ERC to represent the ERC, provided that fee arrangements with any such independent outside legal counsel must be first be approved by the city council.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-249 RESERVED.

§ 2-250 STANDARDS OF CONDUCT.

(a) *Objectivity.* Members of the ERC are subject to this article. Members of the ERC shall maintain objectivity in discharging their duties. If any member of the ERC has any reason to believe that he or she cannot be impartial and intellectually honest in the discharge of the duties of the ERC, such member shall disclose the facts and circumstances of that belief and shall not vote or otherwise participate in consideration of the matter.

(b) *Prohibition of ex parte communications.* After a complaint has been filed and during the pendency of a complaint before the ERC, a member of the ERC may not communicate directly or indirectly with any party or person about any issue of law or fact regarding the complaint except at a meeting of the ERC. However, nothing in this section shall prohibit communications between members of the ERC and the ERC's attorney, or between members of the ERC concerning whether to call a hearing.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-251 HEARINGS.

(a) *Scheduling.* Not later than 15 business days after both acceptance of a complaint and assembly of the ERC selected to hear the complaint, the city secretary shall notify in writing the ERC, the complainant and the person complained against of the date, time and location of a hearing on the complaint. Such written notice shall be sent to the complainant and the person complained against by certified mail, return receipt requested. If the hearing is not held within 45 business days after receipt of the complaint, the city secretary shall notify both the complainant and the person complained against of the reasons for the delay.

(b) *Hearing rules.* All hearings shall be conducted in accordance with the Texas Open Meetings Act, Tex. Government Code Chapter 551. The ERC shall have the right to establish time limits and other rules of procedure for a hearing and relating to the participation of any person in the hearing, subject to subsections (c) and (d) below. All proceedings of the hearing shall be reduced to writing by a court reporter, who shall file the transcript of the hearing with the city secretary within such time as is specified by the ERC.

(c) *Rights of the person complained against.* The person complained against has the right to attend the hearing, the right to make a statement, the right to present witnesses and the right to be represented by legal counsel or another advisor.

(d) *Rights of the complainant.* The complainant has the right to attend the hearing, the right to make a statement, the right to present witnesses and the right to be represented by legal counsel or another advisor.

(e) *Order of business.*

(1) Once a quorum of the ERC convenes the hearing, the order of business shall be as follows:

- a. To ascertain whether the complainant and the person complained against are present;
- b. To determine whether the complaint alleges conduct which, based on substantially the same facts asserted in the complaint, the ERC has already determined is not a violation of Division 1 of this article;
- c. To determine whether the conduct complained against occurred within two years of the date on which the complaint was filed;
- d. To determine whether the complaint alleges conduct which would be a violation of Division 1 of this article;

e. To determine whether conduct complained against was in reasonable reliance upon an opinion of the city attorney, whether verbal or written;

f. To hear evidence and statements as to whether the person complained against violated a provision of Division 1 of this article as alleged in the complaint;

g. To deliberate and determine whether the person complained against violated Division 1 of this article as alleged in the complaint; and

h. To deliberate and determine a sanction to be imposed.

(2) In the ERC's sole discretion and as permitted by the Texas Open Meetings Act, Tex. Government Code Chapter 551, the ERC shall have the right to recess and continue the hearing one or more times. However, any member of the ERC who is not present at a hearing or continued hearing on a particular complaint may not participate in any discussion, voting or disposition of that complaint in any further continued hearing on that complaint.

(f) *Ascertaining presence of the parties.*

(1) If the complainant fails to appear at the hearing, the ERC shall dismiss the complaint and adjourn the hearing. Within ten business days, the ERC shall deliver to the complainant, the person complained against and the city secretary a written notice of the ERC's dismissal. The ERC's dismissal of a complaint for failure to appear at the hearing is final and may not be appealed. If the ERC dismisses a complaint for failure of the complainant to appear at the hearing, the complainant may not file another complaint alleging a violation of Division 1 of this article for substantially the same conduct unless the complainant files a written request for a rehearing within 30 calendar days of the date of the hearing explaining why the complainant did not appear at the hearing and the ERC determines, on the basis of such written request, that there was good cause for the complainant not to appear at the hearing.

(2) If the complainant appears at the hearing but the person complained against does not, the ERC may proceed with the hearing in that person's absence, provided that the city secretary has a certified mail receipt that the person complained against received notice of the date, time and location of the hearing.

(g) *Preliminary testimony by the complainant.* In order to address the preliminary procedures set forth in subsections (h), (i), (j) and (k) below, the ERC shall hear preliminary testimony of the complainant, who shall state the alleged violation and describe in narrative form the testimony and other evidence that he or she is prepared to present to prove the alleged violation as stated in the complaint. Such testimony shall be under oath.

(h) *Determining whether the complaint alleges conduct which, based on substantially the same facts asserted in the complaint, the ERC has already determined is not a violation of Division 1 of this article.* If the ERC finds that the complaint alleges conduct which, based on substantially the same facts asserted in the complaint, the ERC has already determined is not a violation of Division 1 of this article and such previous determination was not reversed on appeal pursuant to this article, the ERC shall dismiss the complaint and adjourn the hearing. Within ten business days, the ERC shall deliver to the complainant, the person complained against and the city secretary a written notice of the ERC's determination, which shall include the reasons for such decision. The ERC's dismissal of a complaint on such grounds is final and may not be appealed.

(i) *Determining whether the conduct occurred within two years of the complaint.* If the ERC determines that the conduct which the complainant alleges to be a violation of Division 1 of this article occurred more than two years prior to the date on which the complaint was filed, the ERC shall dismiss the complaint. Within ten business days, the ERC shall deliver to the complainant, the person complained against and the city secretary a written notice of the ERC's determination, which shall include the reasons for such decision. The ERC's dismissal of a complaint on such grounds is final and may not be appealed.

(j) *Determining whether a complaint is insufficient.*

(1) In order to determine whether a complaint sufficiently alleges conduct which would be a violation of Division 1 of this article, the ERC shall hear the testimony of the complainant, who shall state the alleged

violation and describe in narrative form the testimony and other evidence that the complainant is prepared to present. Such testimony shall be under oath, but the ERC shall not permit testimony by other witnesses, cross-examination or any findings of fact. Members of the ERC may question the complainant. The person complained against shall have the opportunity, but is not required, to describe in narrative form the testimony and other evidence that he or she is prepared to present in order to dispute or rebut the alleged violation.

(2) If the ERC determines that there are no reasonable grounds to believe that a violation of Division 1 of this article has occurred, the ERC shall dismiss the complaint and adjourn the hearing. Within ten business days, the ERC shall deliver to the complainant, the person complained against and the city secretary a written notice of the ERC's determination, which shall include the reasons for such decision. The ERC's dismissal of a complaint on such grounds shall be final unless appealed in accordance with § 2-253.

(k) *To consider whether conduct complained against was in reasonable reliance on a city attorney opinion.* The ERC shall give the person complained against the opportunity to testify if the person complained against asserts that the conduct alleged in the complaint was undertaken in reasonable reliance upon an opinion of the city attorney, provided that the person complained against first waives the attorney-client privilege with respect to the opinion. Such testimony shall be under oath, and any such testimony shall constitute a waiver of the attorney-client privilege with respect to the opinion. Any testimony that the conduct of the person complained against was undertaken in reasonable reliance upon a written opinion of the city attorney, or upon a verbal opinion of the city attorney that was followed by a written opinion of the city attorney within 15 business days following the date such written opinion was requested, shall constitute prima facie evidence that the conduct of the person complained against did not violate a provision of Division 1 of this article. The ERC shall then determine the extent to which the conduct of the person complained against was undertaken in reasonable reliance upon an opinion of the city attorney.

(1) If the ERC determines that all of the conduct of the person complained against was undertaken in reasonable reliance, either directly or indirectly, upon a written opinion of the city attorney that was either provided prior to the conduct complained against or requested prior to the conduct complained against and provided not later than 15 business days following the date of such request, the ERC shall dismiss the complaint and adjourn the hearing. Within ten business days, the ERC shall deliver to the complainant, the person complained against and the city secretary a written notice of the ERC's determination, which shall include the reasons for such decision. The ERC's dismissal of a complaint on such grounds shall be final unless appealed in accordance with § 2-253. Notwithstanding the foregoing, if the ERC believes that the city attorney's opinion may be incorrect or no longer valid, the ERC may include in such written notice of dismissal a request that the city attorney reconsider the opinion, but the ERC shall not have the right to overrule the opinion or substitute its own opinion.

(2) If the ERC determines that some, but not all, of the conduct of the person complained against was undertaken in reasonable reliance, either directly or indirectly, upon a written opinion of the city attorney that was either provided prior to the conduct complained against or requested prior to the conduct complained against and provided not later than 15 business days following the date of such request, the ERC shall dismiss complaint and adjourn the hearing. Within ten business days, the ERC shall deliver to the complainant, the person complained against and the city secretary a written notice of the ERC's determination, which shall include the reasons for such decision. In this event, the complainant shall be permitted one opportunity to amend and resubmit the complaint within ten calendar days citing only that portion of the conduct that the person complained against undertook without reasonable reliance upon a written opinion of the city attorney that was either provided prior to the conduct complained against or requested prior to the conduct complained against and provided not later than 15 business days following the date of such request. Otherwise, the ERC's dismissal of a complaint on such grounds shall be final unless appealed in accordance with § 2-253. Notwithstanding the foregoing, if the ERC believes that the city attorney's opinion may be incorrect or no longer valid, the ERC may include in such written notice of dismissal a request that the city attorney reconsider the opinion, but the ERC shall not have the right to overrule the opinion or substitute its own opinion.

(3) If the ERC determines that some or all of the conduct of the person complained against was undertaken in reasonable reliance upon a verbal opinion of the city attorney but that the person complained against requested that the city attorney supplement that opinion with a written opinion, and such request was made 15 or

fewer business days prior to the date of the hearing, the ERC shall recess the hearing and reconvene on a date after the expiration of at least 15 business days following the date the written opinion was requested.

(4) If the ERC determines that none of the conduct of the person complained against was undertaken in reasonable reliance upon an opinion of the city attorney, or that some or all of the conduct complained against was undertaken in reasonable reliance only upon a verbal opinion of the city attorney that was not followed by a written opinion provided in accordance with § 2-239.1, the ERC shall proceed with the hearing.

(l) *Evidentiary proceeding.* Unless the ERC dismisses the complaint in accordance with § 2-251 (f), (h), (i), (j) or (k), the ERC shall determine whether a violation of Division 1 of this Article, as alleged in the complaint, has occurred. All statements and testimony of the complainant, the person complained against, and any witnesses shall be under oath. After hearing any statements of the complainants and the person complained against and any other evidence presented in accordance with this Article, the ERC shall make its determination based on the preponderance of the evidence (the greater weight and degree of the credible evidence and testimony). At the conclusion of the hearing, the ERC shall announce its determination and, if the ERC determines that a violation of Division 1 of this Article has occurred, identify the particular provision or provisions that were violated and announce any sanction to be imposed or recommended in accordance with § 2-252. Within ten business days the ERC shall deliver to the complainant, the person complained against and the city secretary a written notice of the ERC's determination. The ERC's determination and sanction (if applicable) shall be final unless appealed in accordance with § 2-253. In lieu of such evidentiary proceeding, the person complained against may acknowledge that he or she has committed a violation of Division 1 of this article, in which case the ERC shall consider the sanction to be imposed or recommended in accordance with § 2-252.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012; Ord. 23992-12-2019, § 3, passed 12-17-2019)

§ 2-252 SANCTIONS TO BE IMPOSED OR RECOMMENDED.

If the ERC determines that a violation of Division 1 of this article has occurred, it shall proceed directly to determination of the appropriate sanctions. The ERC may receive additional testimony or statements before considering sanctions but is not required to do so.

(a) *Sanctions.* If the ERC determines that a violation of Division 1 of this article has occurred, it may impose the following sanctions:

(1) a. A letter of notification shall be the appropriate sanction when:

1. The violation is clearly unintentional;
2. The conduct of the person complained against was done in reliance upon an opinion of the city attorney that was not in writing; or
3. The violation may have been unintentional but the ERC does not consider the level of offense to be severe.

b. A letter of notification shall advise the person to whom it is directed of any steps to be taken to avoid future violations.

(2) A letter of admonition shall be the appropriate sanction in those cases in which the ERC finds that the violation:

- a. May have been unintentional; or
- b. The violation was clearly unintentional but the ERC considers the level of offense to be severe.

(3) A letter of reprimand shall be the appropriate sanction when the ERC finds that a violation has been committed intentionally or through reckless disregard of Division 1 of this article. A letter of reprimand directed to an employee shall also be sent to the city manager and included in the employee's personnel file.

(b) *Recommendations.* In addition to the sanctions that may be imposed pursuant to subsection (a) above, the ERC may make the following recommendations:

(1) *Disciplinary action against persons other than the mayor or members of the city council.* If the ERC finds that the person complained against (other than the mayor or a member of the city council) committed a serious or repeated violation of Division 1 of this article intentionally or through culpable disregard of Division 1 of this article, the ERC may issue a written recommendation for disciplinary action. If the person who committed the violation is an employee (other than an employee appointed by the city council), the ERC may issue a recommendation to the city manager that the city manager suspend or terminate the employee. If the person who committed the violation is an employee appointed by the city council, the ERC may issue a recommendation to the city council that the city council suspend or terminate the employee. If the person who committed the violation is an officer (other than a member of the city council) or member of an advisory board or task force, the ERC may issue a recommendation to the city council that the officer, advisory board or task force member be removed from his or her position.

(2) *Censure of mayor or members of the city council.* If the person complained against is the mayor or a member of the city council, and the ERC finds that such person committed a serious or repeated violation of Division 1 of this article intentionally or through culpable disregard of Division 1 of this article, the ERC may issue a letter of censure. The letter of censure may include a recommendation of recall or a recommendation to institute proceedings for removal from office. A letter of censure, and any recommendation of recall or to institute proceedings for removal from office, shall be transmitted to the city secretary and to the mayor and city council. Any recall proceedings shall be subject to the procedures specified in the City Charter. Any proceedings for removal from office shall be in compliance with provisions of the City Charter and state law.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-253 APPEAL OF CERTAIN DETERMINATIONS.

(a) *Determinations that may be appealed.* The following determinations of the ERC may be appealed in accordance with this § 2-253:

(1) The dismissal of a complaint for failure to allege conduct which would be a violation of Division 1 of this article, pursuant to § 2-251(j);

(2) The dismissal of all or any portion of a complaint on grounds that the conduct alleged was undertaken in reasonable reliance upon a written opinion of the city attorney, pursuant to § 2-251(k); or

(3) The determination as to whether a violation of Division 1 of this article occurred, as alleged in a complaint heard by the ERC, pursuant to § 2-251(l).

(b) *Eligibility requirements and filing deadline.* Only a party against whom a determination of the ERC described in § 2-253(a) was made may file an appeal. The appeal must be in writing and filed with the city secretary within ten calendar days after the ERC's determination.

(c) *Filing requirement.* The appeal must state sufficient facts to show that the ERC committed a material error in its deliberations.

(d) *Sworn nature.* An appeal must be accompanied by an affidavit stating that the person filing the appeal has good reason to believe and does believe that the facts alleged in the appeal are true and correct. The appellant shall swear to the facts by oath before a notary public or other person authorized by law to administer oaths under penalty of perjury.

(e) *Acceptance by the city secretary.* If an appeal does not comply with all of the eligibility requirements and filing deadline requirements of subsection (b) above or the requirements of subsection (d) above, or does not substantially comply with the requirements of subsection (c) above, the city secretary shall, by certified mail, return receipt requested, return the appeal to the person filing the appeal with a letter stating the defects in the appeal. If an appeal complies with all of the eligibility requirements and filing deadline requirements of subsections (b) and (d) above and substantially complies with the requirements of subsection (c) above, the city

secretary shall acknowledge to the person filing the appeal that the appeal is complete as to form and provide a copy of the appeal to the city council, the city attorney and the person complained against.

(f) *Designation of hearing officer and scheduling of evidentiary hearing.* Not later than 15 business days after acceptance of an appeal, the city secretary shall designate the hearing officer in accordance with § 2-244(d) and notify in writing the hearing officer, the person filing the appeal and the person responding to the appeal of the hearing's date, time and location. Such written notice shall be sent to the person filing the appeal and the person responding to the appeal by certified mail, return receipt requested. If the hearing is not held within 30 business days after designation of the hearing officer, the city secretary shall notify both the person filing the appeal and the person responding to the appeal of the reasons for the delay.

(g) *Hearing rules.* The hearing shall be based solely on the record of the ERC's hearing. The hearing shall be conducted in accordance with the Texas Open Meetings Act, Tex. Government Code Chapter 551. The hearing officer shall have the right to establish time limits and other rules of procedure for the hearing and relating to the participation of any person in the hearing, subject to subsections (h) and (i) below. All proceedings of the hearing shall be reduced to writing by a court reporter, who shall file the transcript of the hearing with the city secretary within such time as is specified by the hearing officer. All costs of preparing and filing such transcript shall be borne by the appellant.

(h) *Rights of appellee.* The person responding to the appeal has the right to attend the hearing, the right to make a statement, the right to present witnesses, and the right to be represented by legal counsel or another advisor.

(i) *Rights of appellant.* The person filing the appeal has the right to attend the hearing, the right to make a statement, the right to present witnesses and the right to be represented by legal counsel or another advisor.

(j) *Order of business.* The order of business before the hearing officer shall be as follows:

- (1) To ascertain whether the person filing the appeal and the person responding to the appeal are present;
- (2) To determine whether the appeal is based on a determination of the ERC described in § 2-253(a);

(3) To review the record, hear statements from both the person filing the appeal and the person responding to the appeal as to whether the record shows that the ERC materially erred in its determination as to the issue on appeal, and, based on the particular standard of review set forth below, to determine whether the ERC materially erred in such determination;

(4) To make a recommendation to the city council as to whether the person originally complained against violated Division 1 of this article as alleged in the complaint originally filed; and

(5) If the recommendation to the city council is to find that the person complained against did violate Division 1 of this article as alleged in the complaint, also to recommend a sanction for the city council to impose in accordance with § 2-252.

(k) *Ascertaining presence of the parties.*

(1) If the person filing the appeal fails to appear at the hearing, the hearing officer shall dismiss the appeal and adjourn the hearing. Within ten business days, the hearing officer shall deliver to the person filing the appeal, the person responding to the appeal, the ERC, and the city secretary a written notice of the hearing officer's dismissal. The hearing officer's dismissal of an appeal for failure to appear at the hearing is final unless the person filing the appeal petitions the hearing officer in writing within 30 calendar days following delivery of the dismissal to reconsider on grounds that the person had good cause to not appear and the hearing officer grants such request. Any petition for reconsideration filed by the appellant must include a statement that explains in detail why the person filing the appeal did not appear.

(2) If the person filing the appeal appears at the hearing but the person responding to the appeal does not, the hearing officer may proceed with the hearing in that person's absence provided that the city secretary has a certified mail receipt that the respondent received notice of the date, time and location of the hearing.

(l) *Determining whether there is a sufficient basis for the appeal.* If the hearing officer finds that the appeal is not based on a determination of the ERC described in § 2-253(a), the hearing officer shall deny the appeal in its entirety. Within ten business days, the hearing officer shall deliver to the person filing the appeal, the person responding to the appeal and the city secretary a written notice of the hearing officer's determination, which shall include the reasons for such decision. The hearing officer's denial of an appeal on such grounds is final and will not be considered by the city council pursuant to subsection (q) below.

(m) *Determining whether the appeal is sufficient.* If the hearing officer finds that the appeal does not state sufficient facts to satisfy any of the requirements of § 2-253(b), the hearing officer shall deny the appeal in its entirety. Within ten business days, the hearing officer shall deliver to the person filing the appeal, the person responding to the appeal and the city secretary a written notice of the hearing officer's determination, which shall include the reasons for such decision. The hearing officer's denial of an appeal on such grounds is final and will not be considered by the city council pursuant to subsection (q) below.

(n) *Review of determination that complaint does not allege conduct which would be a violation of Division 1.* If the appeal is based on the ERC's dismissal of a complaint for failure to allege conduct which would be a violation of Division 1 of this article, pursuant to § 2-251(j), the hearing officer shall review the record and determine whether the ERC materially erred in its determination that the complaint did not allege conduct which would be a violation of Division 1. The hearing officer's determination as to whether the ERC materially erred in its determination that the complaint did not allege conduct which would be in violation of Division 1 shall be based on a de novo review of the record. If, based on such standard of review, the hearing officer determines that the ERC did err materially in its determination that the complaint did not allege conduct which would be a violation of Division 1, the hearing officer shall remand the complaint to the ERC, and the ERC shall proceed to consider the complaint in accordance with the remaining order of business set forth in § 2-251. If the hearing officer determines that the ERC did not err materially, the hearing officer shall deny the appeal and adjourn the hearing. Within ten business days, the hearing officer shall deliver to the person filing the appeal, the person responding to the appeal and the city secretary a written notice of the hearing officer's determination, which shall include the reasons for such decision. The hearing officer's denial of an appeal on such grounds is final and will not be considered by the city council pursuant to subsection (q) below.

(o) *Review of determination that conduct alleged was undertaken in reasonable reliance upon a written opinion of the city attorney.* If the appeal is based on the ERC's dismissal of a complaint on grounds that the conduct alleged was undertaken in reasonable reliance upon a written opinion of the city attorney, pursuant to § 2-251(k), the hearing officer shall review the record and determine whether the record shows that the ERC materially erred in its determination that the conduct alleged in the complaint was undertaken in reasonable reliance upon a written opinion of the city attorney. The hearing officer's determination as to whether the ERC materially erred in its determination that the conduct alleged in the complaint was undertaken in reasonable reliance upon a written opinion of the city attorney shall be based on the substantial evidence standard of review of the record. If, based on such standard of review, the hearing officer determines that the ERC did err materially in its determination that the conduct alleged in the complaint was undertaken in reasonable reliance upon a written opinion of the city attorney, the hearing officer shall remand the complaint to the ERC, and the ERC shall proceed to consider the complaint in accordance with the remaining order of business set forth in § 2-251. If the hearing officer determines that the ERC did not err materially in its determination, the hearing officer shall deny the appeal and adjourn the hearing. Within ten business days, the hearing officer shall deliver to the person filing the appeal, the person responding to the appeal and the city secretary a written notice of the hearing officer's determination, which shall include the reasons for such decision. The hearing officer's denial of an appeal on such grounds is final and will not be considered by the city council pursuant to subsection (q) below.

(p) *Review of ERC's determination based on the evidentiary proceeding.* If the appeal is based on the ERC's determination at the conclusion of its evidentiary proceeding conducted pursuant to § 2-251(l) as to whether a violation of Division 1 of this article occurred, the hearing officer shall review the record and determine whether the ERC materially erred in its determination as to whether a violation of Division 1 of this article occurred. The hearing officer's determination as to whether the ERC materially erred in its determination shall be based on the substantial evidence standard of review of the record. The hearing officer's determination shall proceed as follows:

(1) If the ERC found that a violation of Division 1 of this article did not occur, and the hearing officer determines that the ERC did not err materially in such determination, the hearing officer shall deny the appeal and adjourn the hearing. Within ten business days, the hearing officer shall deliver to the person filing the appeal, the person responding to the appeal, the city secretary and each member of the city council a written copy of the hearing officer's determination, which shall include the reasons for such decision. The hearing officer's determination in this regard shall be final and will not be considered by the city council pursuant to subsection (q) below.

(2) If the ERC found that a violation of Division 1 of this article did occur, and the hearing officer determines that the ERC materially erred in such determination, the hearing officer shall uphold the appeal. Within ten business days, the hearing officer shall deliver to the person filing the appeal, the person responding to the appeal, and the city secretary a written copy of the hearing officer's determination, which shall include the reasons for such decision and recommend that the city council accept the hearing officer's determination that a violation of Division 1 of this article did not occur and that no sanction should be imposed upon the person complained against.

(3) If the ERC found that a violation of Division 1 of this article did occur, and the hearing officer determines that the ERC did not err materially in such determination, the hearing officer shall deny the appeal and adjourn the hearing. Within ten business days, the hearing officer shall deliver to the person filing the appeal, the person responding to the appeal, and the city secretary a written copy of the hearing officer's determination, which shall include the reasons for such decision and recommend that the city council accept the ERC's determination that a violation of Division 1 of this article occurred and the sanction to be imposed or recommended in accordance with § 2-252.

(4) If the ERC found that a violation of Division 1 of this article did not occur, and the hearing officer determines that the ERC materially erred in such determination, the hearing officer shall uphold the appeal and, based on a de novo standard of review of the record, announce any sanction to be imposed or recommended in accordance with § 2-252. Within ten business days, the hearing officer shall deliver to the person filing the appeal, the person responding to the appeal, and the city secretary a written copy of the hearing officer's determination, which shall include the reasons for such decision and recommend that the city council accept the hearing officer's determination that a violation of Division 1 of this article occurred and the sanction to be imposed or recommended in accordance with § 2-252.

(q) *City council hearing.* Within 45 calendar days following the date on which the hearing officer provides the city secretary with a copy of any recommendations of the hearing officer pursuant to subsection (p)(2), (p)(3) or (p)(4) above, or as soon thereafter as is practicable, the city secretary shall deliver to the city council a written copy of the hearing officer's determination and recommendations, as well as the transcripts of the hearings of both the ERC and the hearing officer, and shall schedule a hearing before the city council to consider such recommendations. The written determination and recommendations of the hearing officer, as well as the transcripts of the proceedings before the ERC and the hearing officer, shall form the sole evidentiary basis for the city council hearing. No other evidence or testimony shall be presented at the hearing before the city council. However, the person filing the appeal and the person responding to the appeal shall each be entitled to make a statement to the city council as to whether the city council should adopt, reject or modify the recommendations of the hearing officer. Each statement shall be subject to any time limitation imposed by the presiding officer of the city council. No rebuttal statements may be made. Following any such statements and a review by the city council of the transcript of the testimony and evidence presented to the hearing officer as well as the hearing officer's determination and recommendations, the city council shall, by majority vote, adopt, reject or modify the determination and any recommendations of the hearing officer. If any adopted determination includes a recommended sanction against an employee, the city manager will be solely responsible for considering, imposing and carrying out such sanction in accordance with the city manager's authority under Chapter V of the Charter of the City of Fort Worth, Texas. If any adopted determination includes a recommended sanction against an officer other than a member of the city council, the city council, by majority vote, will be responsible for considering, imposing and carrying out such sanction. Within ten business days, the city secretary shall deliver to the person filing the appeal and the person responding to the appeal a written copy of the city council's determination.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-254 CRIMINAL PENALTIES.

Except where otherwise provided by state law or in § 2-255, it is not the intention of the city council in adopting this article that violations thereof be subject to criminal penalties.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-255 SUBPOENAS.

(a) The ERC or hearing officer, at their discretion, may issue one or more subpoenas for the attendance of witnesses, the production of books, papers, records or other evidence needed for the performance of their duties or exercise of their powers. The subpoena shall be issued on the sworn application (of either the complaining party or the person complained against) stating that the applicant in good faith believes that such item exists, and stating in detail a description of any such items, sufficient to be able to identify such item, that the party requesting the subpoena has not been able to obtain such item otherwise, and that the applicant in good faith believes that the item is in the possession or control of a person or entity whose name and address is specified in the sworn application.

(b) The ERC or hearing officer may issue any such subpoena upon terms and conditions that they deem applicable.

(c) The party requesting the subpoena, or the party to the proceeding opposing it, and the person or business entity against whom the subpoena is sought each has the right to appeal to the city council any decision by the ERC or hearing officer concerning the request for subpoena. Such appeal shall be made in writing within ten calendar days after the ERC or hearing officer's decision (which must be in writing) by filing such appeal with the city secretary. All proceedings before the ERC or hearing officer shall be stayed until after the city council acts on the appeal.

(d) If the city council denies such an appeal or the time for an appeal has expired, any person who is subpoenaed by the ERC or hearing officer to give testimony or to produce books, papers, records or other evidence needed for the performance of the ERC or hearing officer's duties or the exercise of their powers, willfully makes default or refuses to answer any question pertinent to the proceedings before the ERC or hearing officer, or refuses to obey any subpoena or fails to produce books, papers and other evidence required by the ERC or hearing officer, shall be deemed guilty of a misdemeanor and may be fined not more than \$500 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-256 EVIDENCE OF CRIMINAL CONDUCT.

During the performance of their duties under the provisions of this article, if the ERC, hearing officer, city manager or city council receives evidence of criminal conduct, the ERC, hearing officer, city manager or council may provide such evidence to the prosecuting attorney having jurisdiction of such matter for appropriate action.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§ 2-257 POSTPONEMENT OF HEARINGS IN CERTAIN CASES.

If a complaint alleges facts concerning a possible violation of Division 1 of this article and such facts are involved in a criminal investigation or a criminal proceeding before a grand jury or the courts, the ERC, hearing officer, city manager or city council may, when they deem appropriate, postpone any hearing or any appeal concerning such complaint until after the criminal investigation or criminal proceedings are terminated.

(Ord. 20548-12-2012, § 1, passed 12-18-2012, eff. 12-22-2012)

§§ 2-258—2-260 RESERVED.

DIVISION 5: FINANCIAL DISCLOSURE BY OFFICERS AND CANDIDATES

Editor's note:

This division, formerly codified as Division 2 of this article, derived from 1964 Code, §§ 43-5 through 43-9, Ord. 7650, § 1, adopted October 25, 1977 and Ord. 7784, § 1, adopted August 15, 1978. This division was renumbered as Division 4 of this article by Ord. 10617, § 1(2), adopted June 26, 1990, and as this Division 5 by Ord. 20548-12-2012, § 2, adopted December 18, 2012.

This division was amended and reorganized by § 1 of Ord. 21845-08-2015, adopted August 25, 2015, which repealed § 2-265. See also Code Comparative Table.

§ 2-261 DEFINITIONS.

As used in this division, the following words and phrases shall have the meanings ascribed in this section.

CANDIDATE. Every person who declares for or files for any office of the city to be filled by election.

OFFICER. The mayor, a member of the city council, the city manager, the city attorney, the city secretary, the city internal auditor, the chief financial officer and the judges of the municipal court.

(1964 Code, § 43-5) (Ord. 7650, § 1, passed 10-25-1977; Ord. 7784, § 1, passed 8-15-1978; Ord. 10617, § 1 (2), passed 6-26-1990; Ord. 20837-08-2013, § 1, passed 8-6-2013; Ord. 21845-08-2015, § 1, passed 8-25-2015)

Cross-reference:

Definitions and rules of construction generally, see § 1-2

§ 2-262 PERSONAL FINANCIAL STATEMENT.

(a) Every officer shall file a verified personal financial statement with the city secretary in the same form as required by Chapter 145 of the Texas Local Government Code, except that a newly appointed officer shall file the verified personal financial statement with the city secretary within 30 days from the date he or she is sworn into office.

(b) The reporting period for the personal financial disclosure for newly appointed officers is 12 months preceding the date the officer is sworn into office.

(c) Every candidate shall file a verified personal financial statement with the city secretary in the same form as that required by Chapter 145 of the Texas Local Government Code not later than the earlier of:

- (1) The 20th day after the deadline for filing an application for a place on the ballot in the election; or
- (2) The fifth day before the date of the election.

(d) The reporting period for a statement required under this subsection shall be the 12 months preceding January 1 of the year in which the election is held.

(1964 Code, § 43-6) (Ord. 7650, § 1, passed 10-25-1977; Ord. 10617, § 1 (2), passed 6-26-1990; Ord. 16265, § 1, passed 1-18-2005; Ord. 21845-08-2015, § 2, passed 8-25-2015)

§ 2-263 FORMS FOR STATEMENTS.

(a) Persons filing financial disclosure statements shall use the form designed by the Texas Ethics Commission as required by Chapter 572, Texas Government Code.

(b) The city secretary shall provide copies of the forms required by this division to:

- (1) Officers and candidates as required by state law; and

(2) Newly appointed officers upon their swearing in and no later than the tenth day before the deadline.

(1964 Code, § 43-7) (Ord. 7650, § 1, passed 10-25-1977; Ord. 10617, § 1 (2), passed 6-26-1990; Ord. 21845-08-2015, § 2, passed 8-25-2015)

§ 2-264 PUBLIC RECORDS; INSPECTION.

(a) The city secretary shall maintain all statements required to be filed with the city secretary under this division as public records and retain them for a period of three years after which time he or she shall return them to the person filing them or destroy them.

(b) The financial disclosure statement file maintained by the city secretary under this section shall be kept in alphabetical order for each year in which statements are filed. Such files shall be open to public inspection during normal business hours. The city secretary shall maintain a list of all persons requesting to inspect such files identifying the file or files inspected.

(1964 Code, § 43-8) (Ord. 7650, § 1, passed 10-25-1977; Ord. 10617, § 1 (2), passed 6-26-1990)

§ 2-265—2-275 RESERVED.

LOCAL GOVERNMENT CODE

TITLE 5. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES

SUBTITLE A. MUNICIPAL OFFICERS AND EMPLOYEES

CHAPTER 145. FINANCIAL DISCLOSURE BY AND STANDARDS OF CONDUCT FOR LOCAL GOVERNMENT OFFICERS

Sec. 145.001. APPLICABILITY OF CHAPTER. This chapter applies only to a municipality with a population of 100,000 or more.

Added by Acts 2003, 78th Leg., ch. 249, Sec. 6.01, eff. Sept. 1, 2003.

Sec. 145.002. DEFINITIONS. In this chapter:

(1) "Deliver" means transmitting by mail, personal delivery, or e-mail or any other means of electronic transfer.

(2) "Municipal officer" means the mayor, a member of the governing body, the municipal attorney, or the city manager of a municipality.

Added by Acts 2003, 78th Leg., ch. 249, Sec. 6.01, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 223 (H.B. 1246), Sec. 1, eff. September 1, 2015.

Sec. 145.003. FINANCIAL STATEMENT REQUIRED. (a) A municipal officer or a candidate for a municipal office filled by election shall file a financial statement as required by this chapter.

(b) The statement must:

(1) be filed with the clerk or secretary of the municipality in which the officer or candidate resides; and

(2) comply with Sections 572.022 and 572.023, Government Code.

Added by Acts 2003, 78th Leg., ch. 249, Sec. 6.01, eff. Sept. 1, 2003.

Sec. 145.004. FILING DATES; TIMELINESS OF FILING. (a) A municipal officer shall file the financial statement required by this chapter within the time prescribed by Section 572.026(a), Government Code.

(b) A person who is appointed to a municipal office shall file the financial statement required by this chapter within the time prescribed by

Section 572.026(c), Government Code.

(c) A candidate for a municipal office filled by election shall file the financial statement required by this chapter not later than the earlier of:

(1) the 20th day after the deadline for filing an application for a place on the ballot in the election; or

(2) the fifth day before the date of the election.

(d) Except as provided in Subsection (g), the timeliness of the filing is governed by Section 572.029, Government Code.

(e) A municipal officer or a person who is appointed to a municipal office may request the clerk or secretary of the municipality to grant an extension of not more than 60 days for filing the statement. The clerk or secretary shall grant the request if it is received before the filing deadline or if the officer's physical or mental incapacity prevents the officer from filing the statement or requesting an extension before the filing deadline. The clerk or secretary may not grant more than one extension to a person in one year except for good cause shown.

(f) The clerk or secretary may not grant an extension to a candidate for a municipal office filled by election.

(g) A person is considered to have timely filed a financial statement under this chapter if:

(1) the statement is personally delivered not later than 5 p.m. of the last day for filing the statement; or

(2) the clerk or secretary of the municipality with whom the statement is required to be filed has adopted rules and procedures to provide for the electronic filing of the statement and the statement is electronically filed in accordance with those rules and procedures not later than midnight of the last day for filing the statement.

Added by Acts 2003, 78th Leg., ch. 249, Sec. 6.01, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 894 (H.B. 1035), Sec. 2, eff. September 1, 2013.

Sec. 145.005. FORM OF STATEMENT. (a) The clerk or secretary of the municipality shall require that the form designed by the Texas Ethics Commission under Chapter 572, Government Code, be used for filing the financial statement.

(b) The clerk or secretary shall deliver at least one copy of the form to each municipal officer or person who is appointed to a municipal

office who is required to file under this chapter within the time prescribed by Section 572.030(c)(1), Government Code. The clerk or secretary shall deliver a copy of the form to each candidate for a municipal office filled by election who is required to file under this chapter not later than the 10th day before the deadline for filing the statement under Section 145.004(c). The clerk or secretary may choose one or more methods to deliver the form.

Added by Acts 2003, 78th Leg., ch. 249, Sec. 6.01, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 223 (H.B. 1246), Sec. 2, eff. September 1, 2015.

Sec. 145.006. DUPLICATE OR SUPPLEMENTAL STATEMENTS. If a person has filed a financial statement under one provision of this chapter covering the preceding calendar year, the person is not required to file a financial statement required under another provision of this chapter covering that same year if, before the deadline for filing the statement under the other provision, the person notifies the clerk or secretary of the municipality in writing that the person has already filed a financial statement under this chapter covering that year.

Added by Acts 2003, 78th Leg., ch. 249, Sec. 6.01, eff. Sept. 1, 2003.

Sec. 145.007. PUBLIC ACCESS TO STATEMENTS. (a) Financial statements filed under this chapter are public records. The clerk or secretary of the municipality shall maintain the statements in separate alphabetical files and in a manner that is accessible to the public during regular office hours.

(b) Until the first anniversary of the date a financial statement is filed, each time a person, other than the clerk or secretary of the municipality or an employee of the clerk or secretary who is acting on official business, requests to see the financial statement, the clerk or secretary shall place in the file a statement of the person's name and address, whom the person represents, and the date of the request. The clerk or secretary shall retain that statement in the file until the first anniversary of the date the requested financial statement is filed.

(c) The clerk or secretary of the municipality may, and on notification from a former officer or candidate shall, destroy any financial statements filed by the officer or candidate after the second

anniversary of the date the person ceases to be an officer or candidate, as applicable.

(d) On the written request of a municipal court judge of the municipality or a candidate for municipal court judge, the clerk or secretary of the municipality shall remove or redact the residence address of the municipal court judge, municipal court judge's spouse, or candidate for the office of municipal court judge, from a financial statement filed under this chapter before the financial statement is made available to a member of the public.

Added by Acts 2003, 78th Leg., ch. 249, Sec. 6.01, eff. Sept. 1, 2003.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 518 (S.B. 489), Sec. 3, eff. September 1, 2019.

Sec. 145.008. NOTIFICATION TO PROSECUTING ATTORNEY. The clerk or secretary of each municipality shall maintain a list of the municipal officers and candidates for municipal office required to file a financial statement under this chapter. Not later than the 10th day after each applicable filing deadline, the municipal clerk shall provide to the municipal attorney a copy of the list showing for each municipal officer and candidate for municipal office:

- (1) whether the officer or candidate timely filed a financial statement as required by this chapter;
- (2) whether the officer or candidate timely requested and was granted an extension of time to file as provided for by Section 145.004 and the new due date for each such officer or candidate; or
- (3) whether the officer or candidate did not timely file a financial statement or receive an extension of time.

Added by Acts 2003, 78th Leg., ch. 249, Sec. 6.01, eff. Sept. 1, 2003.

Sec. 145.009. CRIMINAL PENALTY. (a) A municipal officer or a candidate for a municipal office filled by election commits an offense if the officer or candidate knowingly fails to file a financial statement as required by this chapter.

(b) An offense under this section is a Class B misdemeanor.

(c) It is a defense to prosecution under this section that the officer or candidate did not receive copies of the financial statement form required to be delivered to the officer or candidate by this chapter.

Added by Acts 2003, 78th Leg., ch. 249, Sec. 6.01, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 223 (H.B. 1246), Sec. 3, eff. September 1, 2015.

Sec. 145.010. CIVIL PENALTY. (a) A person who determines that a person required to file a financial statement under this chapter has failed to do so may notify in writing the municipal attorney of the municipality.

(b) On receipt of a written notice under Subsection (a), the municipal attorney shall determine from any available evidence whether the person to whom the notice relates has failed to file a statement. On making that determination, the municipal attorney shall immediately mail by certified mail a notice of the determination to the person responsible for filing the statement.

(c) If the person responsible for filing the statement fails to file the statement before the 30th day after the date the person receives the notice under Subsection (b), the person is civilly liable to the municipality for an amount not to exceed \$1,000.

(d) A penalty paid under this section shall be deposited to the credit of the general fund of the municipality.

Added by Acts 2003, 78th Leg., ch. 249, Sec. 6.01, eff. Sept. 1, 2003.

TEXAS ETHICS COMMISSION
TITLE 15, ELECTION CODE
REGULATING POLITICAL FUNDS AND CAMPAIGNS



All Amendments Effective on September 1, 2019, Unless Otherwise Stated

(Revised 8/1/2019)

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

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Promoting Public Confidence in Government

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ELECTION CODE

TITLE 15. REGULATING POLITICAL FUNDS AND CAMPAIGNS

CHAPTER 251. GENERAL PROVISIONS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 251.001. DEFINITIONS. In this title:

(1) "Candidate" means 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 a 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.

(2) "Contribution" means a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by this subdivision, and a guarantee of a loan or extension of credit, including a loan described by this subdivision. The term does not include:

(A) a loan made in the due course of business by a corporation that is legally engaged in the business of lending money and that has conducted the business continuously for more than one year before the loan is made; or

(B) an expenditure required to be reported under Section 305.006(b), Government Code.

(3) "Campaign contribution" means a contribution to a candidate or political committee that is offered or given with the intent that it be used in connection with a campaign for elective office or on a measure. Whether a contribution is made before, during, or after an election does not affect its status as a campaign contribution.

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(4) "Officeholder contribution" means a contribution to an officeholder or political committee that is offered or given with the intent that it be used to defray expenses that:

(A) are incurred by the officeholder in performing a duty or engaging in an activity in connection with the office; and

(B) are not reimbursable with public money.

(5) "Political contribution" means a campaign contribution or an officeholder contribution.

(6) "Expenditure" means a payment of money or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a payment.

(7) "Campaign expenditure" means an expenditure made by any person in connection with a campaign for an elective office or on a measure. Whether an expenditure is made before, during, or after an election does not affect its status as a campaign expenditure.

(8) "Direct campaign expenditure" means a campaign expenditure that does not constitute a campaign contribution by the person making the expenditure. A campaign expenditure does not constitute a contribution by the person making the expenditure to a candidate or officeholder if the expenditure is made without the prior consent or approval of the candidate or officeholder on whose behalf the expenditure is made. A campaign expenditure made in connection with a measure does not constitute a contribution by the person making the expenditure if it is not made as a political contribution to a political committee supporting or opposing the measure.

(9) "Officeholder expenditure" means an expenditure made by any person to defray expenses that:

(A) are incurred by an officeholder in performing a duty or engaging in an activity in connection with the office; and

(B) are not reimbursable with public money.

(10) "Political expenditure" means a campaign expenditure or an officeholder expenditure.

(11) "Reportable activity" means a political contribution, political expenditure, or other activity required to be reported under this title.

(12) "Political committee" means two or more [a group of] persons acting in concert with [that has as] a principal purpose of accepting political contributions or making political expenditures. The term does not include a group composed exclusively of two or more individual filers or political committees required to file reports under this title who make reportable expenditures for a joint activity.

(13) "Specific-purpose committee" means a political committee that does not have among its principal purposes those of a general-purpose committee but does have among its principal purposes:

(A) supporting or opposing one or more:

(i) candidates, all of whom are identified and are seeking offices that are known; or

(ii) measures, all of which are identified;

(B) assisting one or more officeholders, all of whom are identified; or

(C) supporting or opposing only one candidate who is unidentified or who is seeking an office that is unknown.

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(14) "General-purpose committee" means a political committee that has among its principal purposes:

(A) supporting or opposing:

(i) two or more candidates who are unidentified or are seeking offices that are unknown; or

(ii) one or more measures that are unidentified; or

(B) assisting two or more officeholders who are unidentified.

(15) "Out-of-state political committee" means a political committee that:

(A) makes political expenditures outside this state; and

(B) in the 12 months immediately preceding the making of a political expenditure by the committee inside this state (other than an expenditure made in connection with a campaign for a federal office or made for a federal officeholder), makes 80 percent or more of the committee's total political expenditures in any combination of elections outside this state and federal offices not voted on in this state.

(16) "Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

(A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or

(B) appears:

(i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or

(ii) on an Internet website.

(17) "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.

(18) "Labor organization" means an agency, committee, or any other organization in which employees participate that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(19) "Measure" means a question or proposal submitted in an election for an expression of the voters' will and includes the circulation and submission of a petition to determine whether a question or proposal is required to be submitted in an election for an expression of the voters' will.

(20) "Commission" means the Texas Ethics Commission.

(21) "In-kind contribution" means a contribution of goods, services, or any other thing of value that is not money, and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make the contribution. The term does not include a direct campaign expenditure.

Sec. 251.0015. COMMUNICATION WITH CANDIDATE. For purposes of Section 251.001(8), communication between a person and a candidate, officeholder, or candidate's or officeholder's agent is not evidence that the person obtained the candidate's or officeholder's consent or approval for a campaign expenditure made after the communication by the person on behalf of the candidate or officeholder unless the communication establishes that:

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(1) the expenditure is incurred at the request or suggestion of the candidate, officeholder, or candidate's or officeholder's agent;

(2) the candidate, officeholder, or candidate's or officeholder's agent is materially involved in decisions regarding the creation, production, or distribution of a campaign communication related to the expenditure; or

(3) the candidate, officeholder, or candidate's or officeholder's agent shares information about the candidate's or officeholder's plans or needs that is:

(A) material to the creation, production, or distribution of a campaign communication related to the expenditure; and

(B) not available to the public.

Sec. 251.0016. COMMON VENDOR. A person using the same vendor as a candidate, officeholder, or political committee established or controlled by a candidate or officeholder is not acting in concert with the candidate, officeholder, or committee to make a campaign expenditure unless the person makes the expenditure using information from the vendor about the campaign plans or needs of the candidate, officeholder, or committee that is:

(1) material to the expenditure; and

(2) not available to the public.

Sec. 251.002. OFFICEHOLDERS COVERED. (a) The provisions of this title applicable to an officeholder apply only to a person who holds an elective public office and to the secretary of state.

(b) For purposes of this title, a state officer-elect or a member-elect of the legislature is considered an officeholder beginning on the day after the date of the general or special election at which the officer-elect or member-elect was elected. This subsection does not relieve a state officer-elect or member-elect of the legislature of any reporting requirements the person may have as a candidate under this title.

Sec. 251.003. PROHIBITION OF DOCUMENT FILING FEE. A charge may not be made for filing a document required to be filed under this title.

Sec. 251.004. VENUE. (a) Venue for a criminal offense prescribed by this title is in the county of residence of the defendant, unless the defendant is not a Texas resident, in which case venue is in Travis County.

(b) Venue for the recovery of delinquent civil penalties imposed by the commission under this title is in Travis County.

Sec. 251.005. OUT-OF-STATE COMMITTEES EXCLUDED.

(a) An out-of-state political committee is not subject to Chapter 252 or 254, except as provided by Subsection (b), (c), or (d).

(b) If an out-of-state committee decides to file a campaign treasurer appointment under Chapter 252, at the time the appointment is filed the committee becomes subject to this title to the same extent as a political committee that is not an out-of-state committee.

(c) If an out-of-state committee performs an activity that removes the committee from out-of-state status as defined by Section 251.001(15), the committee becomes subject to this title to the same extent as a political committee that is not an out-of-state committee.

(d) An out-of-state political committee that does not file a campaign treasurer appointment shall comply with Section 254.1581.

Sec. 251.006. FEDERAL OFFICE EXCLUDED.

(a) Except as provided by Subsection (b), this title does not apply to a candidate for an office of the federal government.

(b) A candidate for an elective office of the federal government shall file with the commission a copy of each document relating to the candidacy that is required to be filed under federal law. The document shall be filed within the same period in which it is required to be filed under the federal law.

Sec. 251.007. TIMELINESS OF ACTION BY MAIL. When this title requires a notice, report, or other document or paper to be delivered, submitted, or filed within a specified period or before a specified deadline, a delivery, submission, or filing by first-class United States mail or common or contract carrier is timely, except as otherwise provided by this title, if:

- (1) it is properly addressed with postage or handling charges prepaid; and
- (2) it bears a post office cancellation mark or a receipt mark of a common or contract carrier indicating a time within the period or before the deadline, or if the person required to take the action furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within the period or before the deadline.

Sec. 251.008. CERTAIN POLITICAL CLUB MEETINGS EXCLUDED.

(a) An expense incurred in connection with the conduct of a meeting of an organization or club affiliated with a political party at which a candidate for an office regularly filled at the general election for state and county officers, or a person holding that office, appears before the members of the organization or club is not considered to be a political contribution or political expenditure if no political contributions are made to or solicited for the candidate or officeholder at the meeting.

(b) In this section, an organization or club is affiliated with a political party if it:

- (1) supports the nominees of that political party but does not support any candidate seeking the party's nomination for an office over any other candidate seeking that nomination; and
- (2) is recognized by the political party as an auxiliary of the party.

Sec. 251.009. LEGISLATIVE CAUCUS CONTRIBUTION OR EXPENDITURE NOT CONSIDERED TO BE OFFICEHOLDER CONTRIBUTION OR EXPENDITURE. A contribution to or expenditure by a legislative caucus, as defined by Section 253.0341, is not considered to be an officeholder contribution or officeholder expenditure for purposes of this title.

SUBCHAPTER B. DUTIES OF COMMISSION

Sec. 251.032. FORMS. In addition to furnishing samples of the appropriate forms to the authorities having administrative duties under this title, the commission shall furnish the forms to each political party's state executive committee and county chair of each county executive committee.

Sec. 251.033. NOTIFICATION OF DEADLINE FOR FILING REPORTS.

(a) The commission shall notify each person responsible for filing a report with the commission under Subchapters C through F, Chapter 254, of the deadline for filing a report, except that notice of the deadline is not required for a political committee involved in an election other than a primary election or the general election for state and county officers. Notification under this subsection may be sent by electronic mail.

(b) If the commission is unable to notify a person of a deadline after two attempts, the commission is not required to make any further attempts to notify the person of that deadline or any future deadlines until the person has notified the commission of the person's current address or electronic mail address.

(c) Chapter 552, Government Code, does not apply to a notification under this section sent by electronic mail.

CHAPTER 252. CAMPAIGN TREASURER

Sec. 252.001. APPOINTMENT OF CAMPAIGN TREASURER REQUIRED.

Each candidate and each political committee shall appoint a campaign treasurer as provided by this chapter.

Sec. 252.0011. INELIGIBILITY FOR APPOINTMENT AS CAMPAIGN TREASURER.

(a) Except as provided by Subsection (b) or (c), a person is ineligible for appointment as a campaign treasurer if the person is the campaign treasurer of a political committee that does not file a report required by Chapter 254.

(b) The period for which a person is ineligible under Subsection (a) for appointment as a campaign treasurer ends on the date on which the political committee in connection with which the person's ineligibility arose has filed each report required by Chapter 254 that was not timely filed or has paid all fines and penalties in connection with the failure to file the report.

(c) Subsection (a) does not apply to a person if, in any semiannual reporting period prescribed by Chapter 254:

(1) the political committee in connection with which the person's ineligibility arose did not accept political contributions that in the aggregate exceed \$5,000 or make political expenditures that in the aggregate exceed \$5,000; and

(2) the candidate who or political committee that subsequently appoints the person does not accept political contributions that in the aggregate exceed \$5,000 or make political expenditures that in the aggregate exceed \$5,000.

(d) Subsection (c) applies to a person who is the campaign treasurer of a general-purpose committee regardless of whether the committee files monthly reports under Section 254.155. For purposes of this subsection, political contributions accepted and political expenditures made during a monthly reporting period are aggregated with political contributions accepted and political expenditures made in each other monthly reporting period that corresponds to the semiannual reporting period that contains those months.

(e) A candidate or political committee is considered to have not appointed a campaign treasurer if the candidate or committee appoints a person as campaign treasurer whose appointment is prohibited by Subsection (a).

(f) A person who violates this section 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 section.

Sec. 252.002. CONTENTS OF APPOINTMENT.

(a) A campaign treasurer appointment must be in writing and include:

- (1) the campaign treasurer's name;
- (2) the campaign treasurer's residence or business street address;
- (3) the campaign treasurer's telephone number; and
- (4) the name of the person making the appointment.

(b) A political committee that files its campaign treasurer appointment with the commission must notify the commission in writing of any change in the campaign treasurer's address not later than the 10th day after the date on which the change occurs.

Sec. 252.003. CONTENTS OF APPOINTMENT BY GENERAL-PURPOSE COMMITTEE.

(a) In addition to the information required by Section 252.002, a campaign treasurer appointment by a general-purpose committee must include:

(1) the full name, and any acronym of the name that will be used in the name of the committee as provided by Subsection (d), of each corporation, labor organization, or other association or legal entity that directly establishes, administers, or controls the committee, if applicable, or the name of each person who determines to whom the committee makes contributions or the name of each person who determines for what purposes the committee makes expenditures;

(2) the full name and address of each general-purpose committee to whom the committee intends to make political contributions; ~~and~~

(3) the name of the committee and, if the name is an acronym, the words the acronym represents; and

(4) before the committee may use a political contribution from a corporation or a labor organization to make a direct campaign expenditure in connection with a campaign for an elective office, an affidavit stating that:

(A) the committee is not established or controlled by a candidate or an officeholder; and

(B) the committee will not use any political contribution from a corporation or a labor organization to make a political contribution to:

(i) a candidate for elective office;

(ii) an officeholder; or

(iii) a political committee that has not filed an affidavit under this subdivision or Section 252.0031(a)(2).

(a-1) Filing an affidavit under Subsection (a)(4) does not create any additional reporting requirements under Section 254.261.

(b) If any of the information required to be included in a general-purpose committee's appointment changes, excluding changes reported under Section 252.002(b), the committee shall file an amended appointment with the commission not later than the 30th day after the date the change occurs.

(c) The name of a general-purpose committee may not be the same as or deceptively similar to the name of any other general-purpose committee whose campaign treasurer appointment is filed with the commission. The commission shall determine whether the name of a general-purpose political committee is in violation of this prohibition and shall immediately notify the campaign treasurer of the offending political committee of that determination. The campaign treasurer of the political committee must file a name change with the commission not later than the 14th day after the date of notification. A campaign treasurer who fails to file a name change as provided by this subsection or a political committee that continues to use a prohibited name after its campaign treasurer has been notified by the commission commits an offense. An offense under this subsection is a Class B misdemeanor.

(d) The name of a general-purpose committee must include the name of each corporation, labor organization, or other association or legal entity other than an individual that directly establishes, administers, or controls the committee. The name of an entity that is required to be included in the name of the committee may be a commonly recognized acronym by which the entity is known.

Sec. 252.0031. CONTENTS OF APPOINTMENT BY SPECIFIC-PURPOSE COMMITTEE.

(a) In addition to the information required by Section 252.002, a campaign treasurer appointment by a specific-purpose committee for supporting or opposing a candidate for an office specified by Section 252.005(1) must include:

(1) the name of and the office sought by the candidate; and

(2) before the committee may use a political contribution from a corporation or a labor organization to make a direct campaign expenditure in connection with a campaign for an elective office, an affidavit stating that:

(A) the committee is not established or controlled by a candidate or an officeholder; and

(B) the committee will not use any political contribution from a corporation or a labor organization to make a political contribution to:

(i) a candidate for elective office;

(ii) an officeholder; or

(iii) a political committee that has not filed an affidavit under this subdivision or Section 252.003(a)(4).

(a-1) If the ~~that~~ information required to be provided under Subsection (a) changes, the committee shall immediately file an amended appointment reflecting the change.

(a-2) Filing an affidavit under Subsection (a)(2) does not create any additional reporting requirements under Section 254.261.

(b) The name of a specific-purpose committee for supporting a candidate for an office specified by Section 252.005(1) must include the name of the candidate that the committee supports.

Sec. 252.0032. CONTENTS OF APPOINTMENT BY CANDIDATE.

(a) In addition to the information required by Section 252.002, a campaign treasurer appointment by a candidate must include:

(1) the candidate's telephone number; and

(2) a statement, signed by the candidate, that the candidate is aware of the nepotism law, Chapter 573, Government Code.

(b) A campaign treasurer appointment that is filed in a manner other than by use of an officially prescribed form is not invalid because it fails to comply with Subsection (a)(2).

Sec. 252.004. DESIGNATION OF ONESELF. An individual may appoint himself or herself as campaign treasurer.

Sec. 252.005. AUTHORITY WITH WHOM APPOINTMENT FILED: CANDIDATE. An individual must file a campaign treasurer appointment for the individual's own candidacy with:

(1) the commission, if the appointment is made for candidacy for:

(A) a statewide office;

(B) a district office filled by voters of more than one county;

(C) a judicial district office filled by voters of only one county;

(D) state senator;

- (E) state representative; or
- (F) the State Board of Education;
- (2) the county clerk, if the appointment is made for candidacy for a county office, a precinct office, or a district office other than one included in Subdivision (1);
- (3) the clerk or secretary of the governing body of the political subdivision or, if the political subdivision has no clerk or secretary, with the governing body's presiding officer, if the appointment is made for candidacy for an office of a political subdivision other than a county;
- (4) the county clerk if:
 - (A) the appointment is made for candidacy for an office of a political subdivision other than a county;
 - (B) the governing body for the political subdivision has not been formed; and
 - (C) no boundary of the political subdivision crosses a boundary of the county; or
- (5) the commission if:
 - (A) the appointment is made for candidacy for an office of a political subdivision other than a county;
 - (B) the governing body for the political subdivision has not been formed; and
 - (C) the political subdivision is situated in more than one county.

Sec. 252.006. AUTHORITY WITH WHOM APPOINTMENT FILED: SPECIFIC-PURPOSE COMMITTEE FOR SUPPORTING OR OPPOSING CANDIDATE OR ASSISTING OFFICEHOLDER. A specific-purpose committee for supporting or opposing a candidate or assisting an officeholder must file its campaign treasurer appointment with the same authority as the appointment for candidacy for the office.

Sec. 252.007. AUTHORITY WITH WHOM APPOINTMENT FILED: SPECIFIC-PURPOSE COMMITTEE FOR SUPPORTING OR OPPOSING MEASURE. A specific-purpose committee for supporting or opposing a measure must file its campaign treasurer appointment with:

- (1) the commission, if the measure is to be submitted to voters of the entire state;
- (2) the county clerk, if the measure is to be submitted to voters of a single county in an election ordered by a county authority;
- (3) the secretary of the governing body of the political subdivision or, if the political subdivision has no secretary, with the governing body's presiding officer, if the measure is to be submitted at an election ordered by an authority of a political subdivision other than a county;
- (4) the county clerk if:
 - (A) the measure concerns a political subdivision other than a county;
 - (B) the governing body for the political subdivision has not been formed; and
 - (C) no boundary of the political subdivision crosses a boundary of a county; or

(5) the commission if:

- (A) the measure concerns a political subdivision other than a county;
- (B) the governing body for the political subdivision has not been formed; and
- (C) the political subdivision is situated in more than one county.

Sec. 252.008. MULTIPLE FILINGS BY SPECIFIC-PURPOSE COMMITTEE NOT REQUIRED. If under this chapter a specific-purpose committee is required to file its campaign treasurer appointment with more than one authority, the appointment need only be filed with the commission and, if so filed, need not be filed with the other authorities.

Sec. 252.009. AUTHORITY WITH WHOM APPOINTMENT FILED: GENERAL-PURPOSE COMMITTEE. A general-purpose committee must file its campaign treasurer appointment with the commission.

Sec. 252.010. TRANSFER OF APPOINTMENT.

(a) If a candidate who has filed a campaign treasurer appointment decides to seek a different office that would require the appointment to be filed with another authority, a copy of the appointment certified by the authority with whom it was originally filed must be filed with the other authority in addition to the new campaign treasurer appointment.

(b) The original appointment terminates on the filing of the copy with the appropriate authority or on the 10th day after the date the decision to seek a different office is made, whichever is earlier.

Sec. 252.011. TIME APPOINTMENT TAKES EFFECT; PERIOD OF EFFECTIVENESS.

(a) A campaign treasurer appointment takes effect at the time it is filed with the authority specified by this chapter.

(b) A campaign treasurer appointment continues in effect until terminated.

Sec. 252.012. REMOVAL OF CAMPAIGN TREASURER.

(a) A campaign treasurer appointed under this chapter may be removed at any time by the appointing authority by filing the written appointment of a successor in the same manner as the original appointment.

(b) The appointment of a successor terminates the appointment of the campaign treasurer who is removed.

(c) If the campaign treasurer of a specific-purpose political committee required to file its campaign treasurer appointment with the commission or of a general-purpose political committee is removed by the committee, the departing campaign treasurer shall immediately file written notification of the termination of appointment with the commission.

Sec. 252.013. TERMINATION OF APPOINTMENT ON VACATING POSITION.

(a) If a campaign treasurer resigns or otherwise vacates the position, the appointment is terminated at the time the vacancy occurs.

(b) A campaign treasurer who vacates the treasurer's position shall immediately notify the appointing authority in writing of the vacancy.

(c) If the campaign treasurer of a specific-purpose political committee required to file its campaign treasurer appointment with the commission or of a general-purpose political committee resigns or otherwise vacates the position, the campaign treasurer shall immediately file written notification of the vacancy with the commission.

Sec. 252.0131. TERMINATION OF CAMPAIGN TREASURER APPOINTMENT.

(a) The commission by rule shall adopt a process by which the commission may terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the commission. The governing body of a political subdivision by ordinance or order may adopt a process by which the clerk or secretary, as applicable, of the political subdivision may terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the clerk or secretary. For purposes of this section, a candidate or political committee is inactive if the candidate or committee:

- (1) has never filed or has ceased to file reports under Chapter 254;
- (2) in the case of a candidate, has not been elected to an office for which a candidate is required to file a campaign treasurer appointment with the authority who is seeking to terminate the candidate's campaign treasurer appointment; and
- (3) has not filed:
 - (A) a final report under Section 254.065 or 254.125; or
 - (B) a dissolution report under Section 254.126 or 254.159.

(b) Before the commission may terminate a campaign treasurer appointment, the commission must consider the proposed termination in a regularly scheduled open meeting. Before the clerk or secretary of a political subdivision may terminate a campaign treasurer appointment, the governing body of the political subdivision must consider the proposed termination in a regularly scheduled open meeting.

(c) Rules or an ordinance or order adopted under this section must:

- (1) define "inactive candidate or political committee" for purposes of terminating the candidate's or committee's campaign treasurer appointment; and
- (2) require written notice to the affected candidate or committee of:
 - (A) the proposed termination of the candidate's or committee's campaign treasurer appointment;
 - (B) the date, time, and place of the meeting at which the commission or governing body of the political subdivision, as applicable, will consider the proposed termination; and
 - (C) the effect of termination of the candidate's or committee's campaign treasurer appointment.

(d) The termination of a campaign treasurer appointment under this section takes effect on the 30th day after the date of the meeting at which the commission or governing body, as applicable, votes to terminate the appointment. Following that meeting, the commission or the clerk or secretary of the political subdivision, as applicable, shall promptly notify the affected candidate or political committee that the appointment has been terminated. The notice must state the effective date of the termination.

Sec. 252.014. PRESERVATION OF FILED APPOINTMENTS. The authority with whom a campaign treasurer appointment is filed under this chapter shall preserve the appointment for two years after the date the appointment is terminated.

Sec. 252.015. ASSISTANT CAMPAIGN TREASURER.

(a) Each specific-purpose committee for supporting or opposing a candidate for an office specified by Section 252.005(1) or a statewide or district measure and each general-purpose committee may appoint an assistant campaign treasurer by written appointment filed with the commission.

(b) In the campaign treasurer's absence, the assistant campaign treasurer has the same authority as a campaign treasurer.

(c) Sections 252.011, 252.012, 252.013, and 252.014 apply to the appointment and removal of an assistant campaign treasurer.

CHAPTER 253. RESTRICTIONS ON CONTRIBUTIONS AND EXPENDITURES

SUBCHAPTER A. GENERAL RESTRICTIONS

Sec. 253.001. CONTRIBUTION OR EXPENDITURE IN ANOTHER'S NAME PROHIBITED.

(a) A person may not knowingly make or authorize a political contribution in the name of or on behalf of another unless the person discloses in writing to the recipient the name and address of the person actually making the contribution in order for the recipient to make the proper disclosure.

(b) A person may not knowingly make or authorize a political expenditure in the name of or on behalf of another unless the person discloses in writing to the person on whose behalf the expenditure is made the name and address of the person actually making the expenditure in order for the person on whose behalf the expenditure is made to make the proper disclosure.

(c) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

Sec. 253.003. UNLAWFULLY MAKING OR ACCEPTING CONTRIBUTION.

(a) A person may not knowingly make a political contribution in violation of this chapter.

(b) A person may not knowingly accept a political contribution the person knows to have been made in violation of this chapter.

(c) This section does not apply to a political contribution made or accepted in violation of Subchapter F.

(d) Except as provided by Subsection (e), a person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

(e) A violation of Subsection (a) or (b) is a felony of the third degree if the contribution is made in violation of Subchapter D.

Sec. 253.004. UNLAWFULLY MAKING EXPENDITURE.

(a) A person may not knowingly make or authorize a political expenditure in violation of this chapter.

(b) This section does not apply to a political expenditure made or authorized in violation of Subchapter F.

(c) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

Sec. 253.005. EXPENDITURE FROM UNLAWFUL CONTRIBUTION.

(a) A person may not knowingly make or authorize a political expenditure wholly or partly from a political contribution the person knows to have been made in violation of this chapter.

(b) This section does not apply to a political expenditure that is:

(1) prohibited by Section 253.101; or

(2) made from a political contribution made in violation of Subchapter F.

(c) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

[Section 253.006, Election Code, is effective on September 27, 2019]

Sec. 253.006. CERTAIN CONTRIBUTIONS AND EXPENDITURES BY LOBBYISTS RESTRICTED. Notwithstanding any other provision of law, a person required to register under Chapter 305, Government Code, may not knowingly make or authorize a political contribution or political expenditure that is a political contribution to another candidate, officeholder, or political committee, or direct campaign expenditure, from political contributions accepted by:

- (1) the person as a candidate or officeholder;
- (2) a specific-purpose committee for the purpose of supporting the person as a candidate or assisting the person as an officeholder; or
- (3) a political committee that accepted a political contribution from a source described by Subdivision (1) or (2) during the two-year period immediately before the date the political contribution or expenditure was made.

[Section 253.007, Election Code, is effective on September 27, 2019]

Sec. 253.007. PROHIBITION ON LOBBYING BY PERSON MAKING OR AUTHORIZING CERTAIN POLITICAL CONTRIBUTIONS AND DIRECT CAMPAIGN EXPENDITURES.

(a) In this section, "administrative action," "communicates directly with," "legislation," "member of the executive branch," and "member of the legislative branch" have the meanings assigned by Section 305.002, Government Code.

(b) Notwithstanding any other provision of law and except as provided by Subsection (c), a person who knowingly makes or authorizes a political contribution or political expenditure that is a political contribution to another candidate, officeholder, or political committee, or direct campaign expenditure, from political contributions accepted by the person as a candidate or officeholder may not engage in any activities that require the person to register under Chapter 305, Government Code, during the two-year period after the date the person makes or authorizes the political contribution or direct campaign expenditure.

(c) Subsection (b) does not apply to a person who:

(1) communicates directly with a member of the legislative or executive branch only to influence legislation or administrative action on behalf of:

(A) a nonprofit organization exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code;

(B) a group of low-income individuals; or

(C) a group of individuals with disabilities; and

(2) does not receive compensation other than reimbursement for actual expenses for engaging in communication described by Subdivision (1).

SUBCHAPTER B. CANDIDATES, OFFICEHOLDERS, AND POLITICAL COMMITTEES

Sec. 253.031. CONTRIBUTION AND EXPENDITURE WITHOUT CAMPAIGN TREASURER PROHIBITED.

(a) A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect.

(b) A political committee may not knowingly accept political contributions totaling more than \$500 or make or authorize political expenditures totaling more than \$500 at a time when a campaign treasurer appointment for the committee is not in effect.

(c) A political committee may not knowingly make or authorize a campaign contribution or campaign expenditure supporting or opposing a candidate for an office specified by Section 252.005(1) in a primary or general election unless the committee's campaign treasurer appointment has been filed not later than the 30th day before the appropriate election day.

(d) This section does not apply to a political party's county executive committee that accepts political contributions or makes political expenditures, except that:

(1) a county executive committee that accepts political contributions or makes political expenditures shall maintain the records required by Section 254.001; and

(2) a county executive committee that accepts political contributions or makes political expenditures that, in the aggregate, exceed \$25,000 in a calendar year shall file:

(A) a campaign treasurer appointment as required by Section 252.001 not later than the 15th day after the date that amount is exceeded; and

(B) the reports required by Subchapter F, Chapter 254, including in the political committee's first report all political contributions accepted and all political expenditures made before the effective date of the campaign treasurer appointment.

(e) This section does not apply to an out-of-state political committee unless the committee is subject to Chapter 252 under Section 251.005.

(f) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

Sec. 253.032. LIMITATION ON CONTRIBUTION BY OUT-OF-STATE COMMITTEE.

(a) In a reporting period, a candidate, officeholder, or political committee may not knowingly accept political contributions totaling more than \$500 from an out-of-state political committee unless, before accepting a contribution that would cause the total to exceed \$500, the candidate, officeholder, or political committee, as applicable, receives from the out-of-state committee:

(1) a written statement, certified by an officer of the out-of-state committee, listing the full name and address of each person who contributed more than \$100 to the out-of-state committee during the 12 months immediately preceding the date of the contribution; or

(2) a copy of the out-of-state 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.

(b) This section does not apply to a contribution from an out-of-state political committee if the committee appointed a campaign treasurer under Chapter 252 before the contribution was made and is subject to the reporting requirements of Chapter 254.

(c) A person who violates Subsection (a) commits an offense. An offense under this section is a Class A misdemeanor.

(d) A candidate, officeholder, or political committee shall include the statement or copy required by Subsection (a) as a part of the report filed under Chapter 254 that covers the reporting period to which Subsection (a) applies.

(e) A candidate, officeholder, or political committee that accepts political contributions totaling \$500 or less from an out-of-state political committee shall include as part of the report filed under Chapter 254 that covers the reporting period in which the contribution is accepted:

(1) the same information for the out-of-state political committee required for general-purpose committees by Sections 252.002 and 252.003; or

(2) a copy of the out-of-state 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.

Sec. 253.033. CASH CONTRIBUTIONS EXCEEDING \$100 PROHIBITED.

(a) A candidate, officeholder, or specific-purpose committee may not knowingly accept from a contributor in a reporting period political contributions in cash that in the aggregate exceed \$100.

(b) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

Sec. 253.034. RESTRICTIONS ON CONTRIBUTIONS DURING AND FOLLOWING REGULAR LEGISLATIVE SESSION.

(a) During the period beginning on the 30th day before the date a regular legislative session convenes and continuing through the 20th day after the date of final adjournment, a person may not knowingly make a political contribution to:

(1) a statewide officeholder;

(2) a member of the legislature; or

(3) a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or member of the legislature.

(b) A statewide officeholder, a member of the legislature, or a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or member of the legislature may not knowingly accept a political contribution, and shall refuse a political contribution that is received, during the period prescribed by Subsection (a). A political contribution that is received and refused during that period shall be returned to the contributor not later than the 30th day after the date of receipt. A contribution made by United States mail or by common or contract carrier is not considered received during that period if it was properly addressed and placed with postage or carrier charges prepaid or prearranged in the mail or delivered to the contract carrier before the beginning of the period. The date indicated by the post office cancellation mark or the common or contract carrier documents is considered to be the date the contribution was placed in the mail or delivered to the common or contract carrier unless proven otherwise.

(c) This section does not apply to a political contribution that was made and accepted with the intent that it be used:

(1) in an election held or ordered during the period prescribed by Subsection (a) in which the person accepting the contribution is a candidate if the contribution was made after the person appointed a campaign treasurer with the appropriate authority and before the person was sworn in for that office;

(2) to defray expenses incurred in connection with an election contest; or

(3) by a person who holds a state office or a member of the legislature if the person or member was defeated at the general election held immediately before the session is convened or by a specific-purpose political committee that supports or assists only that person or member.

(d) This section does not apply to a political contribution made to or accepted by a holder of an office to which Subchapter F applies.

(e) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

Sec. 253.0341. RESTRICTIONS ON CONTRIBUTIONS TO LEGISLATIVE CAUCUSES DURING AND FOLLOWING REGULAR LEGISLATIVE SESSION.

(a) During the period beginning on the 30th day before the date a regular legislative session convenes and continuing through the 20th day after the date of final adjournment, a person not a member of the caucus may not knowingly make a contribution to a legislative caucus.

(b) A legislative caucus may not knowingly accept from a nonmember a contribution, and shall refuse a contribution from a nonmember that is received, during the period prescribed by Subsection (a). A contribution that is received and refused during that period shall be returned to the contributor not later than the 30th day after the date of receipt. A contribution made by United States mail or by common or contract carrier is not considered received during that period if it was properly addressed and placed with postage or carrier charges prepaid or prearranged in the mail or delivered to the contract carrier before the beginning of the period. The date indicated by the post office cancellation mark or the common or contract carrier documents is considered to be the date the contribution was placed in the mail or delivered to the common or contract carrier unless proven otherwise.

(c) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

(d) A person who knowingly makes or accepts a contribution in violation of this section is liable for damages to the state in the amount of triple the value of the unlawful contribution.

(e) In this section, "legislative caucus" means an organization that is composed exclusively of members of the legislature, that elects or appoints officers and recognizes identified legislators as members of the organization, and that exists for research and other support of policy development and interests that the membership hold in common. The term includes an entity established by or for a legislative caucus to conduct research, education, or any other caucus activity. An organization whose only nonlegislator members are the lieutenant governor or the governor remains a "legislative caucus" for purposes of this section.

Sec. 253.035. RESTRICTIONS ON PERSONAL USE OF CONTRIBUTIONS.

(a) A person who accepts a political contribution as a candidate or officeholder may not convert the contribution to personal use.

(b) A specific-purpose committee that accepts a political contribution may not convert the contribution to the personal use of a candidate, officeholder, or former candidate or officeholder.

(c) The prohibitions prescribed by Subsections (a) and (b) include the personal use of an asset purchased with the contribution and the personal use of any interest and other income earned on the contribution.

(d) In this section, "personal use" means a use that primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate for or holder of a public office. The term does not include:

(1) payments made to defray ordinary and necessary expenses incurred in connection with activities as a candidate or in connection with the performance of duties or activities as a public officeholder, including payment of rent, utility, and other reasonable housing or household expenses incurred in maintaining a residence in Travis County by members of the legislature who do not ordinarily reside in Travis County, but excluding payments prohibited under Section 253.038; or

(2) payments of federal income taxes due on interest and other income earned on political contributions.

(e) Subsection (a) applies only to political contributions accepted on or after September 1, 1983. Subsection (b) applies only to political contributions accepted on or after September 1, 1987.

(f) A person who converts a political contribution to the person's personal use in violation of this section is civilly liable to the state for an amount equal to the amount of the converted contribution plus reasonable court costs.

(g) A specific-purpose committee that converts a political contribution to the personal use of a candidate, officeholder, or former candidate or officeholder in violation of this section is civilly liable to the state for an amount equal to the amount of the converted contribution plus reasonable court costs.

(h) Except as provided by Section 253.0351 or 253.042, a candidate or officeholder who makes political expenditures from the candidate's or officeholder's personal funds may reimburse those personal funds from political contributions in the amount of those expenditures only if:

(1) the expenditures from personal funds were fully reported as political expenditures, including the payees, dates, purposes, and amounts of the expenditures, in the report required to be filed under this title that covers the period in which the expenditures from personal funds were made; and

(2) the report on which the expenditures from personal funds are disclosed clearly designates those expenditures as having been made from the person's personal funds and that the expenditures are subject to reimbursement.

(i) "Personal use" does not include the use of contributions for:

(1) defending a criminal action or prosecuting or defending a civil action brought by or against the person in the person's status as a candidate or officeholder; or

(2) participating in an election contest or participating in a civil action to determine a person's eligibility to be a candidate for, or elected or appointed to, a public office in this state.

(j), (k) Repealed by Acts 1991, 72nd Leg., ch. 304, Sec. 5.20, eff. Jan. 1, 1992.

Sec. 253.0351. LOANS FROM PERSONAL FUNDS.

(a) A candidate or officeholder who makes political expenditures from the candidate's or officeholder's personal funds may report the amount expended as a loan and may reimburse those personal funds from political contributions in the amount of the reported loan.

(b) Section 253.035(h) applies if the person does not report an amount as a loan as authorized by Subsection (a).

(c) A candidate or officeholder who deposits personal funds in an account in which political contributions are held shall report the amount of personal funds deposited as a loan and may reimburse the amount deposited as a loan from political contributions or unexpended personal funds deposited in the account. 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 Section 253.035 and must be included in the reports of the total amount of political contributions maintained required by Sections 254.031(a)(8) and 254.0611(a).

Sec. 253.036. OFFICEHOLDER CONTRIBUTIONS USED IN CONNECTION WITH CAMPAIGN. An officeholder who lawfully accepts officeholder contributions may use those contributions in connection with the officeholder's campaign for elective office after appointing a campaign treasurer.

Sec. 253.037. RESTRICTIONS ON CONTRIBUTION OR EXPENDITURE BY GENERAL-PURPOSE COMMITTEE.

~~[(a) A general purpose committee may not knowingly make or authorize a political contribution or political expenditure unless the committee has:~~

~~(1) filed its campaign treasurer appointment not later than the 60th day before the date the contribution or expenditure is made; and~~

~~(2) accepted political contributions from at least 10 persons.]~~

(b) A general-purpose committee may not knowingly make a political contribution to another general-purpose committee unless the other committee is listed in the campaign treasurer appointment of the contributor committee.

~~[(c) Subsection (a) does not apply to a political party's county executive committee that is complying with Section 253.031 or to a general purpose committee that accepts contributions from a multicandidate political committee (as defined by the Federal Election Campaign Act) that is registered with the Federal Election Commission, provided that the general purpose committee is in compliance with Section 253.032.]~~

(d) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

Sec. 253.038. PAYMENTS MADE TO PURCHASE REAL PROPERTY OR TO RENT CERTAIN REAL PROPERTY PROHIBITED.

(a) A candidate or officeholder or a specific-purpose committee for supporting, opposing, or assisting the candidate or officeholder may not knowingly make or authorize a

payment from a political contribution to purchase real property or to pay the interest on or principal of a note for the purchase of real property.

(a-1) A candidate or officeholder or a specific-purpose committee for supporting, opposing, or assisting the candidate or officeholder may not knowingly make or authorize a payment from a political contribution for the rental or purchase of real property from:

(1) a person related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to the candidate or officeholder; or

(2) a business in which the candidate or officeholder or a person described by Subdivision (1) has a participating interest of more than 10 percent, holds a position on the governing body, or serves as an officer.

(b) A person who violates this section commits an offense. An offense under this subsection is a Class A misdemeanor.

(c) This section does not apply to a payment made in connection with real property that was purchased before January 1, 1992.

Sec. 253.039. CONTRIBUTIONS IN CERTAIN PUBLIC BUILDINGS PROHIBITED.

(a) A person may not knowingly make or authorize a political contribution while in the Capitol or a courthouse to:

(1) a candidate or officeholder;

(2) a political committee; or

(3) a person acting on behalf of a candidate, officeholder, or political committee.

(b) A candidate, officeholder, or political committee or a person acting on behalf of a candidate, officeholder, or political committee may not knowingly accept a political contribution, and shall refuse a political contribution that is received, in the Capitol or a courthouse.

(c) This section does not prohibit contributions made in the Capitol or a courthouse through the United States postal service or a common or contract carrier.

(d) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

(h) In this section, "courthouse" means any building owned by the state, a county, or a municipality, or an office or part of a building leased to the state, a county, or a municipality, in which a justice or judge sits to conduct court proceedings.

Sec. 253.040. SEPARATE ACCOUNTS.

(a) Except as provided by Section 253.0351(c), each candidate or officeholder shall keep the person's campaign and officeholder contributions in one or more accounts that are separate from any other account maintained by the person.

(b) A person who violates this section commits an offense. An offense under this section is a Class B misdemeanor.

Sec. 253.041. RESTRICTIONS ON CERTAIN PAYMENTS.

(a) A candidate or officeholder or a specific-purpose committee for supporting, opposing, or assisting the candidate or officeholder may not knowingly make or authorize a payment from a political contribution if the payment is made for personal services rendered by the candidate or officeholder or by the spouse or dependent child of the candidate or officeholder to:

(1) a business in which the candidate or officeholder has a participating interest of more than 10 percent, holds a position on the governing body of the business, or serves as an officer of the business; or

(2) the candidate or officeholder or the spouse or dependent child of the candidate or officeholder.

(b) A payment that is made from a political contribution to a business described by Subsection (a) and that is not prohibited by that subsection may not exceed the amount necessary to reimburse the business for actual expenditures made by the business.

(c) A person who violates this section commits an offense. An offense under this subsection is a Class A misdemeanor.

Sec. 253.042. RESTRICTIONS ON REIMBURSEMENT OF PERSONAL FUNDS AND PAYMENTS ON CERTAIN LOANS.

(a) A candidate or officeholder who makes political expenditures from the candidate's or officeholder's personal funds may not reimburse those personal funds from political contributions in amounts that in the aggregate exceed the following amounts for each election in which the person's name appears on the ballot:

(1) for a statewide office other than governor, \$250,000; and

(2) for governor, \$500,000.

(b) A candidate or officeholder who accepts one or more political contributions in the form of loans, including an extension of credit or a guarantee of a loan or extension of credit, from one or more persons related to the candidate or officeholder within the second degree by affinity or consanguinity may not use political contributions to repay the loans in amounts that in the aggregate exceed the amount prescribed by Subsection (a).

(c) The total amount of both reimbursements and repayments made by a candidate or officeholder under this section may not exceed the amount prescribed by Subsection (a).

(d) A person who is both a candidate and an officeholder covered by Subsection (a) may reimburse the person's personal funds or repay loans from political contributions only in one capacity.

(e) This section does not prohibit the payment of interest on loans covered by this section at a commercially reasonable rate, except that interest on loans from a candidate's or officeholder's personal funds or on loans from the personal funds of any person related to the candidate or officeholder within the second degree by affinity or consanguinity is included in the amount prescribed by Subsection (a), (b), or (c).

(f) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

(g) The commission shall study possible restrictions on amounts of reimbursements under Subsection (a) in connection with the offices of state senator and state representative and shall make appropriate recommendations to the legislature on those matters.

Sec. 253.043. POLITICAL CONTRIBUTIONS USED IN CONNECTION WITH APPOINTIVE OFFICE. A former candidate or former officeholder who lawfully accepts political contributions may use those contributions to make an expenditure to defray expenses incurred by the person in performing a duty or engaging in an activity in connection with an appointive office of a state board or commission.

SUBCHAPTER D. CORPORATIONS AND LABOR ORGANIZATIONS

Sec. 253.091. CORPORATIONS COVERED. This subchapter applies only to corporations that are organized under the Texas Business Corporation Act, the Texas For-Profit Corporation Law, the Texas Non-Profit Corporation Act, the Texas Nonprofit Corporation Law, federal law, or law of another state or nation.

Sec. 253.092. TREATMENT OF INCORPORATED POLITICAL COMMITTEE. If a political committee the only principal purpose of which is accepting political contributions and making political expenditures incorporates for liability purposes only, the committee is not considered to be a corporation for purposes of this subchapter.

Sec. 253.093. CERTAIN ASSOCIATIONS COVERED.

(a) For purposes of this subchapter, the following associations, whether incorporated or not, are considered to be corporations covered by this subchapter: banks, trust companies, savings and loan associations or companies, insurance companies, reciprocal or interinsurance exchanges, railroad companies, cemetery companies, government-regulated cooperatives, stock companies, and abstract and title insurance companies.

(b) For purposes of this subchapter, the members of the associations specified by Subsection (a) are considered to be stockholders.

Sec. 253.094. CONTRIBUTIONS PROHIBITED.

(a) A corporation or labor organization may not make a political contribution that is not authorized by this subchapter.

(b) A corporation or labor organization may not make a political contribution in connection with a recall election, including the circulation and submission of a petition to call an election.

(c) A person who violates this section commits an offense. An offense under this section is a felony of the third degree.

Sec. 253.095. PUNISHMENT OF AGENT. An officer, director, or other agent of a corporation or labor organization who commits an offense under this subchapter is punishable for the grade of offense applicable to the corporation or labor organization.

Sec. 253.096. CONTRIBUTION ON MEASURE. A corporation or labor organization may make campaign contributions from its own property in connection with an election on a measure only to a political committee for supporting or opposing measures exclusively.

Sec. 253.097. CONTRIBUTION FROM CORPORATION OR LABOR ORGANIZATION. A corporation or labor organization may make campaign contributions from its own property to a political committee that has filed an affidavit with the committee's campaign treasurer appointment in accordance with Section 252.003(a)(4) or 252.0031(a)(2).

Sec. 253.098. COMMUNICATION WITH STOCKHOLDERS OR MEMBERS.

(a) A corporation or labor organization may make one or more direct campaign expenditures from its own property for the purpose of communicating directly with its stockholders or members, as applicable, or with the families of its stockholders or members.

(b) An expenditure under this section is not reportable under Chapter 254.

Sec. 253.099. NONPARTISAN VOTER REGISTRATION AND GET-OUT-THE-VOTE CAMPAIGNS.

(a) A corporation or labor organization may make one or more expenditures to finance nonpartisan voter registration and get-out-the-vote campaigns aimed at its stockholders or members, as applicable, or at the families of its stockholders or members.

(b) An expenditure under this section is not reportable under Chapter 254.

Sec. 253.100. EXPENDITURES FOR GENERAL-PURPOSE COMMITTEE.

(a) A corporation, acting alone or with one or more other corporations, may make one or more political expenditures to finance the establishment or administration of a general-purpose committee. In addition to any other expenditure that is considered permissible under this section, a corporation may make an expenditure for the maintenance and operation of a general-purpose committee, including an expenditure for:

- (1) office space maintenance and repairs;
- (2) telephone and Internet services;
- (3) office equipment;
- (4) utilities;
- (5) general office and meeting supplies;
- (6) salaries for routine clerical, data entry, and administrative assistance necessary for the proper administrative operation of the committee;
- (7) legal and accounting fees for the committee's compliance with this title;
- (8) routine administrative expenses incurred in establishing and administering a general-purpose political committee;
- (9) management and supervision of the committee, including expenses incurred in holding meetings of the committee's governing body to interview candidates and make endorsements relating to the committee's support;
- (10) the recording of committee decisions;
- (11) expenses incurred in hosting candidate forums in which all candidates for a particular office in an election are invited to participate on the same terms; [ø]
- (12) expenses incurred in preparing and delivering committee contributions; or
- (13) creation and maintenance of the committee's public Internet web pages that do not contain political advertising.

(b) A corporation may make political expenditures, including fully or partially matching contributions to an organization that is exempt from federal income tax under Section 501(c)(3), Internal Revenue Code of 1986, to finance the solicitation of political contributions to a general-purpose committee assisted under Subsection (a) from the stockholders, employees, or families of stockholders or employees of one or more corporations.

(c) A labor organization may engage in activity authorized for a corporation by this section. For purposes of this section, the members of a labor organization are considered to be corporate stockholders.

(d) A corporation or labor organization may not make expenditures under this section for:

- (1) political consulting to support or oppose a candidate;
- (2) telephoning or telephone banks to communicate with the public;
- (3) brochures and direct mail supporting or opposing a candidate;
- (4) partisan voter registration and get-out-the-vote drives;
- (5) political fund-raising other than from its stockholders or members, as applicable, or the families of its stockholders or members;
- (6) voter identification efforts, voter lists, or voter databases that include persons other than its stockholders or members, as applicable, or the families of its stockholders or members;
- (7) polling designed to support or oppose a candidate other than of its stockholders or members, as applicable, or the families of its stockholders or members; or
- (8) recruiting candidates.

(e) Subsection (d) does not apply to a corporation or labor organization making a campaign contribution to a political committee under Section 253.097 or an expenditure to communicate with its stockholders or members, as applicable, or with the families of its stockholders or members as provided by Section 253.098.

Sec. 253.101. UNLAWFUL CONTRIBUTION OR EXPENDITURE BY COMMITTEE.

(a) A political committee assisted by a corporation or labor organization under Section 253.100 may not make a political contribution or political expenditure in whole or part from money that is known by a member or officer of the political committee to be dues, fees, or other money required as a condition of employment or condition of membership in a labor organization.

(a-1) Subsection (a) does not prohibit a political committee from making a political contribution or political expenditure wholly or partly from a campaign contribution made by a corporation or labor organization to the political committee under Section 253.096 or 253.097.

(b) A person who violates this section commits an offense. An offense under this section is a felony of the third degree.

Sec. 253.102. COERCION PROHIBITED.

(a) A corporation or labor organization or a political committee assisted by a corporation or labor organization under Section 253.100 commits an offense if it uses or threatens to use physical force, job discrimination, or financial reprisal to obtain money or any other thing of value to be used to influence the result of an election or to assist an officeholder.

(b) A political committee assisted by a corporation or labor organization under Section 253.100 commits an offense if it accepts or uses money or any other thing of value that is known by a member or officer of the political committee to have been obtained in violation of Subsection (a).

(c) An offense under this section is a felony of the third degree.

Sec. 253.103. CORPORATE LOANS.

(a) A corporation may not make a loan to a candidate, officeholder, or political committee for campaign or officeholder purposes unless:

(1) the corporation has been legally and continuously engaged in the business of lending money for at least one year before the loan is made; and

(2) the loan is made in the due course of business.

(b) This section does not apply to a loan covered by Section 253.096.

(c) A person who violates this section commits an offense. An offense under this section is a felony of the third degree.

Sec. 253.104. CONTRIBUTION TO POLITICAL PARTY.

(a) A corporation or labor organization may make a contribution from its own property to a political party to be used as provided by Chapter 257.

(b) A corporation or labor organization may not knowingly make a contribution authorized by Subsection (a) during a period beginning on the 60th day before the date of a general election for state and county officers and continuing through the day of the election.

(c) A corporation or labor organization that knowingly makes a contribution in violation of this section commits an offense. An offense under this section is a felony of the third degree.

Sec. 253.105. CONTRIBUTIONS TO DIRECT EXPENDITURE ONLY COMMITTEES.

(a) A corporation or labor organization may make a political contribution from its own property to a political committee that:

(1) is not established or controlled by a candidate or an officeholder;

(2) makes or intends to make direct campaign expenditures;

(3) does not make or intend to make political contributions to:

(A) a candidate;

(B) an officeholder;

(C) specific-purpose committee established or controlled by a candidate or an officeholder; or

(D) a political committee that makes or intends to make political contributions to a candidate, an officeholder, or a specific-purpose committee established or controlled by a candidate or an officeholder; and

(4) has filed an affidavit with the commission stating the committee's intention to operate as described by Subdivisions (2) and (3).

(b) A political contribution made by a corporation or labor organization under this section does not constitute a violation of Section 253.094(a) and the acceptance of the political contribution does not constitute a violation of Section 253.003(b).

SUBCHAPTER E. CIVIL LIABILITY

Sec. 253.131. LIABILITY TO CANDIDATES.

(a) A person who knowingly makes or accepts a campaign contribution or makes a campaign expenditure in violation of this chapter is liable for damages as provided by this section.

(b) If the contribution or expenditure is in support of a candidate, each opposing candidate whose name appears on the ballot is entitled to recover damages under this section.

(c) If the contribution or expenditure is in opposition to a candidate, the candidate is entitled to recover damages under this section.

(d) In this section, "damages" means:

- (1) twice the value of the unlawful contribution or expenditure; and
- (2) reasonable attorney's fees incurred in the suit.

(e) Reasonable attorney's fees incurred in the suit may be awarded to the defendant if judgment is rendered in the defendant's favor.

Sec. 253.132. LIABILITY TO POLITICAL COMMITTEES.

(a) A corporation or labor organization that knowingly makes a campaign contribution to a political committee or a direct campaign expenditure in violation of Subchapter D is liable for damages as provided by this section to each political committee of opposing interest in the election in connection with which the contribution or expenditure is made.

(b) In this section, "damages" means:

- (1) twice the value of the unlawful contribution or expenditure; and
- (2) reasonable attorney's fees incurred in the suit.

(c) Reasonable attorney's fees incurred in the suit may be awarded to the defendant if judgment is rendered in the defendant's favor.

Sec. 253.133. LIABILITY TO STATE. A person who knowingly makes or accepts a political contribution or makes a political expenditure in violation of this chapter is liable for damages to the state in the amount of triple the value of the unlawful contribution or expenditure.

Sec. 253.134. CIVIL PENALTIES IMPOSED BY COMMISSION. This title does not prohibit the imposition of civil penalties by the commission in addition to criminal penalties or other sanctions imposed by law.

SUBCHAPTER F. JUDICIAL CAMPAIGN FAIRNESS ACT

[Amendments to Subchapter F are effective June 2, 2019]

Sec. 253.151. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a political contribution or political expenditure in connection with the office of:

- (1) chief justice or justice, supreme court;
- (2) presiding judge or judge, court of criminal appeals;
- (3) chief justice or justice, court of appeals;
- (4) district judge;
- (5) judge, statutory county court; or
- (6) judge, statutory probate court.

Sec. 253.152. DEFINITIONS. In this subchapter:

(1) "Child" means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes [~~"Complying candidate" or "complying officeholder" means a judicial candidate who files a declaration of compliance under Section 253.164(a)(1)].~~

(2) "In connection with an election" means:

(A) with regard to a contribution that is designated in writing for a particular election, the election designated; or

(B) with regard to a contribution that is not designated in writing for a particular election [~~or that is designated as an officeholder contribution~~], the next election for that office occurring after the contribution is made.

(3) "Judicial district" means the territory from which a judicial candidate is elected or appointed.

(4) "Law firm" means a partnership, limited liability partnership, limited liability company, professional corporation, or other entity organized for the practice of law.

(5) "Law firm group" means:

(A) a law firm;

(B) a general-purpose committee established or controlled by the law firm or a member of the law firm;

(C) a member of the law firm; and

(D) the spouse of a member of the law firm.

(6) "Member of a law firm" means:

(A) a person designated "of counsel" or "of the firm";

(B) a partner of the law firm, whether an individual or an entity;

(C) an associate of the law firm;

(D) a shareholder of the law firm, whether an individual or an entity; or

(E) an employee of the law firm

~~["Noncomplying candidate" means a judicial candidate who:~~

~~(A) files a declaration of intent to exceed the limits on expenditures under Section 253.164(a)(2);~~

~~(B) files a declaration of compliance under Section 253.164(a)(1) but later exceeds the limits on expenditures;~~

~~(C) fails to file a declaration of compliance under Section 253.164(a)(1) or a declaration of intent under Section 253.164(a)(2); or~~

~~(D) violates Section 253.173 or 253.174].~~

(7) ~~(5)~~ "Statewide judicial office" means the office of chief justice or justice, supreme court, or presiding judge or judge, court of criminal appeals.

Sec. 253.153. CONTRIBUTION PROHIBITED EXCEPT DURING ELECTION PERIOD.

(a) A judicial candidate or officeholder, a specific-purpose committee for supporting or opposing a judicial candidate, or a specific-purpose committee for assisting a judicial officeholder may not knowingly accept a political contribution except during the period:

(1) beginning on:

(A) the 210th day before the date an application for a place on the ballot or for nomination by convention for the office is required to be filed, if the election is for a full term; or

(B) the later of the 210th day before the date an application for a place on the ballot or for nomination by convention for the office is required to be filed or the date a vacancy in the office occurs, if the election is for an unexpired term; and

(2) ending on the 120th day after the date of the election in which the candidate or officeholder last appeared on the ballot, regardless of whether the candidate or officeholder has an opponent in that election.

(b) Subsection (a)(2) does not apply to a political contribution that was made and accepted with the intent that it be used to defray expenses incurred in connection with an election, including the repayment of any debt that is:

(1) incurred directly by the making of a campaign expenditure during the period beginning on the date the application for a place on the ballot or for nomination by convention was required to be filed for the election in which the candidate last appeared on the ballot and ending on the date of that election; and

(2) subject to the restrictions prescribed by Sections 253.162 and 253.1621.

(c) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1329, Sec. 2, eff. September 1, 2009.

(d) A person who violates this section is liable for a civil penalty not to exceed three times the amount of the political contributions accepted in violation of this section.

Sec. 253.154. WRITE-IN CANDIDACY.

(a) A write-in candidate for judicial office or a specific-purpose committee for supporting a write-in candidate for judicial office may not knowingly accept a political contribution before the candidate files a declaration of write-in candidacy.

(b) A person who violates this section is liable for a civil penalty not to exceed three times the amount of the political contributions accepted in violation of this section.

Sec. 253.1541. ACCEPTANCE OF POLITICAL ~~[OFFICEHOLDER]~~ CONTRIBUTIONS BY PERSON APPOINTED TO FILL VACANCY.

(a) This section applies only to a person appointed to fill a vacancy in an office covered by this subchapter who, at the time of appointment, does not hold another office covered by this subchapter.

(b) Notwithstanding Section 253.153, a person to whom this section applies may accept political ~~[officeholder]~~ contributions beginning on the date the person assumes the duties of office and ending on the 60th day after that date.

Sec. 253.155. CONTRIBUTION LIMITS.

(a) A ~~[Subject to Section 253.1621, a]~~ judicial candidate or officeholder may not, ~~[except as provided by Subsection (c),]~~ knowingly accept political contributions from a person that in the aggregate, exceed the contribution limits prescribed by Subsection (b) in connection with each election in which the judicial candidate's name appears on the ballot ~~[person is involved]~~.

(b) The contribution limits under this section are:

- (1) for a statewide judicial office, \$5,000; or
- (2) for any other judicial office:
 - (A) \$1,000, if the population of the judicial district is less than 250,000;
 - (B) \$2,500, if the population of the judicial district is 250,000 to one million; or
 - (C) \$5,000, if the population of the judicial district is more than one million.

(c) This section does not apply to a political contribution made by a general-purpose committee.

~~[(d) For purposes of this section, a contribution by a law firm whose members are each members of a second law firm is considered to be a contribution by the law firm that has members other than the members the firms have in common.]~~

(d-1) In addition to the contribution limits imposed on each contributor under this section, a judicial candidate or officeholder may not accept a political contribution in excess of \$50 from a person if:

- (1) the person is part of a law firm group; and
- (2) the contribution, when aggregated with all political contributions accepted by the candidate or officeholder from the same law firm group in connection with the election, would exceed six times the applicable contribution limit under this section.

(e) A person who receives a political contribution that violates this section ~~[Subsection (a)]~~ shall return the contribution to the contributor not later than the later of:

- (1) the last day of the reporting period in which the contribution is received; or
- (2) the fifth day after the date the contribution is received.

(f) A person who violates this section is liable for a civil penalty not to exceed three times the amount of the political contributions accepted in violation of this section.

Sec. 253.157. LIMIT ON CONTRIBUTION BY ~~[LAW FIRM OR MEMBER OR]~~ GENERAL-PURPOSE COMMITTEES ~~[COMMITTEE OF LAW FIRM].~~

~~[(a) Subject to Section 253.1621, a judicial candidate or officeholder may not accept a political contribution in excess of \$50 from a person if:~~

- ~~(1) the person is a law firm, a member of a law firm, or a general purpose committee established or controlled by a law firm; and~~
- ~~(2) the contribution when aggregated with all political contributions accepted by the candidate or officeholder from the law firm, other members of the law firm, or a general-~~

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~~purpose committee established or controlled by the law firm in connection with the election would exceed six times the applicable contribution limit under Section 253.155.]~~

(a-1) A judicial candidate or officeholder may not knowingly accept political contributions from a general-purpose committee that, in the aggregate, exceed the contribution limits prescribed by this subsection in connection with an election in which the judicial candidate's name appears on the ballot. The contribution limits under this subsection are:

(1) for a statewide judicial office, \$25,000; or

(2) for any other judicial office, \$5,000.

(a-2) In addition to the contribution limits imposed on each contribution in Subsection (a-1), a judicial candidate or officeholder may not accept a political contribution in excess of \$50 from a general-purpose committee if the contribution, when aggregated with all political contributions from all general-purpose committees in connection with an election, would exceed:

(1) for a statewide judicial office, \$300,000;

(2) for the office of chief justice or justice, court of appeals:

(A) \$75,000, if the population of the judicial district is more than one million; or

(B) \$52,500, if the population of the judicial district is one million or less;

or

(3) for an office other than an office included under Subdivision (1) or (2):

(A) \$52,500, if the population of the judicial district is more than one million;

(B) \$30,000, if the population of the judicial district is 250,000 to one million; or

(C) \$15,000, if the population of the judicial district is less than 250,000.

(b) A person who receives a political contribution that violates this section [~~Subsection (a)~~] shall return the contribution to the contributor not later than the later of:

(1) the last day of the reporting period in which the contribution is received; or

(2) the fifth day after the date the contribution is received.

(c) A person who violates this section [~~fails to return a political contribution as required by Subsection (b)~~] is liable for a civil penalty not to exceed three times the ~~total~~ amount of the political contributions accepted in violation of this section [~~from the law firm, members of the law firm, or general purpose committees established or controlled by the law firm in connection with the election~~].

~~[(d) For purposes of this section, a general purpose committee is established or controlled by a law firm if the committee is established or controlled by members of the law firm.~~

(e) In this section:

(1) "Law firm" means a partnership, limited liability partnership, or professional corporation organized for the practice of law.

(2) "Member" means a partner, associate, shareholder, employee, or person designated "of counsel" or "of the firm".]

Sec. 253.158. CONTRIBUTION BY SPOUSE OR CHILD [~~CONSIDERED TO BE CONTRIBUTION BY INDIVIDUAL~~].

(a) For purposes of this subchapter [~~Sections 253.155 and 253.157~~], a contribution by the spouse [~~or child~~] of an individual is not considered to be a contribution by the individual.

(b) For purposes of this subchapter, a contribution by a child of an individual is considered to be a contribution by the individual [~~In this section, "child" means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes~~].

Sec. 253.159. EXCEPTION TO CONTRIBUTION LIMITS. ~~Section~~ [Sections] 253.155 ~~does~~ [~~and 253.157 do~~] not apply to an individual who is related to the candidate or officeholder within the second degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code.

~~**Sec. 253.160. AGGREGATE LIMIT ON CONTRIBUTIONS FROM AND DIRECT CAMPAIGN EXPENDITURES BY GENERAL PURPOSE COMMITTEE.**~~

~~(a) Subject to Section 253.1621, a judicial candidate or officeholder may not knowingly accept a political contribution from a general purpose committee that, when aggregated with each other political contribution from a general purpose committee in connection with an election, exceeds 15 percent of the applicable limit on expenditures prescribed by Section 253.168, regardless of whether the limit on expenditures is suspended.~~

~~(b) A person who receives a political contribution that violates Subsection (a) shall return the contribution to the contributor not later than the later of:~~

- ~~(1) the last day of the reporting period in which the contribution is received; or~~
- ~~(2) the fifth day after the date the contribution is received.~~

~~(c) For purposes of this section, an expenditure by a general purpose committee for the purpose of supporting a candidate, for opposing the candidate's opponent, or for assisting the candidate as an officeholder is considered to be a contribution to the candidate unless the campaign treasurer of the general purpose committee, in an affidavit filed with the authority with whom the candidate's campaign treasurer appointment is required to be filed, states that the committee has not directly or indirectly communicated with the candidate's campaign, including the candidate, an aide to the candidate, a campaign officer, or a campaign consultant, or a specific purpose committee in regard to a strategic matter, including polling data, advertising, or voter demographics, in connection with the candidate's campaign.~~

~~(d) This section does not apply to a political expenditure by the principal political committee of the state executive committee or a county executive committee of a political party that complies with Section 253.171(b).~~

~~(e) A person who violates this section is liable for a civil penalty not to exceed three times the amount by which the political contributions accepted in violation of this section exceed the applicable limit prescribed by Subsection (a).]~~

Sec. 253.1601. CONTRIBUTION TO CERTAIN COMMITTEES CONSIDERED CONTRIBUTION TO CANDIDATE OR OFFICEHOLDER. For purposes of Sections 253.155 and [7] 253.157, [~~and 253.160,~~] a contribution to a specific-purpose committee for the purpose of supporting a judicial candidate, opposing the candidate's opponent, or assisting a judicial [~~the candidate as an~~] officeholder is considered to be a contribution to the candidate or officeholder.

Sec. 253.161. USE OF CONTRIBUTION FROM NONJUDICIAL OR JUDICIAL OFFICE PROHIBITED.

(a) A judicial candidate or officeholder, a specific-purpose committee for supporting or opposing a judicial candidate, or a specific-purpose committee for assisting a judicial officeholder may not use a political contribution to make a campaign expenditure for judicial office or to make an officeholder expenditure in connection with a judicial office if the contribution was accepted while the candidate or officeholder:

(1) was a candidate for an office other than a judicial office; or

(2) held an office other than a judicial office, unless the person had become a candidate for judicial office and the contribution was made in connection with an election for judicial office.

(b) A candidate, officeholder, or specific-purpose committee for supporting, opposing, or assisting the candidate or officeholder may not use a political contribution to make a campaign expenditure for an office other than a judicial office or to make an officeholder expenditure in connection with an office other than a judicial office if the contribution was accepted while the candidate or officeholder:

(1) was a candidate for a judicial office; or

(2) held a judicial office, unless the person had become a candidate for another office and the contribution was made in connection with an election for judicial office.

~~[(c) This section does not prohibit a candidate or officeholder from making a political contribution to another candidate or officeholder.]~~

(d) A person who violates this section is liable for a civil penalty not to exceed three times the amount of political contributions used in violation of this section.

Sec. 253.1611. CERTAIN CONTRIBUTIONS BY JUDICIAL CANDIDATES, OFFICEHOLDERS, AND COMMITTEES RESTRICTED.

(a) A judicial candidate or officeholder or a specific-purpose committee for supporting or opposing a judicial candidate or assisting a judicial officeholder may not use a political contribution to knowingly make political contributions that in the aggregate exceed \$100 in a calendar year to a candidate or officeholder.

(b) A judicial candidate or a specific-purpose committee for supporting or opposing a judicial candidate may not use a political contribution to knowingly make political contributions to a political committee in connection with a primary election.

(c) A judicial candidate or a specific-purpose committee for supporting or opposing a judicial candidate may not use a political contribution to knowingly make a political contribution to a political committee that, when aggregated with each other political contribution to a political committee in connection with a general election, exceeds \$500.

(d) A judicial officeholder or a specific-purpose committee for assisting a judicial officeholder may not, in any calendar year in which the office held is not on the ballot, use a political contribution to knowingly make a political contribution to a political committee that, when aggregated with each other political contribution to a political committee in that calendar year, exceeds \$250.

(e) This section does not apply to a political contribution made to the principal political committee of the state executive committee or a county executive committee of a political party that *provides* goods or services, including political advertising or a campaign communication, to or for the benefit of judicial candidates.

(e-1) This subsection applies only to a political party required to nominate candidates by primary election. This section does not apply to a political contribution made, for the purpose of sponsoring or attending an event, to a political committee affiliated with:

(1) an organization that has been designated as an auxiliary, coalition, or county chair association of a political party as provided by political party rule or state executive committee bylaw; or

(2) a local chapter of an organization described by Subdivision (1).

(f) Repealed by Acts 2017, 85th Leg., R.S., Ch. 905 (H.B. 3903), Sec. 2, eff. June 15, 2017.

(g) A person who violates this section is liable for a civil penalty not to exceed three times the amount of political contributions used in violation of this section.

Sec. 253.1612. CERTAIN CAMPAIGN ACTIVITIES AUTHORIZED. The Code of Judicial Conduct may not prohibit, and a judicial candidate may not be penalized for, a joint campaign activity conducted by two or more judicial candidates.

Sec. 253.162. RESTRICTIONS ON REIMBURSEMENT OF PERSONAL FUNDS AND PAYMENTS ON CERTAIN LOANS.

(a) ~~A [Subject to Section 253.1621, a] judicial candidate or officeholder who makes political expenditures from the person's personal funds or who accepts one or more political contributions in the form of a loan, including an extension of credit or guarantee of a loan or extension of credit, from one or more persons related to the candidate or officeholder within the second degree of affinity or consanguinity, as determined under Subchapter B, Chapter 573, Government Code, may not reimburse those [the] personal funds or repay those loans from political contributions in amounts that in the aggregate exceed, for each election in which the person's name appears on the ballot:~~

(1) for a statewide judicial office, \$100,000; or

(2) for an office other than a statewide judicial office, five times the applicable contribution limit under Section 253.155.

~~[(b) A judicial candidate or officeholder who accepts one or more political contributions in the form of loans, including an extension of credit or a guarantee of a loan or extension of credit, from one or more persons related to the candidate or officeholder within the second degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, may not use political contributions to repay the loans.]~~

(c) A person who is both a candidate and an officeholder may reimburse the person's personal funds in only ~~in~~ one capacity.

(d) A person who violates this section is liable for a civil penalty not to exceed three times the amount by which the reimbursement made in violation of this section exceeds the applicable limit prescribed by Subsection (a).

Sec. 253.1621. APPLICATION OF CONTRIBUTION AND REIMBURSEMENT LIMITS TO CERTAIN CANDIDATES.

(a) For purposes of ~~the [a] contribution limits [limit]~~ prescribed by Section 253.155 ~~or [;] 253.157[, or 253.160]~~ and the limit on reimbursement of personal funds and repayment of certain loans prescribed by Section 253.162, the general and primary elections ~~[election and general election for state and county officers]~~ are considered separate elections for a candidate

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whose name appears on the ballot [~~to be a single election in which a judicial candidate is involved if the candidate:~~

~~(1) is unopposed in the primary election; or~~

~~(2) does not have an opponent in the general election whose name is to appear on the ballot.]~~

~~(b) For purposes of the [a candidate to whom Subsection (a) applies, each applicable] contribution limits [limit] prescribed by Sections [Section] 253.155 and [;] 253.157 and the limits on reimbursement of personal funds and repayment of certain loans prescribed by Section 253.162, a runoff election in which the candidate's name is on the ballot is considered a separate election [; or 253.160 is increased by 25 percent. A candidate who accepts political contributions from a person that in the aggregate exceed the applicable contribution limit prescribed by Section 253.155, 253.157, or 253.160 but that do not exceed the adjusted limit as determined under this subsection may use the amount of those contributions that exceeds the limit prescribed by Section 253.155, 253.157, or 253.160 only for making an officeholder expenditure].~~

~~[Sec. 253.163. NOTICE REQUIRED FOR CERTAIN POLITICAL EXPENDITURES.~~

~~(a) A person other than a candidate, officeholder, or the principal political committee of the state executive committee or a county executive committee of a political party may not make political expenditures that in the aggregate exceed \$5,000 for the purpose of supporting or opposing a candidate for an office other than a statewide judicial office or assisting such a candidate as an officeholder unless the person files with the authority with whom a campaign treasurer appointment by a candidate for the office is required to be filed a written declaration of the person's intent to make expenditures that exceed the limit prescribed by this subsection.~~

~~(b) A person other than a candidate, officeholder, or the principal political committee of the state executive committee or a county executive committee of a political party may not make political expenditures that in the aggregate exceed \$25,000 for the purpose of supporting or opposing a candidate for a statewide judicial office or assisting such a candidate as an officeholder unless the person files with the commission a written declaration of the person's intent to make expenditures that exceed the limit prescribed by this subsection.~~

~~(c) A declaration under Subsection (a) or (b) must be filed not later than the earlier of:~~

~~(1) the date the person makes the political expenditure that causes the person to exceed the limit prescribed by Subsection (a) or (b); or~~

~~(2) the 60th day before the date of the election in connection with which the political expenditures are intended to be made.~~

~~(d) A declaration received under Subsection (a) or (b) shall be filed with the records of each judicial candidate or officeholder on whose behalf the person filing the declaration intends to make political expenditures. If the person intends to make only political expenditures opposing a judicial candidate, the declaration shall be filed with the records of each candidate for the office.~~

~~(e) An expenditure made by a political committee or other association that consists only of costs incurred in contacting the committee's or association's membership may be made without the declaration required by Subsection (a) or (b).~~

~~(f) For purposes of this section, a person who makes a political expenditure benefitting more than one judicial candidate or judicial officeholder shall, in accordance with rules adopted by the commission, allocate a portion of the expenditure to each candidate or officeholder whom~~

the expenditure benefits in proportion to the benefit received by that candidate or officeholder. For purposes of this subsection:

(1) a political expenditure for supporting judicial candidates or assisting judicial officeholders benefits each candidate or officeholder supported or assisted; and

(2) a political expenditure for opposing a judicial candidate benefits each opponent of the candidate.

(g) A person who violates this section is liable for a civil penalty not to exceed three times the amount of the political expenditures made in violation of this section.]

[Sec. 253.164. VOLUNTARY COMPLIANCE.

(a) When a person becomes a candidate for a judicial office, the person shall file with the authority with whom the candidate's campaign treasurer appointment is required to be filed:

(1) a sworn declaration of compliance stating that the person voluntarily agrees to comply with the limits on expenditures prescribed by this subchapter; or

(2) a written declaration of the person's intent to make expenditures that exceed the limits prescribed by this subchapter.

(b) The limits on contributions and on reimbursement of personal funds prescribed by this subchapter apply to complying candidates unless suspended as provided by Section 253.165 or 253.170. The limits on contributions and on reimbursement of personal funds prescribed by this subchapter apply to noncomplying candidates regardless of whether the limits on contributions, expenditures, and reimbursement of personal funds are suspended for complying candidates.

(c) A judicial candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure before the candidate files a declaration under Subsection (a).

(d) A person who violates Subsection (c) is liable for a civil penalty not to exceed three times the amount of the political contributions or political expenditures made in violation of this section.]

[Sec. 253.165. EFFECT OF NONCOMPLYING CANDIDATE.

(a) A complying candidate or a specific purpose committee for supporting a complying candidate is not required to comply with the limits on contributions, expenditures, and the reimbursement of personal funds prescribed by this subchapter if another person becomes a candidate for the same office and:

(1) files a declaration of intent to exceed the limits on expenditures under Section 253.164(a)(2);

(2) fails to file a declaration of compliance under Section 253.164(a)(1) or a declaration of intent under Section 253.164(a)(2);

(3) files a declaration of compliance under Section 253.164(a)(1) but later exceeds the limits on expenditures; or

(4) violates Section 253.173 or 253.174.

(b) The executive director of the commission shall issue an order suspending the limits on contributions and expenditures for a specific office not later than the fifth day after the date the executive director determines that:

(1) a person has become a candidate for that office and:

(A) has filed a declaration of intent to exceed the limits on expenditures under Section 253.164(a)(2); or

~~(B) has failed to file a declaration of compliance under Section 253.164(a)(1) or a declaration of intent under Section 253.164(a)(2);~~

~~(2) a complying candidate for that office has exceeded the limit on expenditures prescribed by this subchapter; or~~

~~(3) a candidate for that office has violated Section 253.173 or 253.174.~~

~~(e) A county clerk who receives a declaration of intent to exceed the limits on expenditures under Section 253.164(a)(2) shall deliver a copy of the declaration to the executive director of the commission not later than the fifth day after the date the county clerk receives the declaration.~~

~~(d) A county clerk who receives a campaign treasurer appointment in connection with a judicial office and does not receive a declaration of compliance under Section 253.164(a)(1) or a declaration of intent to exceed the limits on expenditures under Section 253.164(a)(2) shall deliver a copy of the campaign treasurer appointment and a written notice of the candidate's failure to file a declaration of compliance or a declaration of intent to the executive director of the commission not later than the fifth day after the date the county clerk receives the campaign treasurer appointment.~~

~~(e) A county clerk who receives a written allegation that a complying candidate has exceeded the limit on expenditures or that a candidate has engaged in conduct prohibited by Section 253.173 or 253.174 shall deliver a copy of the allegation to the executive director of the commission not later than the fifth day after the date the county clerk receives the allegation. The county clerk shall, at no cost to the commission, deliver to the executive director by mail or telephonic facsimile machine copies of documents relevant to the allegation not later than 48 hours after the executive director requests the documents.~~

~~(f) A county clerk is required to act under Subsection (c), (d), or (e) only in connection with an office for which a campaign treasurer appointment is required to be filed with that county clerk.]~~

~~**[Sec. 253.166. BENEFIT TO COMPLYING CANDIDATE.**~~

~~(a) A complying candidate is entitled to state on political advertising as provided by Section 255.008 that the candidate complies with the Judicial Campaign Fairness Act, regardless of whether the limits on contributions, expenditures, and the reimbursement of personal funds are later suspended.~~

~~(b) A noncomplying candidate is not entitled to the benefit provided by this section.]~~

Sec. 253.167. CERTIFICATION OF POPULATION; NOTICE OF CONTRIBUTION [AND EXPENDITURE] LIMITS.

(a) For purposes of this subchapter only, not later than June 1 of each odd-numbered year, the commission shall:

(1) make a written certification of the population of each judicial district for which a candidate for judge or justice must file a campaign treasurer appointment with the commission; and

(2) deliver to the county clerk of each county a written certification of the county's population, if the county:

(A) comprises an entire judicial district under Chapter 26, Government Code; or

(B) has a statutory county court or statutory probate court, other than a multicounty statutory county court created under Subchapter D, Chapter 25, Government Code.

(b) Following certification of population under Subsection (a), the commission or county clerk, as appropriate, shall make available to each candidate for an office covered by this subchapter written notice of the contribution [~~and expenditure~~] limits applicable to the office the candidate seeks.

(c) The commission shall post the written certification required by this section on the commission's Internet website.

[Sec. 253.168. EXPENDITURE LIMITS.]

~~(a) For each election in which the candidate is involved, a complying candidate may not knowingly make or authorize political expenditures that in the aggregate exceed:~~

~~(1) for a statewide judicial office, \$2 million;~~

~~(2) for the office of chief justice or justice, court of appeals:~~

~~(A) \$500,000, if the population of the judicial district is more than one million; or~~

~~(B) \$350,000, if the population of the judicial district is one million or less; or~~

~~(3) for an office other than an office covered by Subdivision (1) or (2):~~

~~(A) \$350,000, if the population of the judicial district is more than one million;~~

~~(B) \$200,000, if the population of the judicial district is 250,000 to one million; or~~

~~(C) \$100,000, if the population of the judicial district is less than 250,000.~~

~~(b) A person who violates this section is liable for a civil penalty not to exceed three times the amount by which the political expenditures made in violation of this section exceed the applicable limit prescribed by Subsection (a).]~~

[Sec. 253.169. EXPENDITURE BY CERTAIN COMMITTEES CONSIDERED EXPENDITURE BY CANDIDATE.]

~~(a) For purposes of Section 253.168, an expenditure by a specific purpose committee for the purpose of supporting a candidate, opposing the candidate's opponent, or assisting the candidate as an officeholder is considered to be an expenditure by the candidate unless the candidate, in an affidavit filed with the authority with whom the candidate's campaign treasurer appointment is required to be filed, states that the candidate's campaign, including the candidate, an aide to the candidate, a campaign officer, or a campaign consultant of the candidate, has not directly or indirectly communicated with the committee in regard to a strategic matter, including polling data, advertising, or voter demographics, in connection with the candidate's campaign.~~

~~(b) This section applies only to an expenditure of which the candidate or officeholder has notice.~~

~~(c) An affidavit under this section shall be filed with the next report the candidate or officeholder is required to file under Chapter 254 following the receipt of notice of the expenditure.]~~

[Sec. 253.170. EFFECT OF CERTAIN POLITICAL EXPENDITURES.]

~~(a) A complying candidate for an office other than a statewide judicial office or a specific purpose committee for supporting such a candidate is not required to comply with the limits on contributions, expenditures, and the reimbursement of personal funds prescribed by this subchapter if a person other than the candidate's opponent or the principal political committee of the state executive committee or a county executive committee of a political party makes political expenditures that in the aggregate exceed \$5,000 for the purpose of supporting the candidate's opponent, opposing the candidate, or assisting the candidate's opponent as an officeholder.~~

~~(b) A complying candidate for a statewide judicial office or a specific purpose committee for supporting such a candidate is not required to comply with the limits on contributions, expenditures, and the reimbursement of personal funds prescribed by this subchapter if a person other than the candidate's opponent or the principal political committee of the state executive committee or a county executive committee of a political party makes political expenditures that in the aggregate exceed \$25,000 for the purpose of supporting the candidate's opponent, opposing the candidate, or assisting the candidate's opponent as an officeholder.~~

~~(c) The executive director of the commission shall issue an order suspending the limits on contributions, expenditures, and the reimbursement of personal funds for a specific office not later than the fifth day after the date the executive director determines that:~~

~~(1) a declaration of intent to make expenditures that exceed the limit prescribed by Subsection (a) or (b) is filed in connection with the office as provided by Section 253.163; or~~

~~(2) a political expenditure that exceeds the limit prescribed by Subsection (a) or (b) has been made.~~

~~(d) A county clerk who receives a declaration of intent to make expenditures that exceed the limit prescribed by Subsection (a) or (b) shall deliver a copy of the declaration to the executive director of the commission not later than the fifth day after the date the county clerk receives the declaration. A county clerk who receives a written allegation that a person has made a political expenditure that exceeds the limit prescribed by Subsection (a) or (b) shall deliver a copy of the allegation to the executive director not later than the fifth day after the date the county clerk receives the allegation. The county clerk shall, at no cost to the commission, deliver to the executive director by mail or telephonic facsimile machine copies of documents relevant to the allegation not later than 48 hours after the executive director requests the documents. A county clerk is required to act under this subsection only in connection with an office for which a campaign treasurer appointment is required to be filed with that county clerk.~~

~~(e) An expenditure made by a political committee or other association that consists only of costs incurred in contacting the committee's or association's membership does not count towards the limit prescribed by Subsection (a) or (b).]~~

Sec. 253.171. CONTRIBUTION FROM OR DIRECT CAMPAIGN EXPENDITURE BY POLITICAL PARTY. ~~A political expenditure [(a) Except as provided by Subsection (b), a political contribution to or a direct campaign expenditure on behalf of a complying candidate] that is made by the principal political committee of the state executive committee or a county executive committee of a political party [is considered to be a political expenditure by the candidate for purposes of the expenditure limits prescribed by Section 253.168.~~

~~(b) Subsection (a) does not apply to a political expenditure] for a generic get-out-the-vote campaign or to create and distribute [for] a written list of two or more candidates is not considered a contribution to a judicial candidate who benefits from the get-out-the-vote campaign or is included in the written list and is not subject to the limits of Section 253.155 or 253.157 if the get-out-the-vote campaign or written list [that]:~~

- ~~(1) identifies the party's candidates by name and office sought, office held, or photograph;~~
- ~~(2) does not include any reference to the judicial philosophy or positions on issues of the party's judicial candidates; and~~
- ~~(3) is not broadcast, cablecast, published in a newspaper or magazine, or placed on a billboard.~~

~~[Sec. 253.172. RESTRICTION ON EXCEEDING EXPENDITURE LIMITS.~~

~~(a) A candidate who files a declaration of compliance under Section 253.164(a)(1) and who later files a declaration of intent to exceed the limits on expenditures under Section 253.164(a)(2) or a specific purpose committee for supporting such a candidate may not make a political expenditure that causes the person to exceed the applicable limit on expenditures prescribed by Section 253.168 before the 60th day after the date the candidate files the declaration of intent to exceed the limits on expenditures.~~

~~(b) A person who violates this section is liable for a civil penalty not to exceed three times the amount of political expenditures made in violation of this section.]~~

~~[Sec. 253.173. AGREEMENT TO EVADE LIMITS PROHIBITED.~~

~~(a) A complying candidate may not:~~

- ~~(1) solicit a person to enter a campaign as a noncomplying candidate opposing the complying candidate; or~~
- ~~(2) enter into an agreement under which a person enters a campaign as a noncomplying candidate opposing the complying candidate.~~

~~(b) A candidate who violates this section is considered to be a noncomplying candidate.]~~

~~[Sec. 253.174. MISREPRESENTATION OF OPPONENT'S COMPLIANCE WITH OR VIOLATION OF SUBCHAPTER PROHIBITED.~~

~~(a) A candidate for judicial office may not knowingly misrepresent that an opponent of the candidate:~~

- ~~(1) is a noncomplying candidate; or~~
- ~~(2) has violated this subchapter.~~

~~(b) A candidate who violates this section is considered to be a noncomplying candidate.]~~

~~[Sec. 253.175. JUDICIAL CAMPAIGN FAIRNESS FUND.~~

~~(a) The judicial campaign fairness fund is a special account in the general revenue fund.~~

~~(b) The judicial campaign fairness fund consists of:~~

- ~~(1) penalties recovered under Section 253.176; and~~
- ~~(2) any gifts or grants received by the commission under Subsection (e).~~

~~(c) The judicial campaign fairness fund may be used only for:~~

- (1) voter education projects that relate to judicial campaigns; and
- (2) payment of costs incurred in imposing civil penalties under this subchapter.

~~(d) To the extent practicable, the fund shall be permitted to accumulate until the balance is sufficient to permit the publication of a voter's guide that lists candidates for judicial office, their backgrounds, and similar information. The commission shall implement this subsection and shall adopt rules under which a candidate must provide information to the commission for inclusion in the voter's guide. In providing the information, the candidate shall comply with applicable provisions of the Code of Judicial Conduct. The voter's guide must, to the extent practicable, indicate whether each candidate is a complying candidate or noncomplying candidate, based on declarations filed under Section 253.164 or determinations by the executive director or the county clerk, as appropriate, under Section 253.165. The listing of a noncomplying candidate may not include any information other than the candidate's name and must include a statement that the candidate is not entitled to have complete information about the candidate included in the guide.~~

~~(e) The commission may accept gifts and grants for the purposes described by Subsections (c)(1) and (d). Funds received under this subsection shall be deposited to the credit of the judicial campaign fairness fund.~~

~~(f) The judicial campaign fairness fund is exempt from Sections 403.094 and 403.095, Government Code.]~~

Sec. 253.176. CIVIL PENALTY.

(a) The commission may impose a civil penalty against a person as provided by this subchapter only after a formal hearing as provided by Subchapter E, Chapter 571, Government Code.

(b) The commission shall base the amount of the penalty on:

- (1) the seriousness of the violation;
- (2) the history of previous violations;
- (3) the amount necessary to deter future violations; and
- (4) any other matter that justice may require.

~~[(e) A penalty collected under this section shall be deposited to the credit of the judicial campaign fairness fund.]~~

CHAPTER 254. POLITICAL REPORTING

SUBCHAPTER A. RECORDKEEPING

Sec. 254.001. RECORDKEEPING REQUIRED. (a) Each candidate and each officeholder shall maintain a record of all reportable activity.

(b) Each campaign treasurer of a political committee shall maintain a record of all reportable activity.

(c) The record must contain the information that is necessary for filing the reports required by this chapter.

(d) A person required to maintain a record under this section shall preserve the record for at least two years beginning on the filing deadline for the report containing the information in the record.

(e) A person who violates this section commits an offense. An offense under this section is a Class B misdemeanor.

SUBCHAPTER B. POLITICAL REPORTING GENERALLY

Sec. 254.031. GENERAL CONTENTS OF REPORTS.

(a) Except as otherwise provided by this chapter, each report filed under this chapter must include:

(1) the amount of political contributions, other than political contributions described by Subdivision (1-a), from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions;

(1-a) the amount of political contributions from each person that are made electronically and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions;

(2) the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period;

(3) the amount of political expenditures that in the aggregate exceed \$100 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures;

(4) the amount of each payment made during the reporting period from a political contribution if the payment is not a political expenditure, the full name and address of the person to whom the payment is made, and the date and purpose of the payment;

(5) the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$100 or less made during the reporting period;

(6) the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period;

(7) the name of each candidate or officeholder who benefits from a direct campaign expenditure made during the reporting period by the person or committee required to file the report, and the office sought or held, excluding a direct campaign expenditure that is made by the principal political committee of a political party on behalf of a slate of two or more nominees of that party;

(8) as of the last day of a reporting period for which the person is required to file a report, 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;

(9) 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 that is received during the reporting period and the amount of which exceeds \$100;

(10) any proceeds of the sale of an asset purchased with a political contribution that is received during the reporting period and the amount of which exceeds \$100;

(11) any investment purchased with a political contribution that is received during the reporting period and the amount of which exceeds \$100;

(12) any other gain from a political contribution that is received during the reporting period and the amount of which exceeds \$100; and

(13) the full name and address of each person from whom an amount described by Subdivision (9), (10), (11), or (12) is received, the date the amount is received, and the purpose for which the amount is received.

(a-1) A de minimis error in calculating or reporting a cash balance under Subsection (a)(8) is not a violation of this section.

(b) If no reportable activity occurs during a reporting period, the person required to file a report shall indicate that fact in the report.

Sec. 254.0311. REPORT BY LEGISLATIVE CAUCUS.

(a) A legislative caucus shall file a report of contributions and expenditures as required by this section.

(b) A report filed under this section must include:

(1) the amount of contributions from each person, other than a caucus member, that in the aggregate exceed \$50 and that are accepted during the reporting period by the legislative caucus, the full name and address of the person making the contributions, and the dates of the contributions;

(2) the amount of loans that are made during the reporting period to the legislative caucus and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period;

(3) the amount of expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures;

(4) the total amount or a specific listing of contributions of \$50 or less accepted from persons other than caucus members and the total amount or a specific listing of expenditures of \$50 or less made during the reporting period; and

(5) the total amount of all contributions accepted, including total contributions from caucus members, and the total amount of all expenditures made during the reporting period.

(c) If no reportable activity occurs during a reporting period, the legislative caucus shall indicate that fact in the report.

(d) A legislative caucus shall file with the commission two reports for each year.

(e) The first report shall be filed not later than July 15. The report covers the period beginning January 1 or the day the legislative caucus is organized, as applicable, and continuing through June 30.

(f) The second report shall be filed not later than January 15. The report covers the period beginning July 1 or the day the legislative caucus is organized, as applicable, and continuing through December 31.

(g) A legislative caucus shall maintain a record of all reportable activity under this section and shall preserve the record for at least two years beginning on the filing deadline for the report containing the information in the record.

(h) In this section, "legislative caucus" has the meaning assigned by Section 253.0341.

Sec. 254.0312. BEST EFFORTS.

(a) A person required to file a report under this chapter is considered to be in compliance with Section 254.0612, 254.0912, or 254.1212 only if the person or the person's campaign treasurer shows that the person has used best efforts to obtain, maintain, and report the information required by those sections. A person is considered to have used best efforts to obtain, maintain, and report that information if the person or the person's campaign treasurer complies with this section.

(b) Each written solicitation for political contributions from an individual must include:

(1) a clear request for the individual's full name and address, the individual's principal occupation or job title, and the full name of the individual's employer; and

(2) an accurate statement of state law regarding the collection and reporting of individual contributor information, such as:

(A) "State law requires (certain candidates, officeholders, or political committees, as applicable) to use best efforts to collect and report the full name and address, principal occupation or job title, and full name of employer of individuals whose contributions equal or exceed \$500 in a reporting period."; or

(B) "To comply with state law, (certain candidates, officeholders, or political committees, as applicable) must use best efforts to obtain, maintain, and report the full name and address, principal occupation or job title, and full name of employer of individuals whose contributions equal or exceed \$500 in a reporting period."

(c) For each political contribution received from an individual that, when aggregated with all other political contributions received from the individual during the reporting period, equals or exceeds \$500 and for which the information required by Section 254.0612, 254.0912, or 254.1212 is not provided, the person must make at least one oral or written request for the missing information. A request under this subsection:

(1) must be made not later than the 30th day after the date the contribution is received;

(2) must include a clear and conspicuous statement that complies with Subsection (b);

(3) if made orally, must be documented in writing; and

(4) may not be made in conjunction with a solicitation for an additional political contribution.

(d) A person must report any information required by Section 254.0612, 254.0912, or 254.1212 that is not provided by the individual making the political contribution and that the person has in the person's records of political contributions or previous reports under this chapter.

(e) A person who receives information required by Section 254.0612, 254.0912, or 254.1212 after the filing deadline for the report on which the contribution is reported must include the missing information on the next report the person is required to file under this chapter.

254.0313. OMISSION OF ADDRESS FOR JUDGE AND SPOUSE.

(a) In this section, "federal judge" and "state judge" have the meanings assigned by Section 13.0021.

(b) On receiving notice from the Office of Court Administration of the Texas Judicial System of a judge's qualification for office or on receipt of a written request from a federal judge, state judge, or spouse of a federal or state judge, the commission shall remove or redact the residence address of a federal judge, a state judge, or the spouse of a federal or state judge from any report filed by the judge in the judge's capacity or made available on the Internet under this chapter.

Sec. 254.032. NONREPORTABLE PERSONAL TRAVEL EXPENSE. A political contribution consisting of personal travel expense incurred by an individual is not required to be reported under this chapter if the individual receives no reimbursement for the expense.

Sec. 254.033. NONREPORTABLE PERSONAL SERVICE. A political contribution consisting of an individual's personal service is not required to be reported under this chapter if the individual receives no compensation for the service.

Sec. 254.034. TIME OF ACCEPTING CONTRIBUTION.

(a) A determination to accept or refuse a political contribution that is received by a candidate, officeholder, or political committee shall be made not later than the end of the reporting period during which the contribution is received.

(b) If the determination to accept or refuse a political contribution is not made before the time required by Subsection (a), for purposes of this chapter, the contribution is considered to have been accepted on the last day of that reporting period.

(c) A political contribution that is received but not accepted shall be returned to the contributor not later than the 30th day after the deadline for filing a report for the reporting period during which the contribution is received. A contribution not returned within that time is considered to be accepted.

(d) A candidate, officeholder, or political committee commits an offense if the person knowingly fails to return a political contribution as required by Subsection (c).

(e) An offense under this section is a Class A misdemeanor.

Sec. 254.035. TIME OF MAKING EXPENDITURE.

(a) For purposes of reporting under this chapter, a political expenditure is not considered to have been made until the amount is readily determinable by the person making the expenditure, except as provided by Subsection (b).

(b) If the character of an expenditure is such that under normal business practice the amount is not disclosed until receipt of a periodic bill, the expenditure is not considered made until the date the bill is received.

(c) The amount of a political expenditure made by credit card is readily determinable by the person making the expenditure on the date the person receives the credit card statement that includes the expenditure.

(d) Subsection (c) does not apply to a political expenditure made by credit card during the period covered by a report required to be filed under Section 254.064(b) or (c), 254.124(b) or (c), or 254.154(b) or (c).

Sec. 254.036. FORM OF REPORT; AFFIDAVIT; MAILING OF FORMS.

(a) Each report filed under this chapter with an authority other than the commission must be in a format prescribed by the commission. A report filed with the commission that is not required to be filed by computer diskette, modem, or other means of electronic transfer must be on a form prescribed by the commission and written in black ink or typed with black typewriter ribbon or, if the report is a computer printout, the printout must conform to the same format and paper size as the form prescribed by the commission.

(b) Except as provided by Subsection (c) or (e), each report filed under this chapter with the commission must be filed by computer diskette, modem, or other means of electronic transfer, using computer software provided by the commission or computer software that meets commission specifications for a standard file format.

(c) A candidate, officeholder, or political committee that is required to file reports with the commission may file reports that comply with Subsection (a) if:

(1) the candidate, officeholder, or campaign treasurer of the committee files with the commission an affidavit stating that the candidate, officeholder, or committee, an agent of the candidate, officeholder, or committee, or a person with whom the candidate, officeholder, or committee contracts does not use computer equipment to keep the current records of political contributions, political expenditures, or persons making political contributions to the candidate, officeholder, or committee; and

(2) the candidate, officeholder, or committee does not, in a calendar year, accept political contributions that in the aggregate exceed \$20,000 or make political expenditures that in the aggregate exceed \$20,000.

(c-1) An affidavit under Subsection (c) must be filed with each report filed under Subsection (a). The affidavit must include a statement that the candidate, officeholder, or political committee understands that the candidate, officeholder, or committee shall file reports as required by Subsection (b) if:

(1) the candidate, officeholder, or committee, a consultant of the candidate, officeholder, or committee, or a person with whom the candidate, officeholder, or committee contracts uses computer equipment for a purpose described by Subsection (c); or

(2) the candidate, officeholder, or committee exceeds \$20,000 in political contributions or political expenditures in a calendar year.

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(d) Repealed by Acts 2003, 78th Leg., ch. 249, Sec. 2.26.

(e) A candidate for an office described by Section 252.005(5) or a specific-purpose committee for supporting or opposing only candidates for an office described by Section 252.005(5) or a measure described by Section 252.007(5) may file reports that comply with Subsection (a).

(f) In prescribing the format of a report filed under this chapter with an authority other than the commission, the commission shall ensure that:

(1) a report may be filed:

(A) by first class United States mail or common or contract carrier;

(B) by personal delivery; or

(C) by electronic filing, if the authority with whom the report is required to be filed has adopted rules and procedures to provide for the electronic filing of the report and the report is filed in accordance with those rules and procedures; and

(2) an authority with whom a report is electronically filed issues an electronic receipt for the report to the person filing the report.

(g) Repealed by Acts 2003, 78th Leg., ch. 249, Sec. 2.26.

(h) Each report filed under this chapter that is not filed by electronic transfer must be accompanied by an affidavit executed by the person required to file the report. The affidavit must contain the statement: "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." Each report filed under this chapter by electronic transfer must be under oath by the person required to file the report and must contain, in compliance with commission specifications, the digitized signature of the person required to file the report. A report filed under this chapter is considered to be under oath by the person required to file the report, and the person is subject to prosecution under Chapter 37, Penal Code, regardless of the absence of or a defect in the affidavit.

(i) Each person required to file reports with the commission that comply with Subsection (b) shall file with the commission a written statement providing the manner of electronic transfer that the person will use to file the report. A statement under this subsection must be filed not later than the 30th day before the filing deadline for the first report a person is required to file under Subsection (b). A person who intends to change the manner of filing described by the person's most recent statement shall notify the commission of the change not later than the 30th day before the filing deadline for the report to which the change applies. If a person does not file a statement under this subsection, the commission may accept as authentic a report filed in any manner that complies with Subsection (b). If the commission receives a report that is not filed in the manner described by the person's most recent statement under this subsection, the commission shall promptly notify the person in writing that the commission has received a report filed in a different manner than expected.

(j) As part of the notification required by Section 251.033, the commission shall mail the appropriate forms to each person required to file a report with the commission during that reporting period.

(k) The commission shall prescribe forms for purposes of legislative caucus reports under Section 254.0311 that are separate and distinct from forms for other reports under this chapter.

(l) This section applies to a report that is filed electronically or otherwise.

Sec. 254.0362. USE OF PUBLICLY ACCESSIBLE COMPUTER TERMINAL FOR PREPARATION OF REPORTS.

(a) Except as provided by Subsection (d), a person who is required to file reports under this chapter may use a publicly accessible computer terminal that has Internet access and web browser software to prepare the reports.

(b) A public entity may prescribe reasonable restrictions on the use of a publicly accessible computer terminal for preparation of reports under this chapter, except that a public entity may not prohibit a person from using a computer terminal for preparation of reports during the public entity's regular business hours if the person requests to use the computer terminal less than 48 hours before a reporting deadline to which the person is subject.

(c) This section does not require a public entity to provide a person with consumable materials, including paper and computer diskettes, in conjunction with the use of a publicly accessible computer terminal.

(d) An officeholder may not use a computer issued to the officeholder for official use to prepare a report under this title.

(e) In this section:

(1) "Public entity" means a state agency, city, county, or independent school district.

(2) "Publicly accessible computer terminal" means a computer terminal that is normally available for use by members of the public and that is owned by a state agency, an independent school district, or a public library operated by a city or county.

Sec. 254.037. FILING DEADLINE.

(a) Except as provided by Subsection (b), the deadline for filing a report required by this chapter is 5 p.m. on the last day permitted under this chapter for filing the report.

(b) The deadline for filing a report electronically with the commission as required by this chapter is midnight on the last day for filing the report.

Sec. 254.038. SPECIAL REPORT NEAR ELECTION BY CERTAIN CANDIDATES AND POLITICAL COMMITTEES.

(a) In addition to other reports required by this chapter, the following persons shall file additional reports during the period beginning the ninth day before election day and ending at 12 noon on the day before election day:

(1) a candidate for an office specified by Section 252.005(1) who accepts political contributions from a person that in the aggregate exceed \$1,000 during that reporting period; and

(2) a specific-purpose committee for supporting or opposing a candidate described by Subdivision (1) and that accepts political contributions from a person that in the aggregate exceed \$1,000 during that reporting period.

(b) Each report required by this section must include the amount of the contributions specified by Subsection (a), the full name and address of the person making the contributions, and the dates of the contributions.

(c) A report under this section shall be filed electronically, by telegram or telephonic facsimile machine, or by hand, in the form required by Section 254.036. The commission must receive a report under this section filed by telegram, telephonic facsimile machine, or hand not later than 5 p.m. of the first business day after the date the contribution is accepted. The

commission must receive a report under this section filed electronically not later than midnight of the first business day after the date the contribution is accepted. A report under this section is not required to be accompanied by the affidavit required under Section 254.036(h) or to be submitted on a form prescribed by the commission. A report under this section that complies with Section 254.036(a) must be accompanied by an affidavit under Section 254.036(c)(1) unless the candidate or committee has submitted an affidavit under Section 254.036(c)(1) with another report filed in connection with the election for which a report is required under this section.

(d) To the extent of a conflict between this section and Section 254.036, this section controls.

Sec. 254.039. SPECIAL REPORT NEAR ELECTION BY CERTAIN GENERAL-PURPOSE COMMITTEES.

(a) In addition to other reports required by this chapter, a general-purpose committee shall file additional reports during the period beginning the ninth day before election day and ending at 12 noon on the day before election day if the committee:

(1) accepts political contributions from a person that in the aggregate exceed \$5,000 during that reporting period; or

(2) makes direct campaign expenditures supporting or opposing either a single candidate that in the aggregate exceed \$1,000 or a group of candidates that in the aggregate exceed \$15,000 during that reporting period.

(a-1) A report under this section shall be filed electronically, by telegram or telephonic facsimile machine, or by hand, in the form required by Section 254.036. The commission must receive a report under this section not later than 5 p.m. of the first business day after the date the contribution is accepted or the expenditure is made. A report under this section is not required to be accompanied by the affidavit required under Section 254.036(h) or to be submitted on a form prescribed by the commission. A report under this section that complies with Section 254.036(a) must be accompanied by an affidavit under Section 254.036(c)(1) unless the committee has submitted an affidavit under Section 254.036(c)(1) with another report filed in connection with the election for which a report is required under this section.

(a-2) Each report required by Subsection (a)(1) must include the amount of the contributions specified by that subsection, the full name and address of the person making the contributions, and the dates of the contributions.

(b) Each report required by Subsection (a)(2) must include the amount of the expenditures, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures.

(c) To the extent of a conflict between this section and Section 254.036, this section controls.

Sec. 254.0391. REPORT DURING SPECIAL LEGISLATIVE SESSION.

(a) A statewide officeholder, a member of the legislature, or a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or member of the legislature, or a candidate for statewide office or the legislature or a specific-purpose committee for supporting or opposing the candidate, that 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 shall report the contribution to the commission not later than the 30th day after the date of final adjournment.

(b) A determination to accept or refuse the political contribution shall be made not later than the third day after the date the contribution is received.

(c) Each report required by this section must include the amount of the political contribution, the full name and address of the person making the contribution, and the date of the contribution.

(d) A report is not required under this section if a person covered by Subsection (a) is required to file another report under this chapter not later than the 10th day after the date a report required under this section would be due.

Sec. 254.040. PRESERVATION OF REPORTS; RECORD OF INSPECTION.

(a) Each report filed under this chapter shall be preserved by the authority with whom it is filed for at least two years after the date it is filed.

(b) Each time a person requests to inspect a report, the commission shall place in the file a statement of the person's name and address, whom the person represents, and the date of the request. The commission shall retain that statement in the file for one year after the date the requested report is filed. This subsection does not apply to a request to inspect a report by:

- (1) a member or employee of the commission acting on official business; or
- (2) an individual acting on the individual's own behalf.

Sec. 254.0401. AVAILABILITY OF REPORTS ON INTERNET.

(a) The commission shall make each report filed with the commission under Section 254.036(b) available to the public on the Internet not later than the second business day after the date the report is filed.

(a-1) The county clerk of a county with a population of 800,000 or more shall make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee under this subchapter in connection with a county office or the office of county commissioner available to the public on the county's Internet website not later than the fifth business day after the date the report is received.

(b) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 847, Sec. 3(a), eff. September 1, 2013.

(c) The clerk of a municipality with a population of 500,000 or more shall make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee under this subchapter in connection with the office of mayor or member of the municipality's governing body available to the public on the municipality's Internet website not later than the fifth business day after the date the report is received.

(d) The access allowed by this section to reports is in addition to the public's access to the information through other electronic or print distribution of the information.

(e) Before making a report filed under Section 254.036(b) available on the Internet, the commission shall remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report. The address information removed must remain available on the report maintained in the commission's office but may not be available electronically at that office.

(f) The commission shall clearly state on the Internet website on which reports are provided that reports filed by an independent candidate, a third-party candidate, or a specific-purpose committee for supporting or opposing an independent or third-party candidate will not be available if the candidate or committee has not yet filed a report.

(g) Electronic report data saved in a temporary storage location of the authority with whom the report is filed for later retrieval and editing before the report is filed is confidential and may not be disclosed. After the report is filed with the authority, the information disclosed in the filed report is public information to the extent provided by this title.

Sec. 254.04011. AVAILABILITY OF REPORTS OF SCHOOL TRUSTEES ON INTERNET.

(a) This section applies only to a school district:

(1) located wholly or partly in a municipality with a population of more than 500,000; and

(2) with a student enrollment of more than 15,000.

(b) A report filed under this chapter by a member of the board of trustees of a school district, a candidate for membership on the board of trustees of a school district, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board of trustees of a school district must be posted on the Internet website of the school district.

(c) A report to which Subsection (b) applies must be available to the public on the Internet website not later than the fifth business day after the date the report is filed with the school district.

(d) The access allowed by this section to reports is in addition to the public's access to the information through other electronic or print distribution of the information.

(e) Before making a report available on the Internet under this section, the school district may remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report. If the address information is removed as permitted by this subsection, the information must remain available on the report maintained in the school district's office.

Sec. 254.0402. PUBLIC INSPECTION OF REPORTS.

(a) Notwithstanding Section 552.222(a), Government Code, the authority with whom a report is filed under this chapter may not require a person examining the report to provide any information or identification.

(b) The commission shall make information from reports filed with the commission under Section 254.036(b) available by electronic means, including:

(1) providing access to computer terminals at the commission's office;

(2) providing information on computer diskette for purchase at a reasonable cost; and

(3) providing modem or other electronic access to the information.

Sec. 254.0405. AMENDMENT OF FILED REPORT.

(a) A person who files a semiannual report under this chapter may amend the report.

(b) A semiannual report that is amended before the eighth day after the date the original report was filed is considered to have been filed on the date on which the original report was filed.

(c) A semiannual report that is amended on or after the eighth day after the original report was filed is considered to have been filed on the date on which the original report was filed if:

(1) the amendment is made before any complaint is filed with regard to the subject of the amendment; and

(2) the original report was made in good faith and without an intent to mislead or to misrepresent the information contained in the report.

Sec. 254.041. CRIMINAL PENALTY FOR UNTIMELY OR INCOMPLETE REPORT.

(a) A person who is required by this chapter to file a report commits an offense if the person knowingly fails:

(1) to file the report on time;

(2) to file a report by computer diskette, modem, or other means of electronic transfer, if the person is required to file reports that comply with Section 254.036(b); or

(3) to include in the report information that is required by this title to be included.

(b) Except as provided by Subsection (c), an offense under this section is a Class C misdemeanor.

(c) A violation of Subsection (a)(3) by a candidate or officeholder is a Class A misdemeanor if the report fails to include information required by Section 254.061(3) or Section 254.091(2), as applicable.

(d) It is an exception to the application of Subsection (a)(3) that:

(1) the information was required to be included in a semiannual report; and

(2) the person amended the report within the time prescribed by Section 254.0405(b) or under the circumstances described by Section 254.0405(c).

Sec. 254.042. CIVIL PENALTY FOR LATE REPORT.

(a) The commission shall determine from any available evidence whether a report required to be filed with the commission under this chapter is late. On making that determination, the commission shall immediately mail a notice of the determination to the person required to file the report.

(b) If a report other than a report under Section 254.064(c), 254.124(c), or 254.154(c) or the first report under Section 254.063 or 254.123 that is required to be filed following the primary or general election is determined to be late, the person required to file the report is liable to the state for a civil penalty of \$500. If a report under Section 254.064(c), 254.124(c), or 254.154(c) or the first report under Section 254.063 or 254.153 that is required to be filed following the primary or general election is determined to be late, the person required to file the report is liable to the state for a civil penalty of \$500 for the first day the report is late and \$100 for each day thereafter that the report is late. If a report is more than 30 days late, the commission shall issue a warning of liability by registered mail to the person required to file the report. If the penalty is not paid before the 10th day after the date on which the warning is received, the person is liable for a civil penalty in an amount determined by commission rule, but not to exceed \$10,000.

(c) A penalty paid voluntarily under this section shall be deposited in the State Treasury to the credit of the General Revenue Fund.

(d) Repealed by Acts 1991, 72nd Leg., ch. 304, Sec. 5.20, eff. Jan. 1, 1992.

Sec. 254.043. ACTION TO REQUIRE COMPLIANCE.

(a) This section applies only to:

- (1) a person required to file reports under this chapter with the commission; or
- (2) a person required to file reports under this chapter with an authority other than the commission in connection with an office of a political subdivision in a county with a population of at least 500,000.

(b) A resident of the territory served by an office may bring an action for injunctive relief against a candidate for or holder of that office or a specific-purpose committee for supporting or opposing such a candidate or assisting such an officeholder to require the person to file a report under this chapter that the person has failed to timely file.

(c) An action under this section may be brought against a person required to file reports under this chapter only if:

(1) the report is not filed before the 60th day after the date on which the report was required to be filed;

(2) not earlier than the 60th day after the date on which the report was required to be filed, the person bringing the action delivers written notice by certified mail to the person required to file the report, stating:

(A) the person's intention to bring an action under this section if the report is not filed; and

(B) that an action to require the filing of the report may be filed if the report is not filed before the 30th day after the date on which the person required to file the report receives the notice; and

(3) the report is not filed before the 30th day after the date on which the person required to file the report receives the notice required by Subdivision (2).

(d) The court shall award a plaintiff who prevails in an action under this section reasonable attorney's fees and court costs.

SUBCHAPTER C. REPORTING BY CANDIDATE

Sec. 254.061. ADDITIONAL CONTENTS OF REPORTS. In addition to the contents required by Section 254.031, each report by a candidate must include:

(1) the candidate's full name and address, the office sought, and the identity and date of the election for which the report is filed;

(2) the campaign treasurer's name, residence or business street address, and telephone number;

(3) for each political committee from which the candidate received notice under Section 254.128 or 254.161:

(A) the committee's full name and address;

(B) an indication of whether the committee is a general-purpose committee or a specific-purpose committee; and

(C) the full name and address of the committee's campaign treasurer; and

(4) on a separate page or pages of the report, the identification of any payment from political contributions made to a business in which the candidate has a participating interest

of more than 10 percent, holds a position on the governing body of the business, or serves as an officer of the business.

[Section 254.0611, Election Code, as amended, is effective June 2, 2019.]

Sec. 254.0611. ADDITIONAL CONTENTS OF REPORTS BY CERTAIN JUDICIAL CANDIDATES.

(a) In addition to the contents required by Sections 254.031 and 254.061, each report by a candidate for a judicial office covered by Subchapter F, Chapter 253, must include:

(1) the total amount of political contributions, including interest or other income, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period;

(2) for each individual from whom the person filing the report has accepted political contributions that in the aggregate exceed \$50 and that are accepted during the reporting period:

(A) the principal occupation and job title of the individual and the full name of the employer of the individual or of the law firm of which the individual or the individual's spouse is a member, if any; or

(B) if the individual is a child, the full name of the law firm of which either of the individual's parents is a member, if any;

(3) a specific listing of each asset valued at \$500 or more that was purchased with political contributions and on hand as of the last day of the reporting period;

(4) for each political contribution accepted by the person filing the report but not received as of the last day of the reporting period:

(A) the full name and address of the person making the contribution;

(B) the amount of the contribution; and

(C) the date of the contribution; and

(5) for each outstanding loan to the person filing the report as of the last day of the reporting period:

(A) the full name and address of the person or financial institution making the loan; and

(B) the full name and address of each guarantor of the loan other than the candidate.

(b) In this section:

(1) "Child" and "law firm" have ~~has~~ the meanings ~~[meaning]~~ assigned by Section 253.152 ~~[253.158]~~.

(2) "Member" has ~~["Law firm" and "member" have]~~ the meaning ~~[meanings]~~ assigned to "member of a law firm" by Section 253.152 ~~[253.157]~~.

Sec. 254.0612. ADDITIONAL CONTENTS OF REPORTS BY CANDIDATE FOR STATEWIDE EXECUTIVE OFFICE OR LEGISLATIVE OFFICE.

In addition to the contents required by Sections 254.031 and 254.061, each report by a candidate for a statewide office in the executive branch or a legislative office must include, for each individual from whom the person filing the report has accepted political contributions that in the aggregate equal or exceed \$500 and that are accepted during the reporting period:

(1) the individual's principal occupation or job title; and

(2) the full name of the individual's employer.

Sec. 254.062. CERTAIN OFFICEHOLDER ACTIVITY INCLUDED. If an officeholder who becomes a candidate has reportable activity that is not reported under Subchapter D before the end of the period covered by the first report the candidate is required to file under this subchapter, the reportable activity shall be included in the first report filed under this subchapter instead of in a report filed under Subchapter D.

Sec. 254.063. SEMIANNUAL REPORTING SCHEDULE FOR CANDIDATE.

(a) A candidate shall file two reports for each year as provided by this section.

(b) The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through June 30.

(c) The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through December 31.

Sec. 254.064. ADDITIONAL REPORTS OF OPPOSED CANDIDATE.

(a) In addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports.

(b) The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The report covers the period beginning the day the candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under this chapter, as applicable, and continuing through the 40th day before election day.

(c) The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day.

(d) If a person becomes an opposed candidate after a reporting period prescribed by Subsection (b) or (c), the person's first report must be received by the authority with whom the report is required to be filed not later than the regular deadline for the report covering the period during which the person becomes an opposed candidate. The period covered by the first report begins the day the candidate's campaign treasurer appointment is filed.

(e) In addition to other required reports, an opposed candidate in a runoff election shall file one report for that election. The runoff election report must be received by the authority with whom the report is required to be filed not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day.

Sec. 254.065. FINAL REPORT.

(a) If a candidate expects no reportable activity in connection with the candidacy to occur after the period covered by a report filed under this subchapter, the candidate may designate the report as a "final" report.

(b) The designation of a report as a final report:

(1) relieves the candidate of the duty to file additional reports under this subchapter, except as provided by Subsection (c); and

(2) terminates the candidate's campaign treasurer appointment.

(c) If, after a candidate's final report is filed, reportable activity with respect to the candidacy occurs, the candidate shall file the appropriate reports under this subchapter and is otherwise subject to the provisions of this title applicable to candidates. A report filed under this subsection may be designated as a final report.

Sec. 254.066. AUTHORITY WITH WHOM REPORTS FILED. Reports under this subchapter shall be filed with the authority with whom the candidate's campaign treasurer appointment is required to be filed.

SUBCHAPTER D. REPORTING BY OFFICEHOLDER

Sec. 254.091. ADDITIONAL CONTENTS OF REPORTS. In addition to the contents required by Section 254.031, each report by an officeholder must include:

(1) the officeholder's full name and address and the office held;

(2) for each political committee from which the officeholder received notice under Section 254.128 or 254.161:

(A) the committee's full name and address;

(B) an indication of whether the committee is a general-purpose committee or a specific-purpose committee; and

(C) the full name and address of the committee's campaign treasurer;

and

(3) on a separate page or pages of the report, the identification of any payment from political contributions made to a business in which the officeholder has a participating interest of more than 10 percent, holds a position on the governing body of the business, or serves as an officer of the business.

Sec. 254.0911. ADDITIONAL CONTENTS OF REPORTS BY CERTAIN JUDICIAL OFFICEHOLDERS. In addition to the contents required by Sections 254.031 and 254.091, each report by a holder of a judicial office covered by Subchapter F, Chapter 253, must include the contents prescribed by Section 254.0611.

Sec. 254.0912. ADDITIONAL CONTENTS OF REPORTS BY STATEWIDE EXECUTIVE OFFICEHOLDERS AND LEGISLATIVE OFFICEHOLDERS. In addition to the contents required by Sections 254.031 and 254.091, each report by a holder of a statewide office in the executive branch or a legislative office must include the contents prescribed by Section 254.0612.

Sec. 254.092. CERTAIN OFFICEHOLDER EXPENDITURES EXCLUDED. An officeholder is not required to report officeholder expenditures made from the officeholder's personal funds, except as provided by Section 253.035(h).

Sec. 254.093. SEMIANNUAL REPORTING SCHEDULE FOR OFFICEHOLDER.

(a) An officeholder shall file two reports for each year as provided by this section.

(b) The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the officeholder takes office, or the first day after the period covered by the last report required to be filed under this chapter, as applicable, and continuing through June 30.

(c) The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the officeholder takes office, or the first day after the period covered by the last report required to be filed under this chapter, as applicable, and continuing through December 31.

Sec. 254.094. REPORT FOLLOWING APPOINTMENT OF CAMPAIGN TREASURER.

(a) An officeholder who appoints a campaign treasurer shall file a report as provided by this section.

(b) The report covers the period beginning the first day after the period covered by the last report required to be filed under this chapter or the day the officeholder takes office, as applicable, and continuing through the day before the date the officeholder's campaign treasurer is appointed.

(c) The report shall be filed not later than the 15th day after the date the officeholder's campaign treasurer is appointed.

Sec. 254.095. REPORT NOT REQUIRED. If at the end of any reporting period prescribed by this subchapter an officeholder who is required to file a report with an authority other than the commission has not accepted political contributions that in the aggregate exceed \$500 or made political expenditures that in the aggregate exceed \$500, the officeholder is not required to file a report covering that period.

Sec. 254.096. OFFICEHOLDER WHO BECOMES CANDIDATE. An officeholder who becomes a candidate is subject to Subchapter C during each period covered by a report required to be filed under Subchapter C.

Sec. 254.097. AUTHORITY WITH WHOM REPORTS FILED. Reports under this subchapter shall be filed with the authority with whom a campaign treasurer appointment by a candidate for the office held by the officeholder is required to be filed.

SUBCHAPTER E. REPORTING BY SPECIFIC-PURPOSE COMMITTEE

Sec. 254.121. ADDITIONAL CONTENTS OF REPORTS. In addition to the contents required by Section 254.031, each report by a campaign treasurer of a specific-purpose committee must include:

- (1) the committee's full name and address;
- (2) the full name, residence or business street address, and telephone number of the committee's campaign treasurer;
- (3) the identity and date of the election for which the report is filed, if applicable;
- (4) the name of each candidate and each measure supported or opposed by the committee, indicating for each whether the committee supports or opposes;
- (5) the name of each officeholder assisted by the committee;
- (6) the amount of each political expenditure in the form of a political contribution that is made to a candidate, officeholder, or another political committee and that is returned to the committee during the reporting period, the name of the person to whom the expenditure was originally made, and the date it is returned;
- (7) on a separate page or pages of the report, the identification of any payment from political contributions made to a business in which the candidate or officeholder has a participating interest of more than 10 percent, holds a position on the governing body of the business, or serves as an officer of the business; and
- (8) on a separate page or pages of the report, the identification of any contribution from a corporation or labor organization made and accepted under Subchapter D, Chapter 253.

Sec. 254.1211. ADDITIONAL CONTENTS OF REPORTS OF CERTAIN COMMITTEES. In addition to the contents required by Sections 254.031 and 254.121, each report by a specific-purpose committee for supporting or opposing a candidate for or assisting a holder of a judicial office covered by Subchapter F, Chapter 253, must include the contents prescribed by Section 254.0611.

Sec. 254.1212. ADDITIONAL CONTENTS OF REPORTS OF COMMITTEE SUPPORTING OR OPPOSING CANDIDATE FOR STATEWIDE EXECUTIVE OFFICEHOLDERS OR LEGISLATIVE OFFICEHOLDERS OR ASSISTING STATEWIDE EXECUTIVE OFFICEHOLDERS OR LEGISLATIVE OFFICEHOLDERS. In addition to the contents required by Sections 254.031 and 254.121, each report by a specific-purpose committee for supporting or opposing a candidate for or assisting a holder of a statewide office in the executive branch or a legislative office must include the contents prescribed by Section 254.0612.

Sec. 254.122. INVOLVEMENT IN MORE THAN ONE ELECTION BY CERTAIN COMMITTEES. If a specific-purpose committee for supporting or opposing more than one candidate becomes involved in more than one election for which the reporting periods prescribed by Section 254.124 overlap, the reportable activity that occurs during the overlapping period is not required to be included in a report filed after the first report in which the activity is required to be reported.

Sec. 254.123. SEMIANNUAL REPORTING SCHEDULE FOR COMMITTEE.

(a) The campaign treasurer of a specific-purpose committee shall file two reports for each year as provided by this section.

(b) The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the committee's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through June 30.

(c) The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the committee's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through December 31.

Sec. 254.124. ADDITIONAL REPORTS OF COMMITTEE FOR SUPPORTING OR OPPOSING CANDIDATE OR MEASURE.

(a) In addition to other required reports, for each election in which a specific-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports.

(b) The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The report covers the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable, and continuing through the 40th day before election day.

(c) The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day.

(d) If a specific-purpose committee supports or opposes a candidate or measure in an election after a reporting period prescribed by Subsection (b) or (c), the first report must be received by the authority with whom the report is required to be filed not later than the regular deadline for the report covering the period during which the committee becomes involved in the election. The period covered by the first report begins the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable.

(e) In addition to other required reports, the campaign treasurer of a specific-purpose committee that supports or opposes a candidate in a runoff election shall file one report for the runoff election. The runoff election report must be received by the authority with whom the report is required to be filed not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day.

(f) This section does not apply to a specific-purpose committee supporting only candidates who do not have opponents whose names are to appear on the ballot.

Sec. 254.125. FINAL REPORT OF COMMITTEE FOR SUPPORTING OR OPPOSING CANDIDATE OR MEASURE.

(a) If a specific-purpose committee for supporting or opposing a candidate or measure expects no reportable activity in connection with the election to occur after the period covered by a report filed under this subchapter, the committee's campaign treasurer may designate the report as a "final" report.

(b) The designation of a report as a final report:

(1) relieves the campaign treasurer of the duty to file additional reports under this subchapter, except as provided by Subsection (c); and

(2) terminates the committee's campaign treasurer appointment.

(c) If, after a committee's final report is filed, reportable activity with respect to the election occurs, the committee must file the appropriate reports under this subchapter and is otherwise subject to the provisions of this title applicable to political committees. A report filed under this subsection may be designated as a final report.

Sec. 254.126. DISSOLUTION REPORT OF COMMITTEE FOR ASSISTING OFFICEHOLDER.

(a) If a specific-purpose committee for assisting an officeholder expects no reportable activity to occur after the period covered by a report filed under this subchapter, the committee's campaign treasurer may designate the report as a "dissolution" report.

(b) The filing of a report designated as a dissolution report:

(1) relieves the campaign treasurer of the duty to file additional reports under this subchapter; and

(2) terminates the committee's campaign treasurer appointment.

(c) A dissolution report must contain an affidavit, executed by the committee's campaign treasurer, that states that all the committee's reportable activity has been reported.

Sec. 254.127. TERMINATION REPORT.

(a) If the campaign treasurer appointment of a specific-purpose committee is terminated, the terminated campaign treasurer shall file a termination report.

(b) A termination report is not required if the termination occurs on the last day of a reporting period under this subchapter and a report for that period is filed as provided by this subchapter.

(c) The report covers the period beginning the day after the period covered by the last report required to be filed under this subchapter and continuing through the day the campaign treasurer appointment is terminated.

(d) The report shall be filed not later than the 10th day after the date the campaign treasurer appointment is terminated.

(e) Reportable activity contained in a termination report is not required to be included in any subsequent report of the committee that is filed under this subchapter. The period covered by the committee's first report filed under this subchapter after a termination report begins the day after the date the campaign treasurer appointment is terminated.

Sec. 254.128. NOTICE TO CANDIDATE AND OFFICEHOLDER OF CONTRIBUTIONS AND EXPENDITURES.

(a) If a specific-purpose committee accepts political contributions or makes political expenditures for a candidate or officeholder, the committee's campaign treasurer shall deliver written notice of that fact to the affected candidate or officeholder not later than the end of the period covered by the report in which the reportable activity occurs.

(b) The notice must include the full name and address of the political committee and its campaign treasurer and an indication that the committee is a specific-purpose committee.

(c) A campaign treasurer commits an offense if the campaign treasurer fails to comply with this section. An offense under this section is a Class A misdemeanor.

Sec. 254.129. NOTICE OF CHANGE IN COMMITTEE STATUS.

(a) If a specific-purpose committee changes its operation and becomes a general-purpose committee, the committee's campaign treasurer shall deliver written notice of the change in status to the authority with whom the specific-purpose committee's reports under this chapter are required to be filed.

(b) The notice shall be delivered not later than the next deadline for filing a report under this subchapter that:

(1) occurs after the change in status; and

(2) would be applicable to the political committee if the committee had not changed its status.

(c) The notice must indicate the filing authority with whom future filings are expected to be made.

(d) A campaign treasurer commits an offense if the campaign treasurer fails to comply with this section. An offense under this section is a Class B misdemeanor.

Sec. 254.130. AUTHORITY WITH WHOM REPORTS FILED.

(a) Except as provided by subsection (b), reports filed under this subchapter shall be filed with the authority with whom the political committee's campaign treasurer appointment is required to be filed.

(b) A specific-purpose committee created to support or oppose a measure on the issuance of bonds by a school district shall file reports under this subchapter with the commission.

SUBCHAPTER F. REPORTING BY GENERAL-PURPOSE COMMITTEE

Sec. 254.151. ADDITIONAL CONTENTS OF REPORTS. In addition to the contents required by Section 254.031, each report by a campaign treasurer of a general-purpose committee must include:

(1) the committee's full name and address;

(2) the full name, residence or business street address, and telephone number of the committee's campaign treasurer;

(3) the identity and date of the election for which the report is filed, if applicable;

(4) the name of each identified candidate or measure or classification by party of candidates supported or opposed by the committee, indicating whether the committee supports or opposes each listed candidate, measure, or classification by party of candidates;

(5) the name of each identified officeholder or classification by party of officeholders assisted by the committee;

(6) the principal occupation of each person from whom political contributions that in the aggregate exceed \$50 are accepted during the reporting period;

(7) the amount of each political expenditure in the form of a political contribution made to a candidate, officeholder, or another political committee that is returned to the committee during the reporting period, the name of the person to whom the expenditure was originally made, and the date it is returned;

(8) on a separate page or pages of the report, the identification of any contribution from a corporation or labor organization made and accepted under Subchapter D, Chapter 253; and

(9) on a separate page or pages of the report, the identification of the name of the donor, the amount, and the date of any expenditure made by a corporation or labor organization to:

(A) establish or administer the political committee; or

(B) finance the solicitation of political contributions to the committee

under Section 253.100.

Sec. 254.152. TIME FOR REPORTING CERTAIN EXPENDITURES. If a general-purpose committee makes a political expenditure in the form of a political contribution to another general-purpose committee or to an out-of-state political committee and the contributing committee does not intend that the contribution be used in connection with a particular election, the contributing committee shall include the expenditure in the first report required to be filed under this subchapter after the expenditure is made.

Sec. 254.153. SEMIANNUAL REPORTING SCHEDULE FOR COMMITTEE.

(a) The campaign treasurer of a general-purpose committee shall file two reports for each year as provided by this section.

(b) The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the committee's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through June 30.

(c) The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the committee's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through December 31.

Sec. 254.154. ADDITIONAL REPORTS OF COMMITTEE INVOLVED IN ELECTION.

(a) In addition to other required reports, for each election in which a general-purpose committee is involved, the committee's campaign treasurer shall file two reports.

(b) The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The report covers the period

beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable, and continuing through the 40th day before election day.

(c) The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day.

(d) If a general-purpose committee becomes involved in an election after a reporting period prescribed by Subsection (b) or (c), the first report must be received by the authority with whom the report is required to be filed not later than the regular deadline for the report covering the period during which the committee becomes involved in the election. The period covered by the first report begins the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable.

(e) In addition to other required reports, the campaign treasurer of a general-purpose committee involved in a runoff election shall file one report for the runoff election. The runoff election report must be received by the authority with whom the report is required to be filed not earlier than the 10th day or later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day.

Sec. 254.1541. ALTERNATE REPORTING REQUIREMENTS FOR CERTAIN COMMITTEES.

(a) This section applies only to a general-purpose committee with less than \$20,000 in one or more accounts maintained by the committee in which political contributions are deposited, as of the last day of the preceding reporting period for which the committee was required to file a report.

(b) A report by a campaign treasurer of a general-purpose committee to which this section applies may include, instead of the information required under Sections 254.031(a)(1) and (5) and Section 254.151(6):

(1) the amount of political contributions from each person that in the aggregate exceed \$100 and that are accepted during the reporting period by the committee, the full name and address of the person making the contributions, the person's principal occupation, and the dates of the contributions; and

(2) the total amount or a specific listing of the political contributions of \$100 or less accepted and the total amount or a specific listing of the political expenditures of \$100 or less made during the reporting period.

Sec. 254.155. OPTION TO FILE MONTHLY; NOTICE.

(a) As an alternative to filing reports under Sections 254.153 and 254.154, a general-purpose committee may file monthly reports.

(b) To be entitled to file monthly reports, the committee must deliver written notice of the committee's intent to file monthly to the commission not earlier than January 1 or later than January 15 of the year in which the committee intends to file monthly. The notice for a committee formed after January 15 must be delivered at the time the committee's campaign treasurer appointment is filed.

(c) A committee that files monthly reports may revert to the regular filing schedule prescribed by Sections 254.153 and 254.154 by delivering written notice of the committee's intent not earlier than January 1 or later than January 15 of the year in which the committee intends to revert to the regular reporting schedule. The notice must include a report of all political contributions accepted and all political expenditures made that were not previously reported.

Sec. 254.156. CONTENTS OF MONTHLY REPORTS. Each monthly report filed under this subchapter must comply with Sections 254.031 and 254.151 except that the maximum amount of a political contribution, expenditure, or loan that is not required to be individually reported is:

- (1) \$10 in the aggregate; or
- (2) \$20 in the aggregate for a contribution accepted by a general-purpose committee to which Section 254.1541 applies.

Sec. 254.157. MONTHLY REPORTING SCHEDULE.

(a) The campaign treasurer of a general-purpose committee filing monthly reports shall file a report not later than the fifth day of the month following the period covered by the report. A report covering the month preceding an election in which the committee is involved must be received by the authority with whom the report is required to be filed not later than the fifth day of the month following the period covered by the report.

(b) A monthly report covers the period beginning the 26th day of each month and continuing through the 25th day of the following month, except that the period covered by the first report begins January 1 and continues through January 25.

Sec. 254.158. EXCEPTION TO MONTHLY REPORTING SCHEDULE. If the campaign treasurer appointment of a general-purpose committee filing monthly reports is filed after January 1 of the year in which monthly reports are filed, the period covered by the first monthly report begins the day the appointment is filed and continues through the 25th day of the month in which the appointment is filed unless the appointment is filed the 25th or a succeeding day of the month. In that case, the period continues through the 25th day of the month following the month in which the appointment is filed.

Sec. 254.1581. REPORTING BY OUT-OF-STATE POLITICAL COMMITTEE. For each reporting period under this subchapter in which an out-of-state political committee accepts political contributions or makes political expenditures, the committee shall file with the commission a copy of one or more reports filed with the Federal Election Commission or with the proper filing authority of at least one other state that shows the political contributions accepted, political expenditures made, and other expenditures made by the committee. A report must be filed within the same period in which it is required to be filed under federal law or the law of the other state.

Sec. 254.159. DISSOLUTION REPORT. If a general-purpose committee expects no reportable activity to occur after the period covered by a report filed under this subchapter, the report may be designated as a "dissolution" report as provided by Section 254.126 for a specific-purpose committee and has the same effect.

Sec. 254.160. TERMINATION REPORT. If the campaign treasurer appointment of a general-purpose committee is terminated, the campaign treasurer shall file a termination report as prescribed by Section 254.127 for a specific-purpose committee.

Sec. 254.161. NOTICE TO CANDIDATE AND OFFICEHOLDER OF CONTRIBUTIONS AND EXPENDITURES. If a general-purpose committee other than the principal political committee of a political party or a political committee established by a political party's county executive committee accepts political contributions or makes political expenditures for a candidate or officeholder, notice of that fact shall be given to the affected candidate or officeholder as provided by Section 254.128 for a specific-purpose committee.

Sec. 254.162. NOTICE OF CHANGE IN COMMITTEE STATUS. If a general-purpose committee changes its operation and becomes a specific-purpose committee, notice of the change in status shall be given to the commission as provided by Section 254.129 for a specific-purpose committee.

Sec. 254.163. AUTHORITY WITH WHOM REPORTS FILED. Reports filed under this subchapter shall be filed with the commission.

Sec. 254.164. CERTAIN COMMITTEES EXEMPT FROM CIVIL PENALTIES. The commission may not impose a civil penalty on a general-purpose committee for a violation of this chapter if the report filed by the committee that is the subject of the violation discloses that the committee did not accept political contributions totaling \$3,000 or more, accept political contributions from a single person totaling \$1,000 or more, or make or authorize political expenditures totaling \$3,000 or more during:

- (1) the reporting period covered by the report that is the subject of the violation;
- or
- (2) either of the two reporting periods preceding the reporting period described by Subdivision (1).

SUBCHAPTER G. MODIFIED REPORTING PROCEDURES; \$500 MAXIMUM IN CONTRIBUTIONS OR EXPENDITURES

Sec. 254.181. MODIFIED REPORTING AUTHORIZED.

(a) An opposed candidate or specific-purpose committee required to file reports under Subchapter C or E may file a report under this subchapter instead if the candidate or committee does not intend to accept political contributions that in the aggregate exceed \$500 or to make political expenditures that in the aggregate exceed \$500 in connection with the election.

(b) The amount of a filing fee paid by a candidate is excluded from the \$500 maximum expenditure permitted under this section.

Sec. 254.182. DECLARATION OF INTENT REQUIRED.

(a) To be entitled to file reports under this subchapter, an opposed candidate or specific-purpose committee must file with the campaign treasurer appointment a written declaration of intent not to exceed \$500 in political contributions or political expenditures in the election.

(b) The declaration of intent must contain a statement that the candidate or committee understands that if the \$500 maximum for contributions and expenditures is exceeded, the candidate or committee is required to file reports under Subchapter C or E, as applicable.

Sec. 254.183. MAXIMUM EXCEEDED.

(a) An opposed candidate or specific-purpose committee that exceeds \$500 in political contributions or political expenditures in the election shall file reports as required by Subchapter C or E, as applicable.

(b) If a candidate or committee exceeds the \$500 maximum after the filing deadline prescribed by Subchapter C or E for the first report required to be filed under the appropriate subchapter, the candidate or committee shall file a report not later than 48 hours after the maximum is exceeded.

(c) A report filed under Subsection (b) covers the period beginning the day the campaign treasurer appointment is filed and continuing through the day the maximum is exceeded.

(d) The reporting period for the next report filed by the candidate or committee begins on the day after the last day of the period covered by the report filed under Subsection (b).

Sec. 254.184. APPLICABILITY OF REGULAR REPORTING REQUIREMENTS.

(a) Subchapter C or E, as applicable, applies to an opposed candidate or specific-purpose committee filing under this subchapter to the extent that the appropriate subchapter does not conflict with this subchapter.

(b) A candidate or committee filing under this subchapter is not required to file any reports of political contributions and political expenditures other than the semiannual reports required to be filed not later than July 15 and January 15.

SUBCHAPTER H. UNEXPENDED CONTRIBUTIONS

Sec. 254.201. ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS.

(a) This section applies to:

(1) a former officeholder who has unexpended political contributions after filing the last report required to be filed by Subchapter D; or

(2) a person who was an unsuccessful candidate who has unexpended political contributions after filing the last report required to be filed by Subchapter C.

(b) A person covered by this section shall file an annual report for each year in which the person retains unexpended contributions.

Sec. 254.202. FILING OF REPORT; CONTENTS.

(a) A person shall file the report required by Section 254.201 not earlier than January 1 or later than January 15 of each year following the year in which the person files a final report under this chapter.

(b) The report shall be filed with the authority with whom the person's campaign treasurer appointment was required to be filed.

(c) The report must include:

- (1) the person's full name and address;
- (2) the full name and address of each person to whom a payment from unexpended political contributions was made during the previous year;
- (3) the date, amount, and purpose of each payment made under Subdivision (2);
- (4) the total amount of unexpended political contributions as of December 31 of the previous year; and
- (5) the total amount of interest and other income earned on unexpended political contributions during the previous year.

Sec. 254.203. RETENTION OF CONTRIBUTIONS.

(a) A person may not retain political contributions covered by this title, assets purchased with the contributions, or interest and other income earned on the contributions for more than six years after the date the person either ceases to be an officeholder or candidate or files a final report under this chapter, whichever is later.

(b) If the person becomes an officeholder or candidate within the six-year period, the prohibition in Subsection (a) does not apply until the person again ceases to be an officeholder or candidate.

(c) A person who violates Subsection (a) commits an offense. An offense under this section is a Class A misdemeanor.

Sec. 254.204. DISPOSITION OF UNEXPENDED CONTRIBUTIONS.

(a) At the end of the six-year period prescribed by Section 254.203, the former officeholder or candidate shall remit any unexpended political contributions to one or more of the following:

- (1) the political party with which the person was affiliated when the person's name last appeared on a ballot;
- (2) a candidate or political committee;
- (3) the comptroller for deposit in the state treasury;
- (4) one or more persons from whom political contributions were received, in accordance with Subsection (d);
- (5) 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; or
- (6) a public or private postsecondary educational institution or an institution of higher education as defined by Section 61.003(8), Education Code, solely for the purpose of assisting or creating a scholarship program.

(b) A person who disposes of unexpended political contributions under Subsection (a)(2) shall report each contribution as if the person were a campaign treasurer of a specific-purpose committee.

(c) Political contributions disposed of under Subsection (a)(3) may be appropriated only for financing primary elections.

(d) The amount of political contributions disposed of under Subsection (a)(4) to one person may not exceed the aggregate amount accepted from that person during the last two years that the candidate or officeholder accepted contributions under this title.

Sec. 254.205. REPORT OF DISPOSITION OF UNEXPENDED CONTRIBUTIONS.

(a) Not later than the 30th day after the date the six-year period prescribed by Section 254.203 ends, the person required to dispose of unexpended political contributions shall file a report of the disposition.

(b) The report shall be filed with the authority with whom the person's campaign treasurer appointment was required to be filed.

(c) The report must include:

- (1) the person's full name and address;
- (2) the full name and address of each person to whom a payment from unexpended political contributions is made; and
- (3) the date and amount of each payment reported under Subdivision (2).

SUBCHAPTER I. CIVIL LIABILITY

Sec. 254.231. LIABILITY TO CANDIDATES.

(a) A candidate or campaign treasurer or assistant campaign treasurer of a political committee who fails to report in whole or in part a campaign contribution or campaign expenditure as required by this chapter is liable for damages as provided by this section.

(b) Each opposing candidate whose name appears on the ballot is entitled to recover damages under this section.

(c) In this section, "damages" means:

- (1) twice the amount not reported that is required to be reported; and
- (2) reasonable attorney's fees incurred in the suit.

(d) Reasonable attorney's fees incurred in the suit may be awarded to the defendant if judgment is rendered in the defendant's favor.

Sec. 254.232. LIABILITY TO STATE. A candidate, officeholder, or campaign treasurer or assistant campaign treasurer of a political committee who fails to report in whole or in part a political contribution or political expenditure as required by this chapter is liable in damages to the state in the amount of triple the amount not reported that is required to be reported.

**SUBCHAPTER J. REPORTING BY CERTAIN PERSONS MAKING DIRECT
CAMPAIGN EXPENDITURES**

Sec. 254.261. DIRECT CAMPAIGN EXPENDITURE EXCEEDING \$100.

(a) A person not acting in concert with another person who makes one or more direct campaign expenditures in an election from the person's own property shall comply with this chapter as if the person were the campaign treasurer of a general-purpose committee that does not file monthly reports under Section 254.155.

(b) A person is not required to file a report under this section if the person is required to disclose the expenditure in another report required under this title within the time applicable under this section for reporting the expenditure.

(c) This section does not require a general-purpose committee that files under the monthly reporting schedule to file reports under Section 254.154.

(d) A person is not required to file a campaign treasurer appointment for making expenditures for which reporting is required under this section, unless the person is otherwise required to file a campaign treasurer appointment under this title.

Sec. 254.262. TRAVEL EXPENSE. A direct campaign expenditure consisting of personal travel expenses incurred by a person may be made without complying with Section 254.261.

CHAPTER 255. REGULATING POLITICAL ADVERTISING AND CAMPAIGN COMMUNICATIONS

Sec. 255.001. REQUIRED DISCLOSURE ON POLITICAL ADVERTISING.

(a) A person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not indicate in the advertising:

- (1) that it is political advertising; and
- (2) the full name of:

- (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.

(b) Political advertising that is authorized by a candidate, an agent of a candidate, or a political committee filing reports under this title shall be deemed to contain express advocacy.

(c) A person may not knowingly use, cause or permit to be used, or continue to use any published, distributed, or broadcast political advertising containing express advocacy that the person knows does not include the disclosure required by Subsection (a). A person is presumed to know that the use of political advertising is prohibited by this subsection if the commission notifies the person in writing that the use is prohibited. A person who learns that political advertising signs, as defined by Section 259.001 [~~255.007~~], that have been distributed do not include the disclosure required by Subsection (a) or include a disclosure that does not comply with Subsection (a) does not commit a continuing violation of this subsection if the person makes a good faith attempt to remove or correct those signs. A person who learns that printed political advertising other than a political advertising sign that has been distributed does not include the disclosure required by Subsection (a) or includes a disclosure that does not comply with Subsection (a) is not required to attempt to recover the political advertising and does not commit a continuing violation of this subsection as to any previously distributed political advertising.

(d) This section does not apply to:

- (1) tickets or invitations to political fund-raising events;
- (2) campaign buttons, pins, hats, or similar campaign materials; or
- (3) circulars or flyers that cost in the aggregate less than \$500 to publish and

distribute.

(e) A person who violates this section is liable to the state for a civil penalty in an amount determined by the commission not to exceed \$4,000.

Sec. 255.002. RATES FOR POLITICAL ADVERTISING.

(a) The rate charged for political advertising by a radio or television station may not exceed:

- (1) during the 45 days preceding a general or runoff primary election and during the 60 days preceding a general or special election, the broadcaster's lowest unit charge for advertising of the same class, for the same time, and for the same period; or

- (2) at any time other than that specified by Subdivision (1), the amount charged other users for comparable use of the station.

(b) The rate charged for political advertising that is printed or published may not exceed the lowest charge made for comparable use of the space for any other purposes.

(c) In determining amounts charged for comparable use, the amount and kind of space or time used, number of times used, frequency of use, type of advertising copy submitted, and any other relevant factors shall be considered.

(d) Discounts offered by a newspaper or magazine to its commercial advertisers shall be offered on equal terms to purchasers of political advertising from the newspaper or magazine.

(e) A person commits an offense if the person knowingly demands or receives or knowingly pays or offers to pay for political advertising more consideration than permitted by this section.

(f) An offense under this section is a Class C misdemeanor.

Sec. 255.003. UNLAWFUL USE OF PUBLIC FUNDS FOR POLITICAL ADVERTISING.

(a) An officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising.

(b) Subsection (a) does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure.

(b-1) An officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that:

(1) the officer or employee knows is false; and

(2) is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

(c) A person who violates Subsection (a) or (b-1) commits an offense. An offense under this section is a Class A misdemeanor.

(d) It is an affirmative defense to prosecution for an offense under this section or the imposition of a civil penalty for conduct under this section that an officer or employee of a political subdivision reasonably relied on a court order or an interpretation of this section in a written opinion issued by:

(1) a court of record;

(2) the attorney general; or

(3) the commission.

(e) On written request of the governing body of a political subdivision that has ordered an election on a measure, the commission shall prepare an advance written advisory opinion as to whether a particular communication relating to the measure does or does not comply with this section.

(f) Subsections (d) and (e) do not apply to a port authority or navigation district.

Sec. 255.0031. UNLAWFUL USE OF INTERNAL MAIL SYSTEM FOR POLITICAL ADVERTISING.

(a) An officer or employee of a state agency or political subdivision may not knowingly use or authorize the use of an internal mail system for the distribution of political advertising.

(b) Subsection (a) does not apply to:

(1) the use of an internal mail system to distribute political advertising that is delivered to the premises of a state agency or political subdivision through the United States Postal Service; or

(2) the use of an internal mail system by a state agency or municipality to distribute political advertising that is the subject of or related to an investigation, hearing, or other official proceeding of the agency or municipality.

(c) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

(d) In this section:

(1) "Internal mail system" means a system operated by a state agency or political subdivision to deliver written documents to officers or employees of the agency or subdivision.

(2) "State agency" means:

(A) a department, commission, board, office, or other agency that is in the legislative, executive, or judicial branch of state government;

(B) a university system or an institution of higher education as defined by Section 61.003, Education Code; or

(C) a river authority created under the constitution or a statute of this state.

Sec. 255.004. TRUE SOURCE OF COMMUNICATION.

(a) A person commits an offense if, with intent to injure a candidate or influence the result of an election, the person enters into a contract or other agreement to print, publish, or broadcast political advertising that purports to emanate from a source other than its true source.

(b) A person commits an offense if, with intent to injure a candidate or influence the result of an election, the person knowingly represents in a campaign communication that the communication emanates from a source other than its true source.

(c) An offense under this section is a Class A misdemeanor.

(d) A person commits an offense if the person, with intent to injure a candidate or influence the result of an election:

(1) creates a deep fake video; and

(2) causes the deep fake video to be published or distributed within 30 days of an election.

(e) In this section, "deep fake video" means a video, created with the intent to deceive, that appears to depict a real person performing an action that did not occur in reality.

Sec. 255.005. MISREPRESENTATION OF IDENTITY.

(a) A person commits an offense if, with intent to injure a candidate or influence the result of an election, the person misrepresents the person's identity or, if acting or purporting to act as an agent, misrepresents the identity of the agent's principal, in political advertising or a campaign communication.

(b) An offense under this section is a Class A misdemeanor.

Sec. 255.006. MISLEADING USE OF OFFICE TITLE.

(a) A person commits an offense if the person knowingly enters into a contract or other agreement to print, publish, or broadcast political advertising with the intent to represent to an ordinary and prudent person that a candidate holds a public office that the candidate does not hold at the time the agreement is made.

(b) A person commits an offense if the person knowingly represents in a campaign communication that a candidate holds a public office that the candidate does not hold at the time the representation is made.

(c) For purposes of this section, a person represents that a candidate holds a public office that the candidate does not hold if:

(1) the candidate does not hold the office that the candidate seeks; and

(2) the political advertising or campaign communication states the public office sought but does not include the word "for" in a type size that is at least one-half the type size used for the name of the office to clarify that the candidate does not hold that office.

(d) A person other than an officeholder commits an offense if the person knowingly uses a representation of the state seal in political advertising.

(e) An offense under this section is a Class A misdemeanor.

[Section 255.007, Election Code, was moved to Section 259.001, Election Code]

~~[Sec. 255.007. NOTICE REQUIREMENT ON POLITICAL ADVERTISING SIGNS.~~

~~(a) The following notice must be written on each political advertising sign:~~

~~"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."~~

~~(b) A person commits an offense if the person:~~

~~(1) knowingly enters into a contract to print or make a political advertising sign that does not contain the notice required by Subsection (a); or~~

~~(2) instructs another person to place a political advertising sign that does not contain the notice required by Subsection (a).~~

~~(c) An offense under this section is a Class C misdemeanor.~~

~~(d) It is an exception to the application of Subsection (b) that the political advertising sign was printed or made before September 1, 1997, and complied with Subsection (a) as it existed immediately before that date.~~

~~(e) In this section, "political advertising sign" means a written form of political advertising designed to be seen from a road but does not include a bumper sticker.]~~

Sec. 255.008. DISCLOSURE ON POLITICAL ADVERTISING FOR JUDICIAL OFFICE.

(a) This section applies only to a candidate or political committee covered by Subchapter F, Chapter 253.

(b) Political advertising by a candidate who files a declaration of intent to comply with the limits on expenditures under Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate may include the following statement: "Political advertising paid for by (name of candidate or committee) in compliance with the voluntary limits of the Judicial Campaign Fairness Act."

(c) Political advertising by a candidate who files a declaration of intent to comply with the limits on expenditures under Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate that does not contain the statement prescribed by Subsection (b) must comply with Section 255.001.

(d) Political advertising by a candidate who files a declaration of intent to exceed the limits on expenditures under Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate must include the following statement: "Political advertising paid for by (name of candidate or committee), (who or which) has rejected the voluntary limits of the Judicial Campaign Fairness Act."

(e) The commission shall adopt rules providing for:

(1) the minimum size of the disclosure required by this section in political advertising that appears on television or in writing; and

(2) the minimum duration of the disclosure required by this section in political advertising that appears on television or radio.

(f) A person who violates this section or a rule adopted under this section is liable for a civil penalty not to exceed:

(1) \$15,000, for a candidate for a statewide judicial office or a specific-purpose committee for supporting such a candidate;

(2) \$10,000, for a candidate for chief justice or justice, court of appeals, or a specific-purpose committee for supporting such a candidate; or

(3) \$5,000, for a candidate for any other judicial office covered by Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate.

(g) Section 253.176 applies to the imposition and disposition of a civil penalty under this section.

CHAPTER 257. POLITICAL PARTIES

Sec. 257.001. PRINCIPAL POLITICAL COMMITTEE OF POLITICAL PARTY. The state or county executive committee of a political party may designate a general-purpose committee as the principal political committee for that party in the state or county, as applicable.

Sec. 257.002. REQUIREMENTS RELATING TO CORPORATE OR LABOR UNION CONTRIBUTIONS.

(a) A political party that accepts a contribution authorized by Section 253.104 may use the contribution only to:

(1) defray normal overhead and administrative or operating costs incurred by the party; or

(2) administer a primary election or convention held by the party.

(b) A political party that accepts contributions authorized by Section 253.104 shall maintain the contributions in a separate account.

Sec. 257.003. REPORT REQUIRED.

(a) A political party that accepts contributions authorized by Section 253.104 shall report all contributions and expenditures made to and from the account required by Section 257.002.

(b) The report must be filed with the commission and must include the information required under Section 254.031 as if the contributions or expenditures were political contributions or political expenditures.

(c) Sections 254.001 and 254.032-254.037 apply to a report required by this section as if the party chair were a campaign treasurer of a political committee and as if the contributions or expenditures were political contributions or political expenditures.

(d) The commission shall prescribe by rule reporting schedules for each primary election held by the political party and for the general election for state and county officers.

Sec. 257.004. RESTRICTIONS ON CONTRIBUTIONS BEFORE GENERAL ELECTION.

(a) Beginning on the 60th day before the date of the general election for state and county officers and continuing through the day of the election, a political party may not knowingly accept a contribution authorized by Section 253.104 or make an expenditure from the account required by Section 257.002.

(b) A person who violates this section commits an offense. An offense under this section is a felony of the third degree.

Sec. 257.005. CANDIDATE FOR STATE OR COUNTY CHAIR OF POLITICAL PARTY.

(a) Except as provided by this section, the following are subject to the requirements of this title that apply to a candidate for public office:

(1) a candidate for state chair of a political party with a nominee on the ballot in the most recent gubernatorial general election; and

(2) a candidate for election to the office of county chair of a political party with a nominee on the ballot in the most recent gubernatorial general election if the county has a population of 350,000 or more.

(b) A political committee that supports or opposes a candidate covered by Subsection (a) is subject to the provisions of this title that apply to any other committee that supports or opposes candidates for public office, except as provided by this section.

(c) The reporting schedules for a candidate covered by Subsection (a) or a political committee supporting or opposing the candidate shall be prescribed by commission rule.

(d) Except as provided by this section, each contribution to and expenditure by a candidate covered by Subsection (a) is subject to the same requirements of this title as a political contribution to or a political expenditure by a candidate for public office. Each contribution to and expenditure by a political committee supporting or opposing a candidate covered by Subsection (a) is subject to the same requirements of this title as a political contribution to or political expenditure by any other specific-purpose committee.

(e) Section 251.001(1) does not apply to this section.

Sec. 257.006. CRIMINAL PENALTY FOR FAILURE TO COMPLY.

(a) Except as provided by Section 257.004, a person who knowingly uses a contribution in violation of Section 257.002 or who knowingly fails to otherwise comply with this chapter commits an offense.

(b) An offense under this section is a Class A misdemeanor.

Sec. 257.007. RULES. The commission shall adopt rules to implement this chapter.

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.

CHAPTER 259. POLITICAL SIGNS.

[Section 259.001, Election Code, was moved from Section 255.007, Election Code, with amendments indicated.]

Sec. 259.001 [255.007]. NOTICE REQUIREMENT ON POLITICAL ADVERTISING SIGNS. (a) The following notice must be written on each political advertising sign:

"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."

(b) A person commits an offense if the person:

(1) knowingly enters into a contract to print or make a political advertising sign that does not contain the notice required by Subsection (a); or

(2) instructs another person to place a political advertising sign that does not contain the notice required by Subsection (a).

(c) An offense under this section is a Class C misdemeanor.

(d) It is an exception to the application of Subsection (b) that the political advertising sign was printed or made before September 1, 1997, and complied with Subsection (a) as it existed immediately before that date.

(e) In this section, "political advertising sign" means a written form of political advertising designed to be seen from a road but does not include a bumper sticker.

[Section 259.002, Election Code, was moved from Section 202.009, Property Code, with amendments indicated.]

Sec. 259.002 [202.009]. REGULATION OF DISPLAY OF POLITICAL SIGNS BY PROPERTY OWNERS' ASSOCIATIONS.

(a) In this section, "property owners' association" has the meaning assigned by Section 202.001, Property Code.

(b) Except as otherwise provided by this section, a property owners' association may not enforce or adopt a restrictive covenant that prohibits a property owner from displaying on the owner's property one or more signs advertising a [~~political~~] candidate or measure [~~ballot item~~] for an election:

(1) on or after the 90th day before the date of the election to which the sign relates; or

(2) before the 10th day after that election date.

(c) [~~(b)~~] This section does not prohibit the enforcement or adoption of a covenant that:

(1) requires a sign to be ground-mounted; or

(2) limits a property owner to displaying only one sign for each candidate or measure [~~ballot item~~].

(d) [~~(c)~~] This section does not prohibit the enforcement or adoption of a covenant that prohibits a sign that:

(1) contains roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component;

- (2) is attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object;
- (3) includes the painting of architectural surfaces;
- (4) threatens the public health or safety;
- (5) is larger than four feet by six feet;
- (6) violates a law;
- (7) contains language, graphics, or any display that would be offensive to the ordinary person; or
- (8) is accompanied by music or other sounds or by streamers or is otherwise distracting to motorists.

(e) [~~(d)~~] A property owners' association may remove a sign displayed in violation of a restrictive covenant permitted by this section.

[Section 259.003, Election Code, was moved from Section 216.903, Local Government Code, with amendments indicated.]

Sec. 259.003 [~~216.903~~]. REGULATION OF POLITICAL SIGNS BY MUNICIPALITY. (a) In this section, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.

(b) A municipal charter provision or ordinance that regulates signs may not, for a sign that contains primarily a political message and that is located on private real property with the consent of the property owner:

- (1) prohibit the sign from being placed;
- (2) require a permit or approval of the municipality or impose a fee for the sign to be placed;
- (3) restrict the size of the sign; or
- (4) provide for a charge for the removal of a political sign that is greater than the charge for removal of other signs regulated by ordinance.

(c) Subsection (b) does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

(d) Subsection (b) does not apply to a sign that:

- (1) has an effective area greater than 36 feet;
- (2) is more than eight feet high;
- (3) is illuminated; or
- (4) has any moving elements.



TEXAS ELECTION CODE
Sec. 259.003.
REGULATION OF POLITICAL SIGNS
BY MUNICIPALITY

- (a) In this section, “private real property” does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.
- (b) A municipal charter provision or ordinance that regulates signs may not, for a sign that contains primarily a political message and that is located on private real property with the consent of the property owner:
 - (1) prohibit the sign from being placed;
 - (2) require a permit or approval of the municipality or impose a fee for the sign to be placed;
 - (3) restrict the size of the sign; or
 - (4) provide for a charge for removal of a political sign that is greater than the charge for removal of other signs regulated by ordinance.
- (c) Subsection (b) does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.
- (d) Subsection (b) does not apply to a sign that:
 - (1) has an effective area greater than 36 feet;
 - (2) is more than eight feet high;
 - (3) is illuminated; or
 - (4) has any moving elements.

(Added by Acts 2003, 78th Leg.,ch. 1004, Sec.1, eff. September 1, 2003; Renumbered from V.T.C.A., Local Government Code §216.903 and amended by Acts 2019, *6th Leg., ch. 824, § 4, eff. Sept. 1. 2019)

TEXAS ELECTION CODE
Sec. 61.003.
ELECTIONEERING AND LOITERING
NEAR POLLING PLACE.

(a) A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person:

- (1) loiters; or
- (2) electioneers for or against any candidate, measure, or political

party.

(a-1) The entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building's premises outside of the area described in Subsection (a), but may enact reasonable regulations concerning the time, place, and manner of electioneering.

(b) In this section:

(1) "Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Section [172.1114](#).

(2) "Voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

(c) An offense under this section is a Class C misdemeanor.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 235 (H.B. [259](#)), Sec. 1, eff. June 14, 2013.

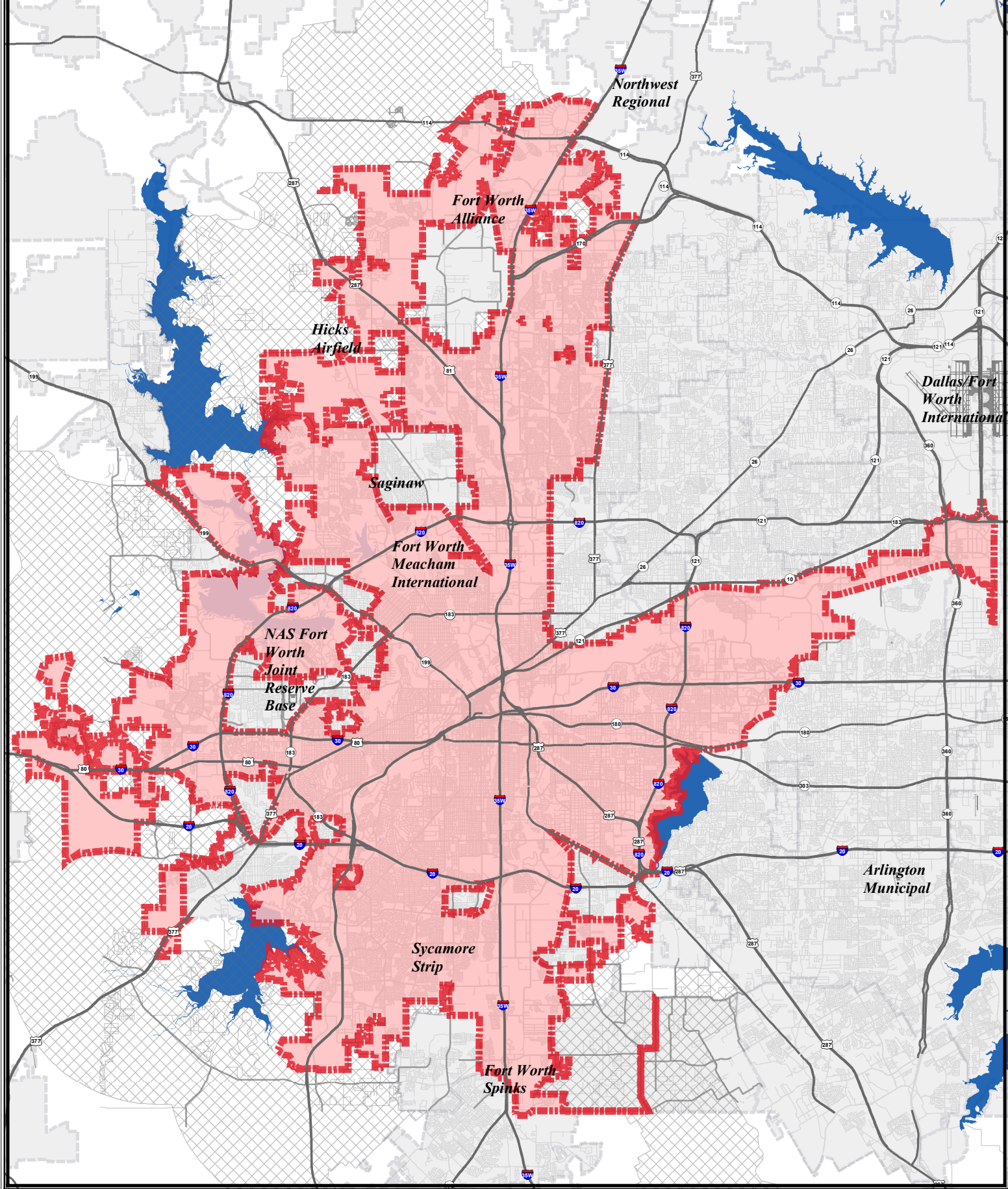
Acts 2013, 83rd Leg., R.S., Ch. 235 (H.B. [259](#)), Sec. 2, eff. June 14, 2013.

Acts 2017, 85th Leg., R.S., Ch. 828 (H.B. [1735](#)), Sec. 12, eff. Sept. 1, 2017.

INFORMATION FORTHCOMING ON CITY RIGHT OF WAY LIMITATIONS

City staff plans to present an updated local sign-regulation ordinance for City Council consideration in early 2021. If adopted, that ordinance will likely apply to the May election. Please check back with the City Secretary's Office for further information.

If you have any questions regarding political signs, please call the City's Sign Inspector, Greg Compton, at (817) 201-1965 or by e-mail at Greg.Compton@fortworthtexas.gov .



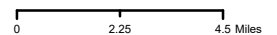
Council District 1 - Mayor

December 2020

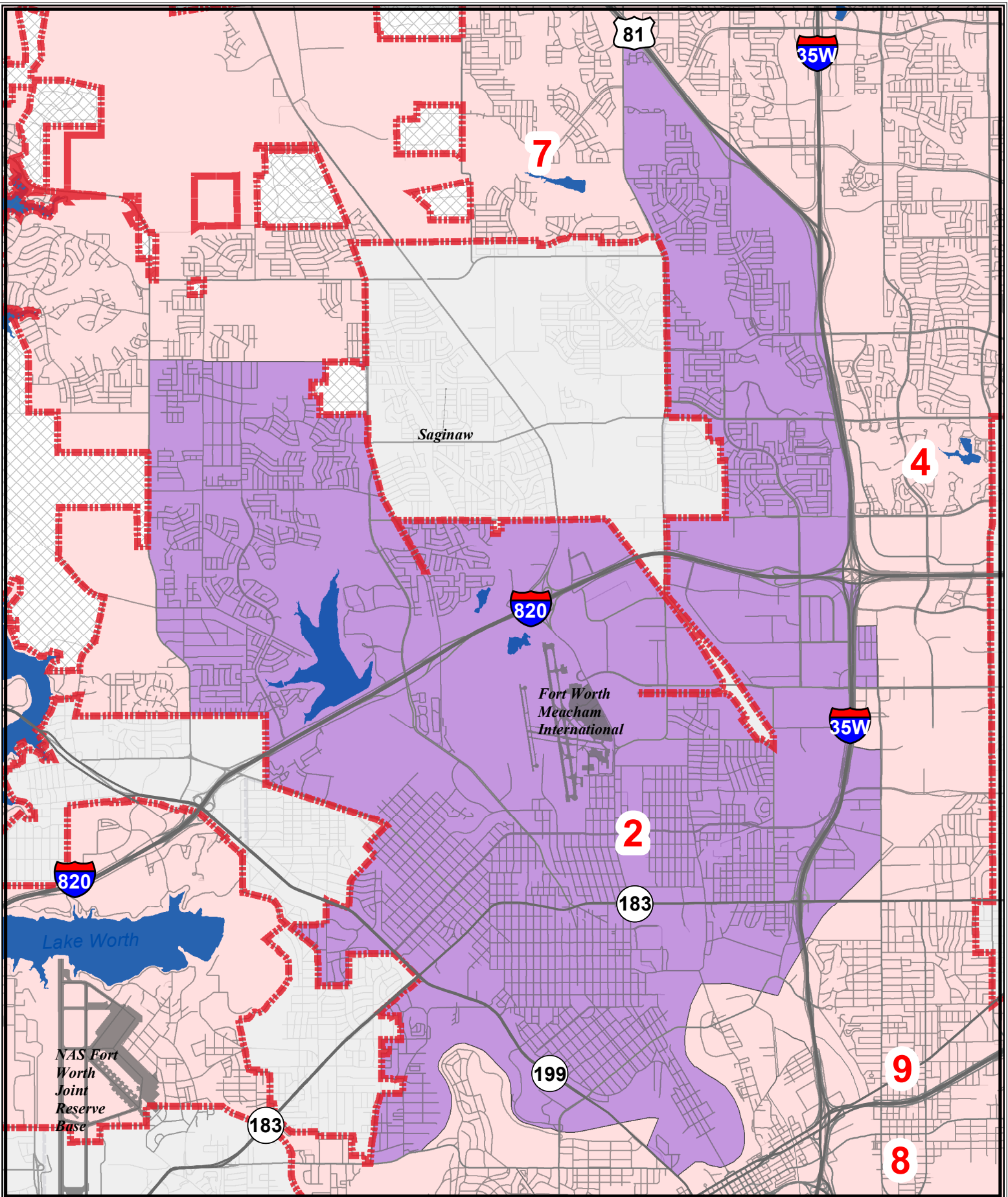
Legend

City of Fort Worth

Extra-Territorial Jurisdiction (ETJ)






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Council District 2

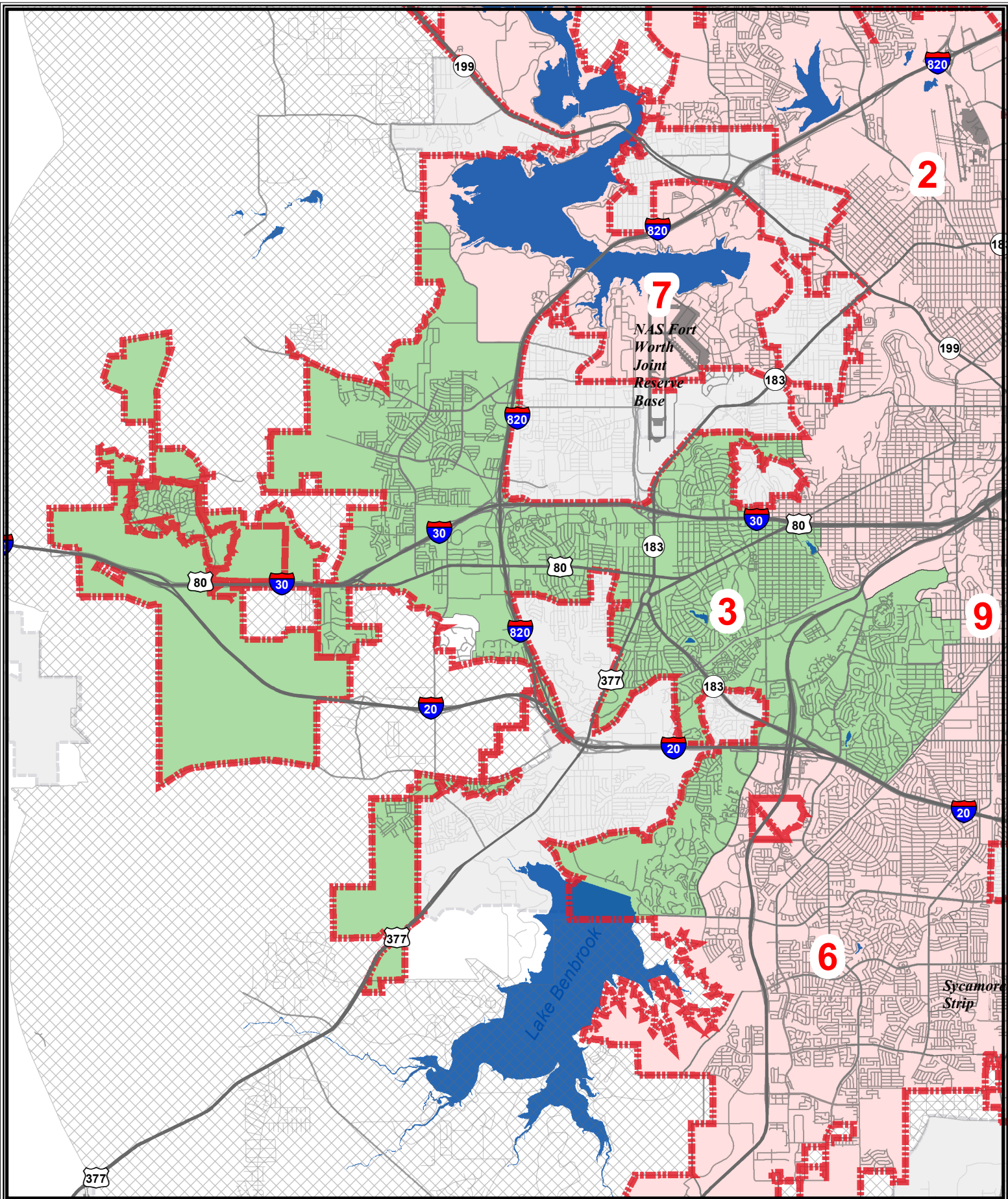
December 2020

 City of Fort Worth
 Extra-Territorial Jurisdiction (ETJ)
Council Districts
 2

0 0.5 1 Miles



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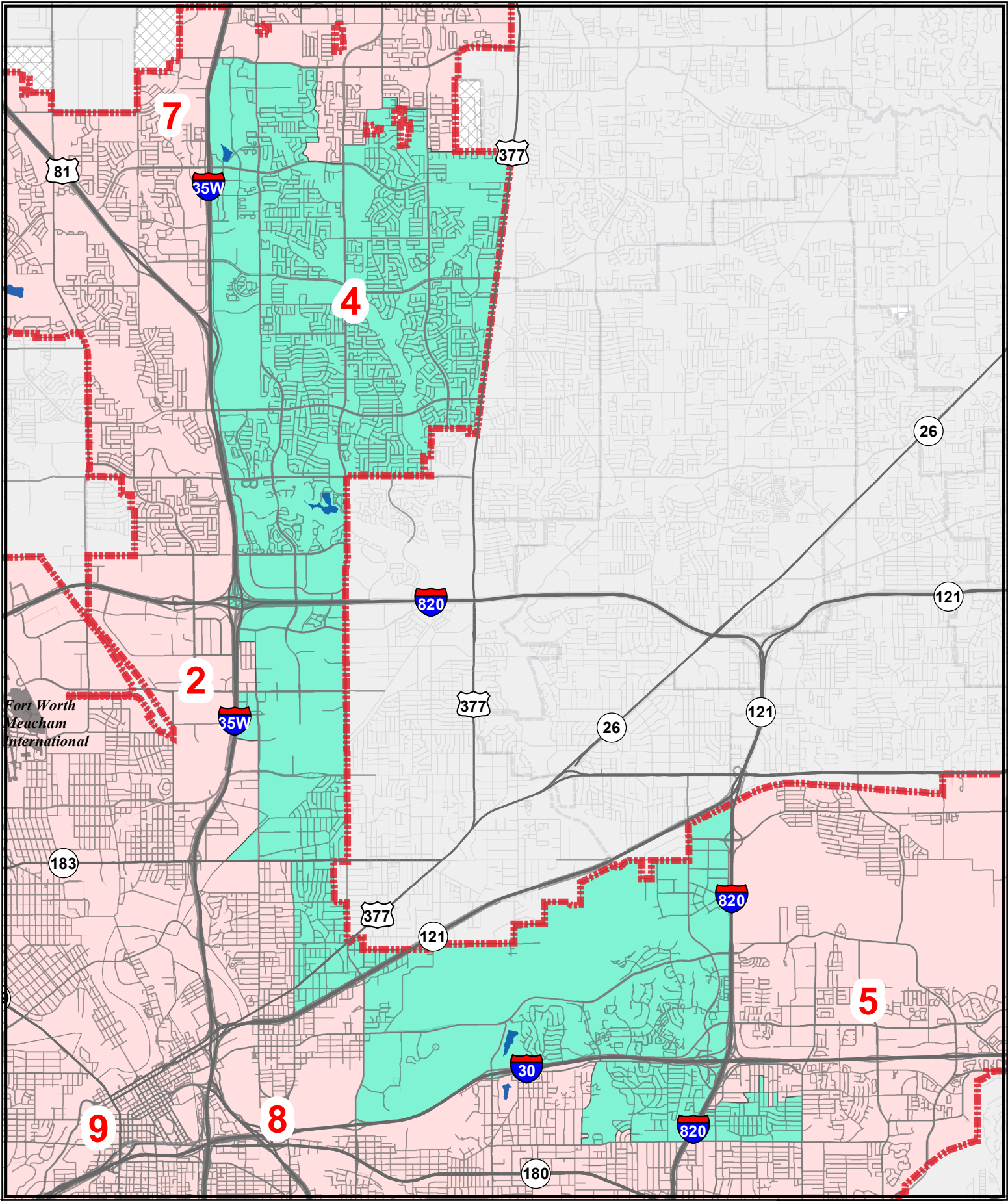
Council District 3

December 2020

City of Fort Worth
 Extra-Territorial Jurisdiction (ETJ)
Council Districts
 3




0 1 2 Miles

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Council District 4

December 2020

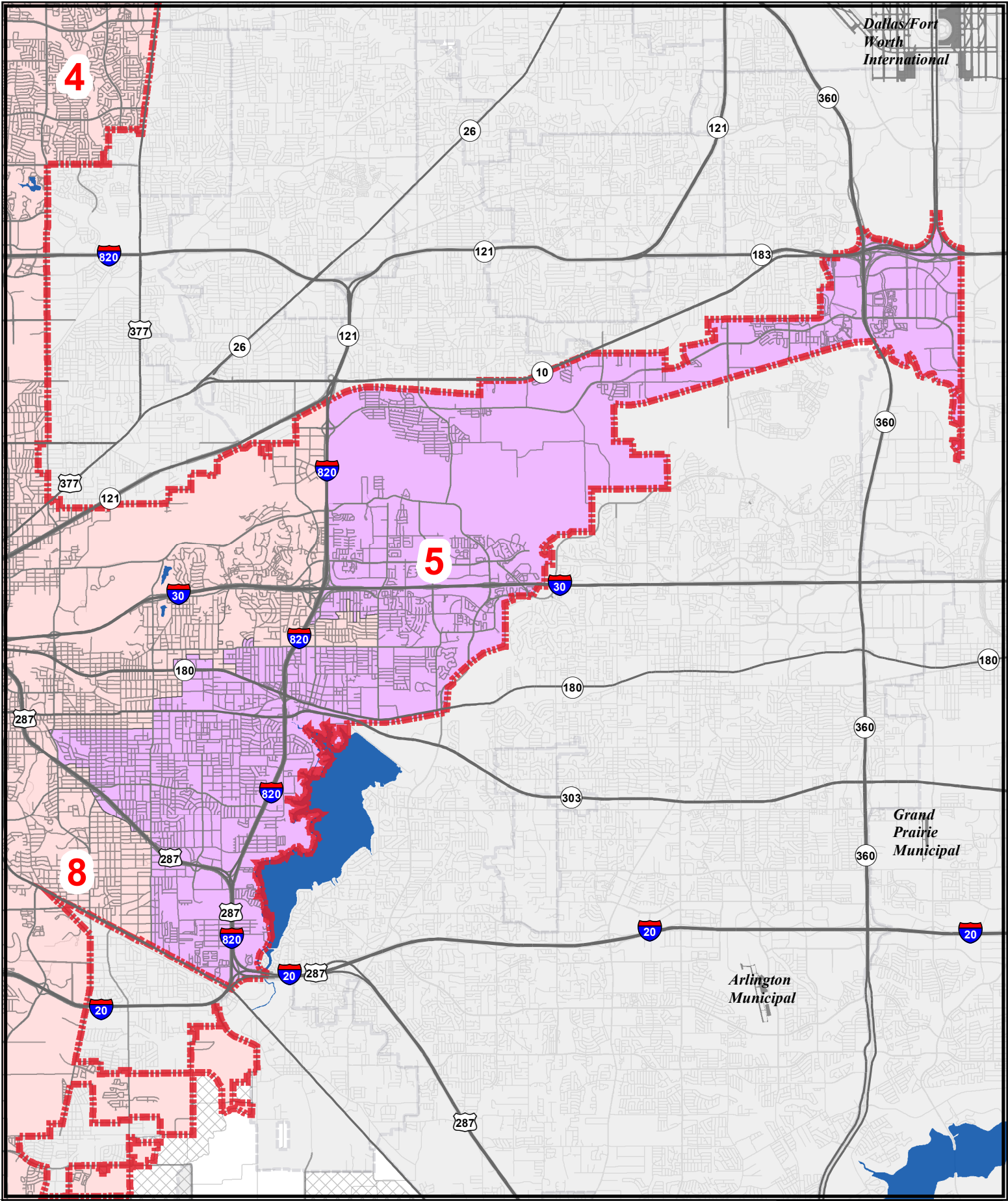
 City of Fort Worth
 Extra-Territorial Jurisdiction (ETJ)
Council Districts
 4

0 0.75 1.5 Miles



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Dallas/Fort
Worth
International






Grand
Prairie
Municipal

Arlington
Municipal




Council District 5

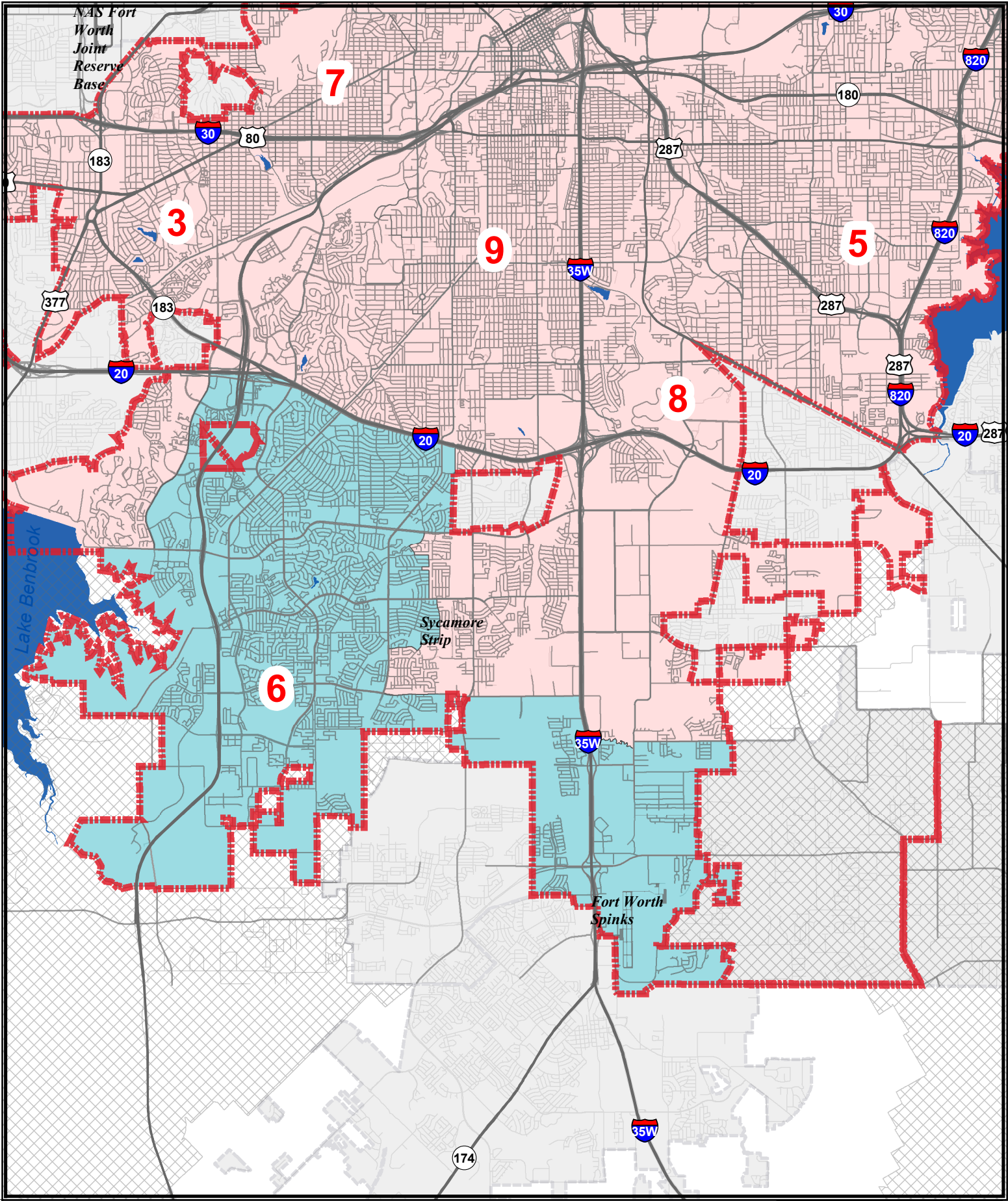
December 2020

 City of Fort Worth
 Extra-Territorial Jurisdiction (ETJ)
Council Districts
 5

0 1 2 Miles






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Council District 6

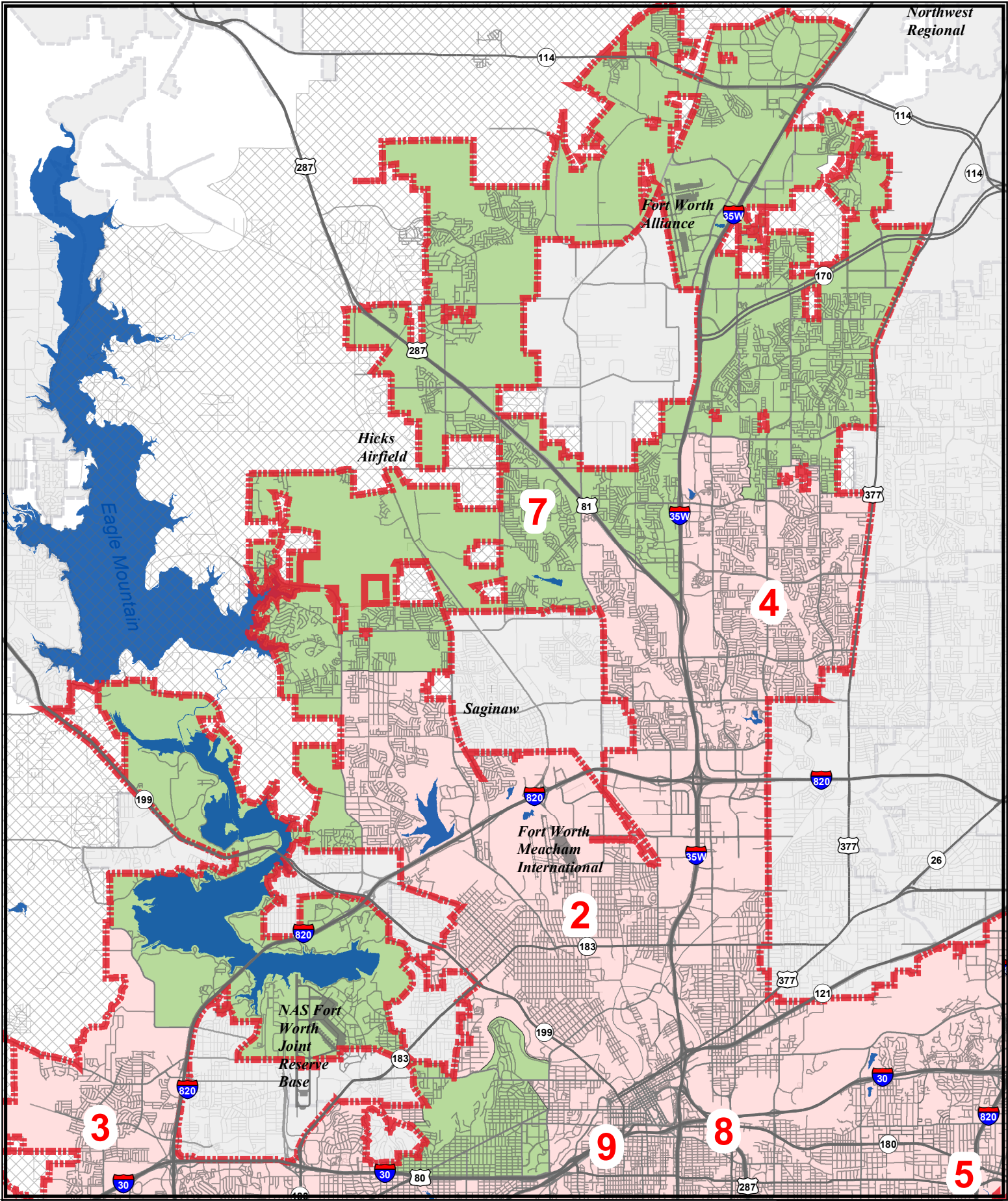
December 2020

 City of Fort Worth
 Extra-Territorial Jurisdiction (ETJ)
Council Districts
 6

0 1 2 Miles



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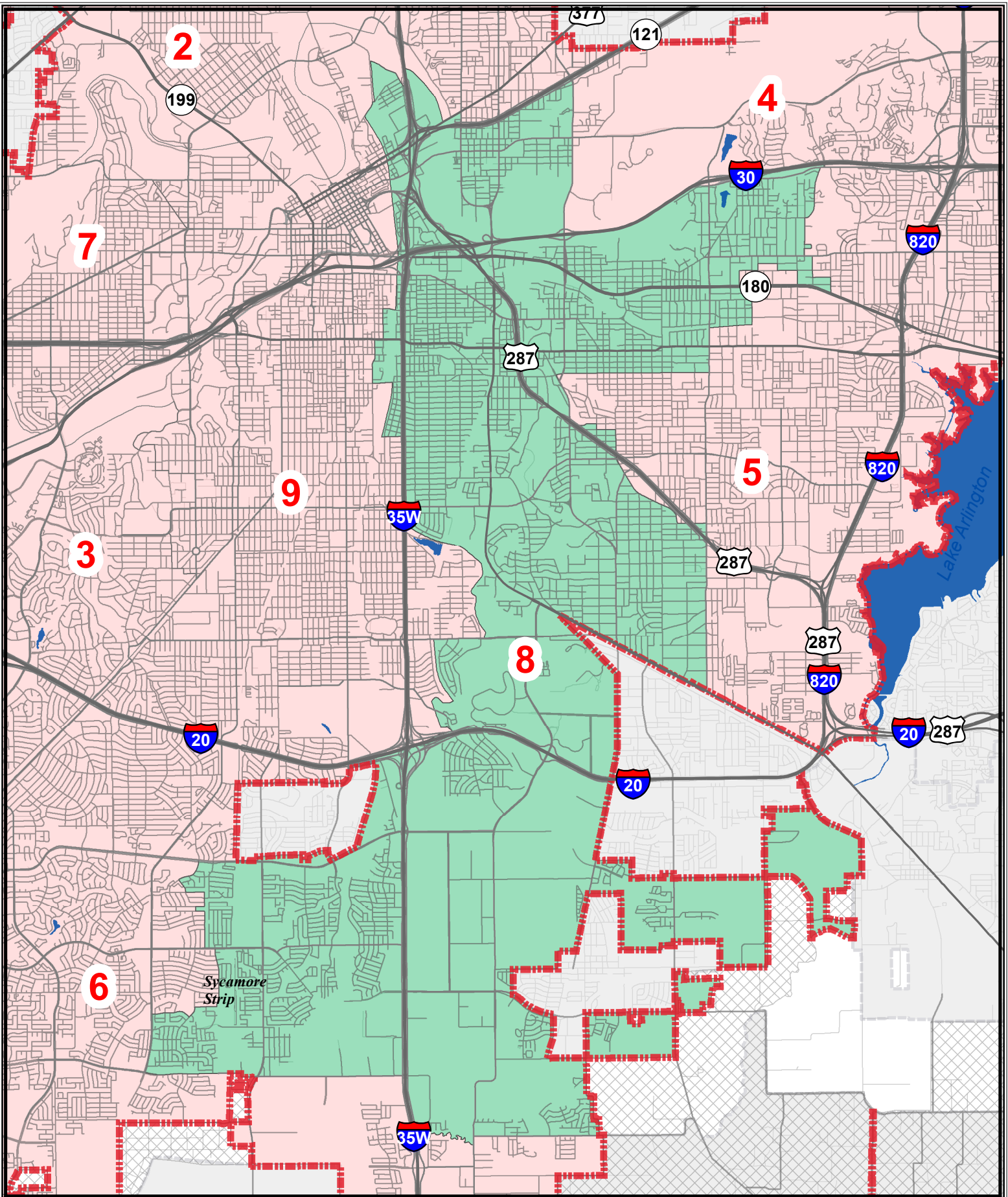
Council District 7

December 2020

City of Fort Worth
 Extra-Territorial Jurisdiction (ETJ)
Council Districts
 7




0 1.25 2.5 Miles

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Council District 8

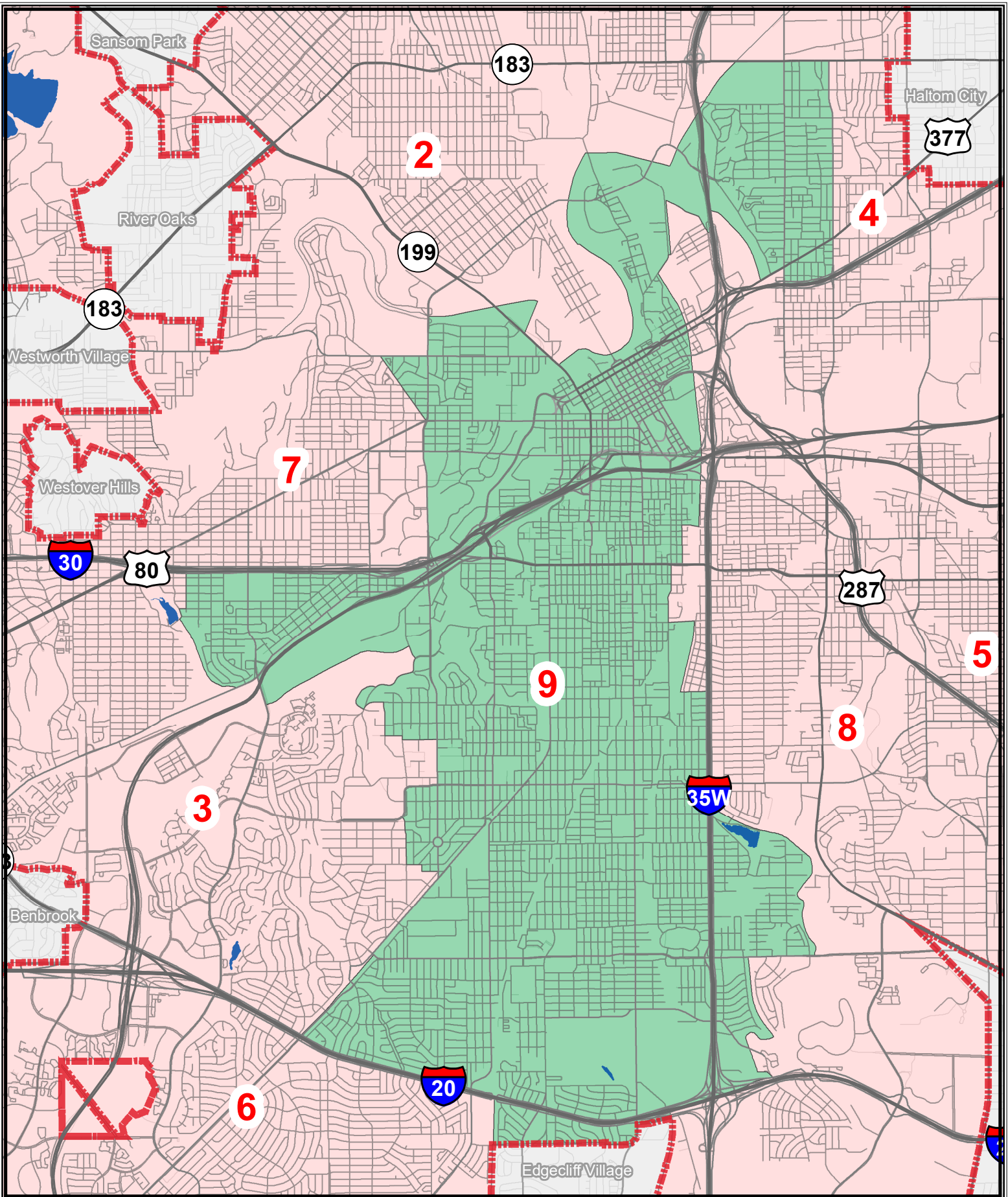
December 2020

 City of Fort Worth
 Extra-Territorial Jurisdiction (ETJ)
Council Districts
 8

0 0.75 1.5 Miles






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Council District 9

December 2020

 City of Fort Worth
 Extra-Territorial Jurisdiction (ETJ)
Council Districts
 9

0 0.5 1 Miles



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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.

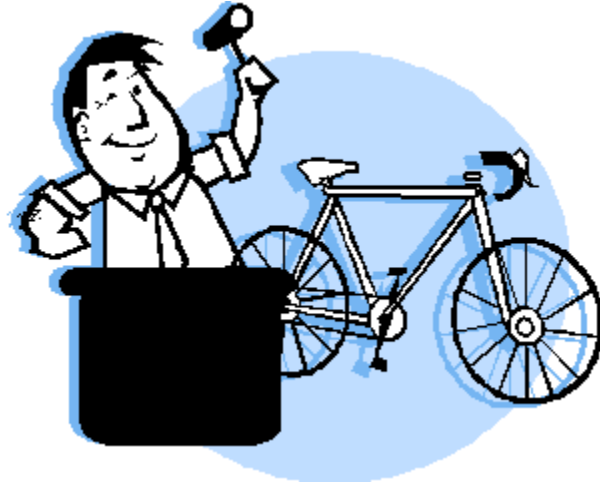
IV. Use of State Seal.

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](#).

POLITICAL FUNDRAISERS: What You Need to Know



A GUIDE FOR CANDIDATES, OFFICEHOLDERS, AND POLITICAL COMMITTEES

September 20, 2018

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

Fundraising Events

Rule No. 1

File a Campaign Treasurer Appointment

All candidates must file a campaign treasurer appointment with the proper filing authority before accepting a campaign contribution or making or authorizing a campaign expenditure, including an expenditure from personal funds.

All political committees must file a campaign treasurer appointment before accepting or spending over \$500, and additional requirements may also apply.

Rule No. 2

No Raffles

Texas law allows only certain charitable and nonprofit organizations to conduct raffles to support their charitable causes. An unlawful raffle may constitute illegal gambling, which may carry criminal penalties.

For more information see: <https://www.texasattorneygeneral.gov/divisions/financial-litigation/charitable-trusts/charitable-raffles-and-casinopoker-nights> on the Office of the Attorney General website.

Rule No. 3

No Cash Contributions Over \$100

Texas law prohibits a candidate, officeholder, or specific-purpose committee from accepting political contributions in cash (excluding checks) that in the aggregate exceed \$100 from a single contributor in a reporting period.

Rule No. 4
**Auction Activity
is Reportable**

Donations to a candidate or political committee at a fundraiser are campaign contributions.

An item donated to be auctioned at a fundraiser is an “in-kind” campaign contribution. The purchase of the item at the auction is also a contribution. Both the item and the purchase price must be reported as political contributions.

Rule No. 5
No Anonymous Contributions

Texas law requires filers to know the name of each contributor and the amount of each contribution, even for small contributions. Do not “pass the hat” or use a contribution jar. Depending on the filer and the amount of the contribution, additional information may be required.

Rule No. 6
**No Contributions from
Corporations or Labor
Organizations**

Texas law prohibits corporations and labor organizations from making political contributions to candidates, officeholders, and related specific-purpose committees. Contributions to GPACs are also restricted. Limited exceptions also exist.

The prohibition also applies to other organizations, such as partnerships and limited liability companies (LLC), if they are owned by a corporation or include an incorporated member or partner.

Rule No. 7
**No Contributions from
Foreign Nationals**

The Federal Election Campaign Act (FECA) prohibits certain foreign nationals from contributing, donating, or spending funds in connection with any federal, state, or local election in the U.S., either directly or indirectly. It is also unlawful to help foreign nationals violate that ban or to solicit, receive, or accept contributions or donations from them.

Rule No. 8

**No Misuse of Government
Property to Campaign**

Chapter 39 of the Penal Code prohibits a public servant from using government property, services, personnel, or any other thing of value belonging to the government to obtain a benefit or to harm or defraud another. The commission has held that the use of state computers to prepare campaign finance reports, or to use state resources to gather information for a campaign fundraiser, constitutes a misuse of government property.

Texas Ethics Commission

P.O. Box 12070

Austin, Texas 78711-2070

(512) 463-5800

Note: This brochure is not intended to encompass all the rules, but is intended to give a broad overview of the most common questions involving fundraisers. Be sure to check with the Texas Ethics Commission and your local municipality for any additional limits that might apply.

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SWORN COMPLAINTS

An individual may file a sworn complaint with the Ethics Commission alleging a violation of any of the laws it administers, and Sections 334.025 and 335.055, Local Government Code, concerning false and misleading campaign material supporting or opposing the authorization of a sports or community venue project. The Commission does not have the authority to enforce the Penal Code.

A sworn complaint sets in motion a process that may include a preliminary review hearing and a formal hearing, and which permits resolution of the matter at several points in the process. The Commission may ultimately resolve a sworn complaint by dismissal, referral for criminal prosecution, or imposition of a civil penalty. A final decision of the Commission in a sworn complaint process may be appealed to a district court for a trial de novo. During most stages of the process, the Commissioners and Commission staff members are required to keep the complaint confidential.

ENFORCEMENT AND INVESTIGATIVE POWERS

The Ethics Commission is authorized to undertake civil enforcement actions on its own motion or in response to a sworn complaint, hold enforcement hearings, issue orders, and impose civil penalties.

*This pamphlet presents a brief overview of the Texas Ethics Commission. If you have a question about your own activities, we urge you to request an opinion from the Commission **before** engaging in the activity in question. Requests to the Commission for an advisory opinion must be in writing. You may also call the Commission's Legal Department at (512) 463-5800 for informal advice.*

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TEXAS ETHICS COMMISSION

*Promoting Public Confidence
In Government*



Texas Ethics Commission

P. O. Box 12070
Austin, Texas 78711-2070

(512) 463-5800
FAX (512) 463-5777
TDD (800) 735-2989

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

Revised January 10, 2017

THE TEXAS ETHICS COMMISSION

On November 5, 1991, Texas voters approved an amendment that added Article III, Section 24a, to the Texas Constitution. The constitutional amendment created the Texas Ethics Commission. The amendment set out the method by which the eight members of the Commission are to be appointed, with four of the Commissioners appointed by the Governor, two appointed by the Lieutenant Governor, and two appointed by the Speaker of the Texas House of Representatives. No more than four members may be from the same political party.

CONSTITUTIONAL DUTIES

The Texas Constitution provides that the Ethics Commission may recommend the salary of members of the Legislature, the Lieutenant Governor, and the Speaker of the House of Representatives, subject to approval by the voters at the subsequent general election for state and county officers. Also, the Commission must set the *per diem* of members of the Legislature and of the Lieutenant Governor. The Legislature is to determine the other powers and duties of the Commission.

RULEMAKING

The Ethics Commission has rulemaking authority with respect to the laws it administers. Adoption of a rule requires an affirmative vote by six Commissioners.

LAWS ADMINISTERED BY THE TEXAS ETHICS COMMISSION

Statutory duties of the Ethics Commission are in Chapter 571 of the Government Code. The agency is responsible for administering these laws: (1) Title 15, Election Code, concerning political contributions and expenditures, and political advertising; (2) Chapter 302, Government Code, concerning the election of the Speaker of the Texas House of Representatives; (3) Chapter 303, Government Code, concerning the governor for a day and speaker's reunion day ceremonies; (4) Chapter 305, Government Code, concerning lobbyist registration, reports, and activities; (5) Chapter 572, Government Code, concerning personal financial disclosure of state officers and conduct of state officers and employees; (6) Chapter 2004, Government Code, concerning representation before state agencies; (7) Chapter 159, Local Government Code, concerning judges of statutory county courts or statutory probate courts who elect to file a financial statement with the Commission; (8) Government Code, Section 2152.064 (concerning Conflict of Interest in Certain Transactions involving the Texas Facilities Commission); and (9) Government Code, Section 2155.003 (concerning Conflict of Interest involving the Office of the Texas Comptroller of Public Accounts).

ADVISORY OPINIONS

The Commission has the authority to issue an advisory opinion in response to a request from a person subject to any of the laws it administers, as well as Chapter 36, Penal Code, concerning bribery and corrupt influence, and Chapter 39, Penal Code, concerning abuse of office. It is a defense to prosecution or the imposition of a civil penalty under any of these laws that a person reasonably relied on an advisory opinion of the Commission. The name of a person requesting an advisory opinion must be kept confidential by the Commission.

FINANCIAL DISCLOSURE

The Ethics Commission serves as a repository of required disclosure statements for state officials, candidates, political committees, lobbyists, and certain district and county judicial officers.

TRAINING

The Ethics Commission provides, in cooperation with state agencies, a program of ethics training for state employees, and also provides training for members and members-elect of the Texas Legislature concerning compliance with laws administered by the Commission. The Commission also produces educational materials and provides training programs for other groups affected by laws administered by the Commission.

PART I: THE CHARTER OF THE CITY OF FORT WORTH

Chapter

- I. ORGANIZATION, BOUNDARIES, ANNEXATION OF ADJACENT TERRITORY**
- II. POWERS OF THE CITY**
- III. THE CITY COUNCIL**
- IV. METHOD OF NOMINATING AND ELECTING MEMBERS OF THE CITY COUNCIL**
- V. THE CITY MANAGER**
- VI. DEPARTMENT OF LAW**
- VII. MUNICIPAL COURT**
- VIII. ADMINISTRATIVE DEPARTMENTS TO BE CONTROLLED AND ADMINISTERED BY THE CITY MANAGER**
- IX. DEPARTMENT OF FINANCE**
- X. THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO**
- XI. DEPARTMENT OF POLICE**
- XII. FIRE DEPARTMENT**
- XIII. DEPARTMENT OF PUBLIC WORKS**
- XIV. WATER WORKS DEPARTMENT**
- XV. DEPARTMENT OF PUBLIC HEALTH**
- XVI. RESERVED**
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Editor's note:

Part I contains the Charter of the City of Fort Worth, adopted by the electorate at an election held December 11, 1924, and including all amendments thereto to November 8, 1983. Amendments subsequent to November 8, 1983, are indicated in the history note following the particular section of the Charter affected. Prior to November 8, 1983, the Charter had been amended on the following dates: February 14, 1928 (Ord. 1377); July 21, 1931 (Ord. 1720); December 18, 1946 (Ord. 2379); January 31, 1964 (Ord. 5091); April 8, 1975; January 26, 1976 (Ord. 7292 and 7293); April 4, 1981. Material in brackets [] has been added where necessary to correct obvious errors or to facilitate indexing, except that obviously misspelled words have been corrected without notation.

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CHAPTER I: ORGANIZATION, BOUNDARIES, ANNEXATION OF ADJACENT TERRITORY

Section

- 1 Creation of municipality
- 2 Corporate boundaries
- 3 Annexation of adjacent territory; method and procedure of holding election therefor

§ 3 ANNEXATION OF ADJACENT TERRITORY; METHOD AND PROCEDURE OF HOLDING ELECTION THEREFOR.

§ 1 CREATION OF MUNICIPALITY.

All persons, inhabitants of the City of Fort Worth, Tarrant County, Texas, according to the boundaries and limits of said city as hereinafter set out, and as the same may hereafter be extended by virtue of the provisions of this Charter, or by virtue of the laws of the State of Texas applicable to such matters, now or hereafter to be enacted by the legislature of the State of Texas, be and they are hereby created and organized as a municipal corporation and body politic, and as such subdivision of the State of Texas are incorporated and shall hereafter be known and designated as the City of Fort Worth, with such powers, rights, authority, duties, privileges and obligations as are hereinafter set out and prescribed.

§ 2 CORPORATE BOUNDARIES.

The corporate boundaries of the City of Fort Worth are as set out and defined in the Charter adopted in 1924 and as modified by ordinances of the City of Fort Worth enacted subsequent thereto as found in the office of the city secretary.

Territory adjoining and contiguous to the corporate limits of the City of Fort Worth may be annexed to the said city in any one of the two (2) several ways herein specified:

(1) In the event that an election to ascertain the sentiment of the persons residing in such territory so seeking annexation be deemed necessary, then the following procedure shall apply, to wit: The proclamation for such election shall be made by the mayor of the city, and he shall also designate the polling places and name the election judges and clerks, who shall be selected from the residents of said territory. Only persons, residents of said territory, who are qualified voters under the laws of the State of Texas, shall be permitted to exercise the right of suffrage at such election. The polls at such election shall be open from seven o'clock in the morning until seven o'clock in the evening, and the expenses of conducting such election shall be borne by the City of Fort Worth. The ballot to be used therefor shall contain the words "For Annexation" and "Against Annexation," and the voter shall strike out the one or the other according as he may be for or against the proposition. Returns of such election shall be made to the City Council by the officers of the election depositing the tally sheets and other adjuncts to the election with the city secretary, and thereafter as soon as practicable the council shall canvass the returns, and in the event it is found that a majority of all the votes cast at such election are favorable to such

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annexation, then and thereupon the council may by ordinance declare such territory annexed to the City of Fort Worth and an integral part of the same. In the event of annexation, persons residing in such territory shall hereafter be entitled to all the rights and privileges of other citizens of said city and be bound by the laws, ordinances, rules and regulations governing other citizens of said City of Fort Worth; and the council shall have power to agree and obligate itself to the citizenship of such territory so seeking admission to apply to the improvements of streets and public grounds in said territory a portion or all of the funds raised by taxation for street improvement for a given number of years, not to exceed five (5), insofar as the same may be collected from the property situated in said territory, and may also have authority, if in the judgment of said council, it should be just and equitable, to further agree and obligate itself to apply to the improvement of the streets in said territory during said years additional sums not to exceed fifty (50) per cent in any one year of the amount that may be collected for such purpose from the property situated in such territory.

(2) Additions to the territory of the City of Fort Worth may be made pursuant to any laws that may be passed by the Texas Legislature relative to the extension of the corporate limits of cities, and applicable to the City of Fort Worth.

CHAPTER II: POWERS OF THE CITY

Section

- 1 [Body politic and corporate; powers enumerated]
- 2 [Enumeration of powers not exclusive; powers under home rule amendment]
- 3 [Authority to establish and maintain airport]
- 4 [Powers as to building lines-Generally]
- 5 [Same-Additional powers]
- 6 [Exercise of powers conferred upon cities of over five thousand inhabitants and powers conferred by home rule, Constitution and state law]
- 7 [Authority to acquire, maintain, operate public utility systems]

by the issue or sale of bonds or notes of the city; may appropriate the money of the city for all lawful purposes; may create, provide for, construct, regulate and maintain all things of the nature of public works and improvements; may levy and collect assessments for local improvements; may license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade; may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city, and all nuisances and causes thereof; may regulate the construction, height and the material used in all buildings, and the maintenance and occupancy thereof; may regulate and control the use, for whatever purposes, of the streets and other public places; may create, establish, abolish and organize officers and fix the salaries and compensations of all officers and employees; may make and enforce local police, health, sanitary and other regulations; and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the city, and for the performance of the functions thereof. The city shall have all powers that now are, or hereafter may be granted to municipalities by the Constitution or laws of the State of Texas, and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the council.

§ 1 [BODY POLITIC AND CORPORATE; POWERS ENUMERATED].

The inhabitants of the City of Fort Worth, as its limits now are, or may hereafter be, shall be a body politic and corporate by name the City of Fort Worth, and as such shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property in fee simple or lesser interest or estate by purchase, gift, devise, appropriation, condemnation, lease or lease with privilege of purchase, for any municipal purpose; may sell, lease, hold, manage, encumber and control such property, and make any and all rules and regulations by ordinance or resolution which may be required to carry out fully all the provisions of any conveyance, deed or will in relation to any gift or bequest, or the provisions of any lease by which it may acquire property; may acquire, construct, own, lease and operate and regulate public utilities, may assess, levy and collect taxes for general and special purpose on all the subjects or objects which the city may lawfully tax; may borrow money on the faith and credit of the city

§ 2 [ENUMERATION OF POWERS NOT EXCLUSIVE; POWERS UNDER HOME RULE AMENDMENT].

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive,

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but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the city shall have and may exercise all other powers which, under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate. The City of Fort Worth shall have and exercise all the powers conferred upon cities by what is known as the Home Rule Amendment to the Constitution of the State of Texas and the Enabling Act relative thereto passed by the thirty-third legislature of the State of Texas, found in the published laws of said legislature, Regular Session, pages 307 to 317, and effective July 7th, 1913, and all other laws passed by the legislature of the State of Texas relating thereto, or which may hereafter be passed by said legislature in relation to such matters.

§ 3 [AUTHORITY TO ESTABLISH AND MAINTAIN AIRPORT].

That power is hereby conferred on the City of Fort Worth to acquire or own by lease, purchase, donation, bequest, eminent domain or otherwise all property within or without the limits of the City of Fort Worth, that may be necessary for the purpose of establishing, maintaining and operating an airport and landing field and to fully provide for the accommodation of planes transporting United States mail and other aerial machines and to make suitable charges therefor. That the ownership, maintenance and operation by the City of Fort Worth of such an airport shall be deemed a municipal purpose and the city shall pass appropriate ordinances providing for the fees to be collected and other charges to be made in the operation of such field and port.

§ 4 [POWERS AS TO BUILDING LINES-GENERALLY].

That all of the powers granted by Chapter 276 of the General and Special Laws of the Fortieth Legislature, known as Senate Bill No. 271 on page 415, relating to the establishment of building lines in cities and providing for an assessment therefor, be

adopted and made a part of the Charter of the City of Fort Worth.

§ 5 [SAME-ADDITIONAL POWERS].

That in addition to the powers provided by the above and foregoing section, the City of Fort Worth shall have the further power for the purpose of promoting the public health[,] safety, order, convenience, prosperity and general welfare, acting through its governing authorities, under the police power, to provide by suitable ordinance building lines on any street or any block of any street and to require their observance by suitable penalties.

§ 6 [EXERCISE OF POWERS CONFERRED UPON CITIES OF OVER FIVE THOUSAND INHABITANTS AND POWERS CONFERRED BY HOME RULE, CONSTITUTION AND STATE LAW].

The City of Fort Worth shall have and exercise all of the powers conferred upon cities having a population of over five thousand (5,000) inhabitants and all "home rule" cities that have been conferred upon such cities by the Constitution, laws, and statutes of this state or which may hereafter be enacted by the legislature or other law-making body of this state.

§ 7 [AUTHORITY TO ACQUIRE, MAINTAIN, OPERATE PUBLIC UTILITY SYSTEMS].

(a) The City of Fort Worth shall have power to construct or to acquire by purchase or condemnation and thereafter improve, repair, maintain, extend and operate as a public utility, one or more systems of [for] the distribution of natural gas, water, sewer, electric and steam heat utility companies and public service companies such as cable television, taxicabs, transportation and transit companies and all public utilities of every kind, together with all appurtenances of every nature within or without the city necessary or convenient to the operation thereof.

Powers of the City

(b) For the purpose of carrying out the provisions hereof, complete power authority and discretion is vested in the City Council of the City of Fort Worth. The Council, consistent with the provisions hereof, may fix all details attendant upon the construction or acquisition and financing of said system or systems, and to that end may authorize the execution of such contracts, agreements, mortgages, deeds of trust, releases, franchises, obligations and other instruments, as it may consider necessary, and may fix all details thereof not herein specifically provided and required. The provisions hereof shall be liberally construed to effect the purposes of this section. The powers granted in this section shall be cumulative and in addition to all other powers now possessed by said city, and shall not be considered as in substitution of any other methods of procedure now available to, or which may hereafter be available to the city. This section shall in itself be complete and independent authority for the construction or acquisition of and payment for the utilities herein authorized to be constructed, and the City authorities, in carrying out the provisions hereof, shall not be subject to the restrictions and limitations contained elsewhere in this Charter, and particularly shall not be subject to the provisions of Chapter 22 or Section 2 of Chapter 26 of said Charter.

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CHAPTER III: THE CITY COUNCIL

Section

- 1 [Powers of city vested in] the City Council
[;composition, terms]
- 2 [Election, powers, duties, term of mayor]
- 3 Compensation of the members of the City
Council
- 4 Vacancies in the City Council; how filled.
- 5 Meetings of council and committees open to
public; quorum; regulations of proceedings;
council to provide rules of procedure
- 6 Mayor pro tem; duties of
- 7 City secretary
- 8 Relating to City Councilpersons accepting
different office and providing for forfeiture
of offices and positions of aspirants for
compensated office

§ 1 [POWERS OF CITY VESTED IN] THE CITY COUNCIL [;COMPOSITION, TERMS].

The powers of the city government shall be vested in a body to be known as the City Council, composed of eleven (11) members, one of whom shall be the mayor. Their terms of office shall be for a period of two (2) years and until the election and qualification of their successors.

(Ord. 22081-02-2016, § 2(II), 2-2-2016, approved 5-7-2016)

Editor's Note:

Proposition 2 of Ord. 22081-02-0216, adopted 5-7-2016 increased the number of Councilmembers from nine (9) to eleven (11). This increase will not go into effect until after the 2020 census.

§ 2 [ELECTION, POWERS, DUTIES, TERM OF MAYOR].

The City Council shall be composed of eleven (11) places. The person elected as councilperson, Place No. 1, shall be the presiding officer who shall be known as the mayor of the City of Fort Worth. He shall have a vote on all matters coming before the council, but no power of veto. He shall represent the city on all ceremonial occasions and be known as the official head of the city government. The mayor shall be elected at each biennial election and shall serve for a period of two (2) years, or until the election and qualification of his successor.

(Ord. 22081-02-2016, § 2(II), 2-2-2016, approved 5-7-2016)

Editor's Note:

Proposition 2 of Ord. 22081-02-0216, adopted 5-7-2016 increased the number of Councilmembers from nine (9) to eleven (11). This increase will not go into effect until after the 2020 census.

§ 3 COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.

Commencing on October 1, 2006, each member of the City Council, except the mayor, shall receive as compensation for such member's services the sum of twenty-five thousand dollars (\$25,000.00) per annum and the mayor shall receive as compensation for the mayor's service, the sum of twenty-nine thousand dollars (\$29,000.00) per annum. In addition to the above, all necessary expenses incurred by the City Council in performance of their official duties shall be paid by the city. Nothing herein shall prohibit a

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council member from waiving the right to all or any part of such compensation or payment of expenses. (Ord. 10272, § I(I), 3-16-1989, approved 5-6-1989; Ord. 16797, § 1(I), 1-24-2006, approved 5-13-2006)

§ 4 VACANCIES IN THE CITY COUNCIL; HOW FILLED.

Vacancies in the City Council shall be filled by special elections from the districts whose places have been vacated. Vacancies in the office of mayor shall be filled under the provisions applicable to other council members except that the district of the mayor shall be the city as a whole. These special elections shall be held on the first available election date specified in the Texas Election Code unless the council shall request, and receive, permission from the governor to call an emergency special election. If vacancies should occur within thirty (30) days of the special election date, the council may set the election for the next date following the impending special election date or it may request permission for an emergency special election from the governor.

In the event any candidate for a vacancy fails to receive a majority of all votes cast for all the candidates for such vacancy at such special election, the mayor shall on the first day following the completion of the official count of the ballots cast at said special election issue a call for a run-off election pursuant to Chapter IV, section 2, to be held in accordance with the Texas Election Code to determine who shall be elected. Such new council members, when duly qualified and elected, shall serve for the unexpired period of the terms of the council members whose offices are being filled. However, no such elections shall be held where said vacancy shall occur within a period of less than ninety (90) days prior to a general election as specified in Chapter IV, section 2. When a vacancy shall occur less than ninety (90) days prior to the general election as specified in Chapter IV, section 2, a majority of the remaining council members may appoint a qualified person from the district whose place has been vacated to serve the unexpired term.

Should a vacancy occur in the office of mayor, the mayor pro tem shall serve until a special election shall be called under the rules pertaining to filling vacancies among the other councilmembers. If members of the City Council seek the office of mayor in such a special election, they shall first resign from the City Council, and special elections, simultaneous to the mayoral election, shall be held in their districts under the terms specified above.

(Ord. 10272, § I(II), 3-16-1989, approved 5-6-1989; Ord. 16797, § 1(III), 1-24-2006, approved 5-13-2006)

§ 5 MEETINGS OF COUNCIL AND COMMITTEES OPEN TO PUBLIC; QUORUM; REGULATIONS OF PROCEEDINGS; COUNCIL TO PROVIDE RULES OF PROCEDURE.

The City Council shall hold a meeting within the city limits of Fort Worth for the purpose of canvassing the election results. The elected members of the new Council may take the oath of office at the same City Council meeting where the election results are canvassed, but all elected members shall take the oath of office no later than the next City Council meeting after the results are canvassed. Special meetings may be called by the Mayor or by any three (3) Councilmembers. Such call shall be in writing and shall state the object of the meeting, and no business shall be transacted at such meeting other than that specified in the call. The Council shall meet at such times and places as may be prescribed by ordinance or resolution but not less than forty-four (44) regular and special meetings shall be held each calendar year.

A quorum shall consist of two-thirds (2/3) of the members. All official meetings of the Council and all sessions of the Committees of the Council shall be public except as authorized by law. The ayes and nos shall be taken upon the passage of all ordinances or resolutions and entered upon the minutes of the proceedings of the Council, and every ordinance or resolution shall require on final passage the affirmative vote of a majority of all of the remaining members.

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No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved, or unless excused by the Council for other valid reasons by majority vote. The Council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members.

(Ord. 16797, § 1(II), (V), 1-24-2006, approved 5-13-2006; Ord. 22081-02-2016, § 2(II), (V), 2-2-2016, approved 5-7-2016)

Editor's Note:

Proposition 2 of Ord. 22081-02-0216, adopted 5-7-2016 increased the number of Councilmembers from nine (9) to eleven (11). This increase will not go into effect until after the 2020 census.

§ 6 MAYOR PRO TEM; DUTIES OF.

The City Council shall elect one of its members as mayor pro tem, who shall perform the duties of mayor in case of the absence or inability of the mayor to perform the duties of his office, and shall for the time being be vested with all the powers belonging to the mayor. In case of the absence of both the mayor and the mayor pro tem, the remaining councilpersons shall elect one of their members to act in the place of the mayor or mayor pro tem.

§ 7 CITY SECRETARY.

The City Council shall appoint a city secretary and prescribe the duties and compensation of said officer, and shall provide him with such assistance as it may deem necessary. He shall hold office during the pleasure of the City Council. During his term of office, the city secretary shall be a resident citizen of the City of Fort Worth.

§ 8 RELATING TO CITY COUNCILPERSONS ACCEPTING DIFFERENT OFFICE AND PROVIDING FOR FORFEITURE OF OFFICES AND POSITIONS OF ASPIRANTS FOR COMPENSATED OFFICE.

No person elected to the City Council shall, during the term for which he/she was elected, be appointed to any office or position in the service of the city. If a member of the council shall become a candidate for nomination or election to any public office, other than that of councilperson, he/she shall forfeit his place in the council; but shall continue to hold the office until a successor is duly qualified in cases in which such holdover is required by state law. (Ord. 16797, § 1(VI), 1-24-2006, approved 5-13-2006; Ord. 22081-02-2016, § 2(XI), 2-2-2016, approved 5-7-2016)

Editor's note:

See Texas Local Government Code Chapter 150, Section 150.041, for state legislation affecting the enforceability of this section.

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**CHAPTER IV: METHOD OF NOMINATING AND ELECTING MEMBERS
OF THE CITY COUNCIL**

Section

- 1 Councilpersons; eligibility
- 2 No primary election to determine nominations; councilpersons to be selected in general election biennially
- 3 [Councilpersons to be elected from districts]
- 4 Residence of Councilmembers in Singlemember Districts

§ 1 COUNCILPERSONS; ELIGIBILITY.

Only qualified voters under the laws of Texas, twenty-one (21) years of age and over, who have continuously resided in the Council District for which he or she seeks election for 180 days before the first allowed filing date for the election, shall be eligible to the office of councilperson. The first allowed filing date shall not be included in calculating the 180 days. (Ord. 16797, § 1(VII), 1-24-2006, approved 5-13-2006; Ord. 22081-02-2016, § 2(VI), 2-2-2016, approved 5-7-2016)

§ 2 NO PRIMARY ELECTION TO DETERMINE NOMINATIONS; COUNCILPERSONS TO BE SELECTED IN GENERAL ELECTION BIENNIALY.

Primary elections to determine the selection of nominees for members of the City Council shall not be resorted to. There shall be but one (1) election, and that a general election, for the purpose of selecting members of the City Council, the same to be held biennially, on the first available election date in May specified in the Texas Election Code of odd-numbered years.

Any qualified person who desires to become a candidate for election to the City Council shall file with the city secretary a sworn application for his or her name to appear on the ballot, in accordance with the laws of Texas for nonpartisan or independent candidates, and must accompany the application with a filing fee of one hundred dollars (\$100.00) or, in lieu of the payment of a filing fee, any qualified person who desires to become a candidate for mayor may become a candidate by petition signed by qualified voters equaling at least one-half of one (0.5) percent of the total vote received by all candidates for mayor in the most recent mayoral general election, or by twenty-five (25) qualified voters, whichever is the greater number. In lieu of the payment of a filing fee, any qualified person who desires to become a candidate for election to the City Council, other than the office of mayor, may become a candidate by petition signed by a number of qualified voters of the district from which the candidate seeks election equal to at least one-half of one (0.5) percent of the total vote received by all candidates for mayor in that district in the most recent mayoral general election, or by twenty-five (25) qualified voters of the district, whichever is the greater number. The signed petition shall be filed with the city secretary, together with the candidate's sworn application. Each signer next to his signature shall indicate voter registration number, date of signing, the signer's printed name, and the street address of his place of residence. Such petitions shall also meet all requirements established by the laws of Texas for petitions which are filed with a candidate's application for a place on the ballot in an election of a home-rule city.

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The city secretary shall make up the official ballot from the names presented to him. The order in which the names of such candidates are to appear on the ballot shall be determined by a drawing to be held in the office of the city secretary. The city secretary shall post a notice in his office, at least three (3) days prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice; and each candidate involved in the drawing, or a representative designated by him, shall have a right to be present and observe the drawing.

The candidates receiving the majority of the votes cast for each place shall be declared elected. If no candidate receives a majority, or if there is a tie for any one (1) place, the mayor shall order a second election to be held on a date in compliance with the Texas Election Code to fill that place. Only the names of the candidates who tie for the highest number of votes cast for that place, or the two (2) candidates who receive the highest number of votes with neither having a majority of the votes cast for that place, shall be printed on the ballot for such election. In the event of a tie vote at the second election, the candidates who tie shall cast lots in the presence of the city secretary to determine which one shall be declared elected, and said lots shall be cast within five (5) days of the second election.
(Ord. 10272, § (III), (IV), 3-16-1989, approved 5-6-1999; Ord. 16797, § 1(IV), 1-24-2006, approved 5-13-2006)

§ 3 [COUNCILPERSONS TO BE ELECTED FROM DISTRICTS].

With the exception of Place No. 1 to be held by the mayor as provided for in section 2 of Chapter III of this Charter, the City Council shall provide by ordinance for ten (10) single member districts so that with the exception of the mayor, one (1) member of the City Council shall be elected from each of such defined districts by the voters residing therein, and

each candidate therefrom shall be a qualified elector of the city and shall have continuously resided in the Council District for which he or she seeks election for 180 days before the first allowed filing date for the election. The first allowed filing date shall not be included in calculating the 180 days.

The City Council shall, as often as census data is available, determine as nearly as practicable the population of the respective districts and shall, by ordinance, revise the boundaries of any or all of said districts to maintain a substantial equality of population in each. Within sixty (60) days after passage of this amendment, the City Council shall, by ordinance, designate the original district limits.
(Ord. 16797, § 1(VIII), 1-24-2006, approved 5-13-2006; Ord. 22081-02-2016, § 2(II), (VI), 2-2-2016, approved 5-7-2016)

Editor's Note:

Proposition 2 of Ord. 22081-02-0216, adopted 5-7-2016 increased the number of Councilmembers from nine (9) to eleven (11). This increase will not go into effect until after the 2020 census.

§ 4 RESIDENCE OF COUNCILMEMBERS IN SINGLEMEMBER DISTRICTS.

During his term of office a Councilmember must continue to reside within the limits of the district from which he was elected. Any Councilmember who shall establish residence outside the district from which he was elected shall be automatically considered to have resigned and the vacancy left by such resignation shall be filled as provided by law.

CHAPTER V: THE CITY MANAGER

Section

- 1 [Appointment; qualifications; removal; absence or disability; compensation; residency]
- 2 Powers and duties of the city manager[-Generally]
- 3 [Same-Proper administration of city affairs; appointment, removal of directors and employees; adherence to civil service regulations]
- 4 Reserved
- 5 [Council, committees not to interfere with appointments, removals, etc.]
- 6 [Violation of section 5 constitutes official misconduct]
- 7 Investigations

§ 1 [APPOINTMENT; QUALIFICATIONS; REMOVAL; ABSENCE OR DISABILITY; COMPENSATION; RESIDENCY].

The council shall appoint the city manager, who shall be the chief administrative and executive officer of the city. He shall be chosen solely upon the basis of his executive and administrative training, experience, and ability, and without regard to political consideration. Qualifications being equal, preference shall be given in the selection of a resident citizen of Fort Worth for this position. No member of the council shall be chosen as city manager. The city manager shall not be appointed for a definite fixed time, but shall be removable at the will and pleasure of the council, by a vote of the majority of the entire council. If removed after serving six (6) months, he may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his final removal shall take effect; but

pending such hearing the council may suspend him from office. The action of the council in suspending or removing the city manager shall be final. In case of the absence or disability of the city manager, the council may designate some qualified person to perform the duties of the office. The city manager shall receive such compensation as may be fixed by the council prior to the appointment. During this term of office, the city manager shall be a resident citizen within the City of Fort Worth.

§ 2 POWERS AND DUTIES OF THE CITY MANAGER[-GENERALLY].

The powers and duties of the city manager shall be as follows:

- (1) In cooperation with the city attorney, to see that all laws and ordinances are enforced.
- (2) Except as otherwise herein provided, to appoint and remove all heads of departments and all subordinate officers and employees of the city; all appointments to be upon merit and fitness alone, and in the classified civil service all appointments to be subject to the civil service provisions of this Charter.
- (3) To exercise control over all departments and subdivisions thereof created by this Charter, or that may hereafter be created by the council, except as hereinafter provided.
- (4) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation

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thereof to call the same to the attention of the city attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.

(5) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(6) To recommend to the council for adoption such measures as he may deem necessary or expedient.

(7) To keep the council at all times fully advised as to the financial condition and needs of the city.

(8) To act as budget commissioner and as such prepare and submit to the council the annual budget after receiving estimates made by the directors or heads of the various departments of the city.

(9) To see to it that city lives within its budget.

(10) Either personally or by one or more assistant city managers designated by the city manager, to execute all documents, contracts and legal instruments on behalf of the city as provided by this Charter or by the ordinances or resolutions of the council passed in pursuance thereof.

(11) To perform such other duties as may be prescribed by this Charter, or by ordinance or resolution of the council.

§ 3 [SAME-PROPER ADMINISTRATION OF CITY AFFAIRS; APPOINTMENT, REMOVAL OF DIRECTORS AND EMPLOYEES; ADHERENCE TO CIVIL SERVICE REGULATIONS].

The city manager shall be responsible to the council for the proper administration of all the city affairs placed in his hands, and shall to that end appoint and employ all directors of departments and other employees not otherwise provided for in this

Charter or by ordinance. Appointments made by him shall be on the basis of executive and administrative experience and ability and of training, fitness and efficiency of such appointees in the work which they are to administer. All such directors of departments shall be immediately responsible to the city manager and may be removed by him at any time. In case of removal after six (6) months' service, if the director removed so demands, a written statement shall be made by the city manager of the reason of his removal, and the director shall, if he so demands, be given a public hearing by the council before the order of removal is made final. The statement of the manager and any written reply of the director thereto shall be filed as a public record in the office of the secretary of the council.

In filling positions coming within the classified service list, he shall do so according to the rules and regulations that may be adopted by the civil service board, if such are available. He shall have the right to discharge any of the subordinate employees of his departments in accordance with the provisions of the civil service sections of this Charter.

§ 4 RESERVED.

Editor's note:

Ord. 16797, § 1(IX), adopted Jan. 24, 2006, approved May 13, 2006, repealed § 4, which pertained to bond of city manager. See also the Charter Comparative Table.

§ 5 [COUNCIL, COMMITTEES NOT TO INTERFERE WITH APPOINTMENTS, REMOVALS, ETC.]

Neither the council nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to, or his removal from, office or employment by the city manager or any of his subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the manager by this Charter. Except for the purpose of

The City Manager

inquiry, the council and its members shall deal with that part of the administrative service for which the city manager is responsible solely through such manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager in said departments, either publicly or privately.

guaranteed by the Constitution of the United States and the Constitution of Texas shall be afforded to the person being investigated.
(Ord. 10272, § I(V), 3-16-1989, approved 5-6-1989)

§ 6 [VIOLATION OF SECTION 5 CONSTITUTES OFFICIAL MISCONDUCT].

Wilful violation of the foregoing provision of this Charter by any member of the council shall constitute official misconduct, and shall authorize the council, by a vote of two-thirds of its entire membership, to expel such offending member from the council, and thereby create a vacancy in the place held by such member.

§ 7 INVESTIGATIONS.

(a) The council, the city manager, or any person or committee authorized by either or both of them, shall have the power to inquire into the conduct of any department or office of the city; to make investigations as to city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to said inquiry. The council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

(b) Any hearing held as part of such an inquiry or investigation shall be conducted by the City Council, city manager, or the person or committee authorized by either or both of them, in accordance with written rules of procedure to be adopted before commencement of the hearing. At such time as an inquiry or investigation focuses on possible criminal activities of a particular person, all due process rights

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CHAPTER VI: DEPARTMENT OF LAW

Section

- 1 [Appointment, qualifications, general duties, residence of director]
- 2 [Appointment of assistants; compensation]
- 2a [Assistants to have all powers and duties of city attorney]
- 3 [Outside counsel]
- 4 [Term, removal, absence or disability of city attorney]

§ 1 [APPOINTMENT, QUALIFICATIONS, GENERAL DUTIES, RESIDENCE OF DIRECTOR].

There shall be a department of law, the director of which shall be the city attorney, whose appointment shall be recommended by the city manager and approved by the council and who is a competent practicing attorney, duly licensed, and who shall have practiced law for at least five (5) years immediately preceding his appointment. The city attorney shall serve as chief legal advisor to the council, the city manager and all city departments, offices and agencies, and the city attorney shall represent the city in all legal proceedings, and draft, approve or file his written legal objections to every ordinance before it is acted upon by the council, and prepare or endorse his written approval or file his written legal objections to all documents, contracts and legal instruments in which the city may have an interest, and perform any other duties prescribed by this Charter or by ordinance. During his term of office, the city attorney shall be a resident citizen within the City of Fort Worth.

§ 2 [APPOINTMENT OF ASSISTANTS; COMPENSATION].

The city attorney shall serve as the director of the department of law, and shall have power to appoint such assistants as may be deemed necessary to assist in performing the duties of the applicant; such assistants to serve in that capacity as long as their services are satisfactory to the city attorney. The city attorney and assistants shall receive such compensation as may be fixed by the council.

§ 2A [ASSISTANTS TO HAVE ALL POWERS AND DUTIES OF CITY ATTORNEY].

All powers and duties imposed on the city attorney may be exercised and performed by any assistant city attorney under his direction.

§ 3 [OUTSIDE COUNSEL].

No extra outside counsel shall be retained to assist the city attorney or his assistants, save and except in cases of extraordinary importance and emergency, approved and adopted by the council. In such contingency, the council shall fix in advance, as far as practicable, the compensation to be allowed such extra or outside counsel by resolution spread upon the minutes.

§ 4 [TERM, REMOVAL, ABSENCE OR DISABILITY OF CITY ATTORNEY].

The city attorney shall not be appointed for a definite fixed time, but shall be removable at the will

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and pleasure of the council by a vote of not less than a majority of the entire council. If removed after serving six (6) months, he may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his final removal shall take effect; but pending such hearing the council may suspend him from office. The action of the council in suspending or removing the city attorney shall be final. In case of the absence or disability of the city attorney, the council may designate some qualified person to perform the duties of the office.

CHAPTER VII: MUNICIPAL COURT

Section

- 1 Municipal court; municipal court system
- 2 [Chapter provisions declared cumulative]
- 3 Appointment and removal of municipal judges

The chief judge and associate judges may be removed during their term of office by a majority vote of all members of the city council. Removal may include any one or more of the following grounds: dereliction of duty, incompetency, incapacity to serve, misconduct or conduct discrediting the position. (Ord. 22081-02-2016, § 2(VII), 2-2-2016, approved 5-7-2016)

§ 1 MUNICIPAL COURT; MUNICIPAL COURT SYSTEM.

There is hereby established and created a municipal court system for the City of Fort Worth, which shall have jurisdiction and authority in cases arising under ordinances of the city and applicable statutes of the State of Texas.

§ 2 [CHAPTER PROVISIONS DECLARED CUMULATIVE].

This chapter is hereby declared to be cumulative of any laws that may now or hereafter be passed by the legislature regulating or increasing the jurisdiction of the municipal courts in cities of the grade and size of the City of Fort Worth.

§ 3 APPOINTMENT AND REMOVAL OF MUNICIPAL JUDGES.

The chief judge and associate judges shall be selected and appointed by majority vote of all the members of the city council to serve specified terms. Initial appointment and reappointment to any term is at the sole discretion of the city council.

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**CHAPTER VIII: ADMINISTRATIVE DEPARTMENTS TO BE CONTROLLED
AND ADMINISTERED BY THE CITY MANAGER**

Section

- 1 Number of administrative departments to be controlled and administered by the city manager
- 2 Duties of directors of departments
- 3 Responsibility of directors of departments

§ 1 NUMBER OF ADMINISTRATIVE DEPARTMENTS TO BE CONTROLLED AND ADMINISTERED BY THE CITY MANAGER.

There is hereby created and placed under control of the city manager six (6) administrative departments of the city government as follows:

- (1) Department of finance;
- (2) Department of police;
- (3) Fire department;
- (4) Department of public works;
- (5) Department of public health;
- (6) Water works department.

The City Council shall have power to establish by ordinance such other departments, divisions and offices as it deems necessary for the efficient operation of the municipal government. The City Council may discontinue any department or office established by ordinance and may prescribe, combine, consolidate, distribute or abolish the functions and duties of departments, divisions or offices. No administrative department, division or office created by ordinance, and no consolidation as hereinbefore provided shall be established or discontinued until the

recommendation of the city manager thereon shall have first been heard by the council.

The directors of the departments appointed by the city manager shall be immediately responsible to the city manager for the administration of their departments, including the preparation of reports and recommendations concerning their departments as required by the city manager.

§ 2 DUTIES OF DIRECTORS OF DEPARTMENTS.

A director for each of the above departments shall be appointed by the city manager and shall serve until removed by the city manager, or until his successor is appointed and has qualified; provided, that the city manager shall assume the directorship of the department of finance, unless otherwise ordered by the council. Each director shall have power to prescribe rules and regulations, not inconsistent with this Charter or ordinance, for the conduct of his department and the preservation of the records and property under his control. Subject to the control and supervision of the city manager in all matters, the director of a department shall manage his department.

§ 3 RESPONSIBILITY OF DIRECTORS OF DEPARTMENTS.

The directors of departments appointed by the city manager shall be immediately responsible to the city manager for the administration of their departments, and their advice in writing may be required by him on all matters affecting their departments. They shall prepare departmental

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estimates, which shall be open to public inspection, and they shall make all their reports and recommendations concerning their departments at stated intervals, or when requested by the city manager.

CHAPTER IX: DEPARTMENT OF FINANCE

Section

- [1 Authority of council to provide for department; duties]

[§ 1 AUTHORITY OF COUNCIL TO PROVIDE FOR DEPARTMENT; DUTIES].

The City Council is authorized to provide by ordinance for the creation of a department of finance, which department shall be charged with the administration of the financial affairs of the city, including the keeping and supervision of all accounts, the custody and disbursement of city funds and monies according to ordinances and regulations of the City Council, the assessment and collection of all taxes, including special assessments, the issuance of licenses and the collection of license fees, and such other duties as the City Council may, by ordinance, require.

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CHAPTER X: THE BUDGET AND FINANCIAL PROCEDURE RELATING THERETO

Section

- 1 Fiscal year and annual budget estimate; budget message and budget format
- 2 Annual budget
- 3 Transfer of appropriations
- 4 Appropriation of excess revenue
- 4a Reduction of Expenditures
- 5 Expenditures only pursuant to appropriations
- 6 Accounts of appropriations
- 7 Payment of claims
- 8 Money Certified in Treasury
- 9 Money deemed in treasury
- 10 Obligations; when void
- 11 Independent audit
- 12 Sinking fund commission

this charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

§ 1 FISCAL YEAR AND ANNUAL BUDGET ESTIMATE; BUDGET MESSAGE AND BUDGET FORMAT.

(a) The fiscal year of the city shall begin on the first day of October and end on the last day of September. On or before the fifteenth day of August of each year, the manager shall submit to the council a proposed budget for the ensuing fiscal year and an accompanying message.

(b) The manager's budget message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, and include such other material as the manager deems desirable.

(c) The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or

(1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by departments, in terms of their respective work programs, and the method of financing such expenditures;

(2) Proposed capital improvement expenditures during the ensuing fiscal year, detailed by purpose and the proposed method of financing each such capital expenditure;

(3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or enterprise fund operated by the city and the proposed method of its disposition; budgets for each utility or enterprise fund giving detailed income and expenditure information shall be included; and

(4) Detailed schedules indicating the City's debt position and debt service requirements.

The total of proposed expenditures shall not exceed the total of estimated income.

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§ 2 ANNUAL BUDGET.

Public hearings on the manager's proposed budget shall be held and notice of such hearings shall be provided in accordance with applicable state law; however, no less than one (1) public hearing shall be held on the budget following notice of such hearing. The budget shall not be adopted at the same meeting as the public hearing. The annual appropriations ordinance providing funding for the proposed budget, along with a corresponding ad valorem tax levy ordinance shall be considered by the City Council at the same meeting the City Council considers approving the budget. Upon approval of the budget, the caption of the appropriations ordinance shall be published once, and the caption and penalty of the ad valorem tax levy ordinance shall be published twice in the City's official newspaper. The final approved budget and the full text of each ordinance shall be posted on the city's website and filed in the city secretary's office and made available for public inspection. The budget will become effective upon approval by City Council. The appropriations ordinance and ad valorem tax levy ordinance shall become effective upon publication in accordance with this section.

(Ord. 22081-02-2016, § 2(VIII), 2-2-2016, approved 5-7-2016)

§ 3 TRANSFER OF APPROPRIATIONS.

At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, division or section upon compliance with such conditions as the City Council may establish by ordinance.

Upon written request by the manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department to another. No such transfers shall be made of revenues or earnings of any non-tax supported public utility to any other purpose. The provisions of this section, as amended, shall take effect on January 1, 1984.

§ 4 APPROPRIATION OF EXCESS REVENUE.

If at any time during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

§ 4a REDUCTION OF EXPENDITURES.

If at any time during the fiscal year it appears probable to the manager that revenues available will be insufficient to meet the amount appropriated, he shall so report to the council without delay. The report shall indicate the estimated amount of the deficit, any remedial action already taken by the manager, and any recommendations as to other steps to be taken. The council shall then take such action as it deems necessary.

§ 5 EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.

No expenditure shall be made from the city treasury, nor shall any obligation for the expenditure of city funds be incurred, except in pursuance of appropriations made by the council. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations.

§ 6 ACCOUNTS OF APPROPRIATIONS.

Accounts shall be kept for each item of appropriation made by the council, and every warrant on the city treasury shall state specifically against which of such items the warrant is drawn. Each such account shall show in detail the appropriations made thereto by the council, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance to the credit thereof.

The Budget and Financial Procedure Relating Thereto

§ 7 PAYMENT OF CLAIMS.

No claim against the city shall be paid, unless it is evidenced by a purchase order approved by the head of the department or office for which the indebtedness was incurred; and each director or officer and his surety shall be liable to the city for all loss or damage sustained by the city by reason of his negligent or corrupt approval of any such claim. The controller of accounts shall examine all payrolls, bills and other claims and demands against the city, and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. He may investigate any claim and for that purpose may summon before him any officer, agent or person, and examine him upon oath or affirmation relative thereto, which oath or affirmation he may administer. If the controller of accounts issues a warrant on the treasury authorizing payment of any item for which no appropriation has been made, or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, he and his sureties shall be individually liable to the city for the amount thereof.

§ 8 MONEY CERTIFIED IN TREASURY.

No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money, be passed by the Council, or be authorized by any officer of the City, except in the cases hereinafter specified, unless the Director of Finance first certifies to the Council, or to the proper officer as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the Treasury and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall

not thereafter be considered unappropriated until the City is discharged from the contract, agreement or obligation.

§ 9 MONEY DEEMED IN TREASURY.

All monies actually in the treasury to the credit of the fund from which they are to be drawn, all monies credited to the fund from pooled cash in the treasurer's group of accounts, and all monies applicable to the payment of the obligation and appropriation involved that are anticipated to come in the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales of service products, or by-products, or from any city undertaking, fees, charges, accounts and bills receivable, or other credits in process of collection, and all monies applicable to the payment of such obligation or appropriation, which are to be paid into the city treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and monies to be derived from lawfully authorized bonds sold and in the process of delivery, shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

§ 10 OBLIGATIONS; WHEN VOID.

All contracts, agreements or other obligations entered into, all ordinances passed, and resolutions and orders adopted, contrary to the preceding sections, shall be void, and no person whatever shall have any claim or demand against the city thereunder, nor shall the council, or any officer of the city, waive or qualify the limits fixed by any ordinance, resolution or order, as provided in section 9 of this chapter of the Charter, or fasten upon the city any liability whatever, in excess of such limits, or relive any party from an exact compliance with his contract under such ordinance, resolution or order; provided, that this section shall not apply in case of public disaster calling for extraordinary emergency expenditure.

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§ 11 INDEPENDENT AUDIT.

The council shall cause an independent audit to be made of the books of account, records and transactions of all the administrative departments of the city at least once yearly. Such audits, during such fiscal year, shall be made by one or more certified public accountants who, for the three (3) years next preceding, having held a certificate issued by the state board of accountancy of the State of Texas, or by a state maintaining an equal standard of professional requirements, which entitles the holder of such certificate to a Texas certificate. The auditor or auditors to make the said audit shall be selected by the council, and shall be responsible to the council. The duties of the auditor or auditors so appointed shall include the certification of all statements required under section 2 of this chapter of the Charter. Such statements shall include a balance sheet, exhibiting the assets and liabilities of the City, supported by departmental schedules, and schedules for each utility publicly owned or operated; summaries of income and expenditures, supported by detailed schedules; and also comparisons, in proper classification, with the last previous year. The report of such auditor or auditors for the fiscal year shall be printed and a copy thereof shall be furnished to each member of the council, the city manager and to each citizen who may apply therefor. The original report of the said auditors shall be kept among the permanent records of the city.

§ 12 SINKING FUND COMMISSION.

[Repealed]

CHAPTER XI: DEPARTMENT OF POLICE

Section

[1 Establishment and regulation]

[\$ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a department of police.

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CHAPTER XII: FIRE DEPARTMENT

Section

[1 Establishment and regulation]

[\$ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a fire department.

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CHAPTER XIII: DEPARTMENT OF PUBLIC WORKS

Section

[1 Establishment and regulation]

[\$ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a department of public works, which department shall be in lieu of the department of engineering formerly provided for in Chapter XIII of the Charter of the City of Fort Worth.

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CHAPTER XIV: WATER WORKS DEPARTMENT

Section

[1 Establishment and regulation]

[§ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a water works department, which department shall have jurisdiction and control over the water and sanitary sewerage systems of the City of Fort Worth.

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CHAPTER XV: DEPARTMENT OF PUBLIC HEALTH

Section

[1 Establishment and regulation]

[\$ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a department of public health.

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CHAPTER XVI: RESERVED

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CHAPTER XVII: DEPARTMENT OF PUBLIC LIBRARIES

Section

[1 Establishment and regulation]

[\$ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a department of public libraries.

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CHAPTER XVIII: PARK AND RECREATION DEPARTMENT

Section

[1 Establishment and regulation]

[\$ 1 ESTABLISHMENT AND REGULATION].

The City Council shall provide by ordinance for the establishment and regulation of a park and recreation department.

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CHAPTER XIX: RECALL OF COUNCILPERSONS

Section

- 1 Recall of councilpersons; procedure; election of successors
- 2 [Failure, refusal of council to order election]

§ 1 RECALL OF COUNCILPERSONS; PROCEDURE; ELECTION OF SUCCESSORS.

Any councilperson of this city may be recalled and removed from office by the electors qualified to vote for a successor of such incumbent as herein provided. The procedure to remove councilpersons shall be as follows:

A petition signed by the qualified voters entitled to vote for a successor to the councilperson sought to be removed, equal in number to at least twenty (20) percentum of the entire number of persons entitled to vote for a successor to said councilperson at said time, demanding the recall of said councilperson shall be filed with the city secretary, provided that such petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers to each of such papers shall make oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be. Within ten (10) days from the filing of such petition, the city secretary shall examine the same and from the list of qualified voters ascertain whether or not said petition is signed by the requisite number of qualified voters, and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition a certificate showing the result of such examination. If, by the

secretary's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate. The secretary shall within ten (10) days after such amendment is filed, if any is so filed with him, make like examination of the said amended petition, and if his certificate shall show same to be insufficient, it shall be returned to the person filing same without prejudice, however, to the filing of a new petition based upon new and different grounds, but not upon the same grounds.

If the petition be found sufficient, the secretary shall submit the same to the City Council without delay. If an election is to be held within the city for any other purpose within sixty (60) days from the date of said certificate, then the said recall election shall be held on the same day. If the councilperson in question resigns, no election shall be necessary and the vacancy shall be filled as in other cases of vacancies.

The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the city secretary to be sufficient and the councilperson whose removal is sought does not resign within five (5) days after the certification to the council, the council shall order and hold a recall election in the affected district. Such election shall be held on the first available election date specified pursuant to Article 2.01b of the Texas Election Code unless the council shall request, and receive, permission from the governor to call an emergency special election. If a recall petition should be certified within thirty (30) days of an election date, the council may set the election for the next date following the impending special election date or it may request permission for an emergency special election date from the governor.

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Ballots used at recall elections shall conform to the following requirements:

(1) With respect to each person whose removal is sought the question shall be submitted “Shall (name of councilperson) be removed from the office of City Councilperson?”

(2) Immediately below each such question there shall be printed the two (2) following positions, one above the other, in the order indicated:

“For the recall of (name of councilperson).”

“Against the recall of (name of councilperson).”

If a majority of the votes cast at a recall election shall be against removal of the councilperson named on the ballot, he/she shall continue in office. If the majority of the votes cast at such election be for the removal of the councilperson named on the ballot, the council shall immediately declare his/her office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. A councilperson thus removed shall not be a candidate to succeed himself in an election called to fill the vacancy thereby created.

No recall petition shall be filed against a councilperson within six (6) months after he takes office, and no councilperson shall be subject to more than two (2) recall elections during a term of office.

§ 2 [FAILURE, REFUSAL OF COUNCIL TO ORDER ELECTION].

Should the council fail or refuse to order an election as herein provided for the recall of a councilperson, when all the requirements for such election have been complied with by the petitioning citizens, in conformity with this chapter of the Charter, then it shall be the duty of any one of the district judges of Tarrant County, Texas, upon proper application being made therefor, to order such election

and to enforce the carrying into effect of the provisions of this chapter of the Charter.

CHAPTER XX: THE INITIATIVE

Section

- 1 Power to initiate ordinances
- 2 Preparation of initiative petitions
- 3 Filing of petitions
- 4 Submission of petition to council
- 5 Election on initiated measures
- 6 Initiative ballots
- 7 Number of measures to be initiated;
initiated ordinances subject to amendment
or repeal by council

signature shall be in ink or with indelible pencil. All such papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least five (5) registered voters who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for the purposes hereinafter named. All such papers shall be filed in the office of the city secretary as one instrument.

§ 1 POWER TO INITIATE ORDINANCES.

The qualified voters of this city shall have the right, at their option, to propose ordinances, not in conflict with this Charter, the Constitution or the laws of the State of Texas, and to adopt the same at the polls, such power being known as the initiative. A petition, meeting the requirements hereinafter provided and requesting the council to pass an ordinance, therein set forth or designated, shall be termed an initiative petition, and shall be acted upon as hereinafter provided.

§ 2 PREPARATION OF INITIATIVE PETITIONS.

Signatures to initiative petitions need not all be on one paper, but the circulator of every such paper shall make an affidavit substantially as follows: That each signature appended to the paper is the genuine signature of the person whose name it purports to be and was made by said person in his presence. With each signature shall be stated the place of residence of the signer, giving the street and number, or other description sufficient to identify the place. Each

§ 3 FILING OF PETITIONS.

Within ten (10) days after the filing of the petition, the city secretary shall ascertain by examination the number of registered voters whose signatures are appended thereto, and whether this number is at least twenty (20) per cent of the total number of registered voters as shown by the registration books, and he shall attach to said petition his certificate showing the result of said examination. If by the secretary's certificate, of which notice in writing shall be given to one or more of the persons designated, the petition is shown to be sufficient it may be amended within ten (10) days from the date of said certificate by filing supplementary petition papers with additional signatures. The secretary shall, within ten (10) days after such amendment, make examination of the amended petition, and if his certificate shall show to be insufficient, the secretary shall file the petition in his office and shall notify each member of the committee to that effect. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose; but no new petition covering the same ordinance in substance shall be filed until at least six (6) months have elapsed.

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§ 4 SUBMISSION OF PETITION TO COUNCIL.

If the petition shall be found to be sufficient, the secretary shall so certify and submit the proposed measure to the council at its next meeting. Upon receiving the proposed measure the council shall at once proceed to consider it and shall take final action thereon within thirty (30) days from the date it is filed with them.

§ 5 ELECTION ON INITIATED MEASURES.

If the council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition, then the measure shall, if demanded in writing by the committee, be submitted by the council to the vote of the electors at the next election occurring in the city; provided, that the City Council shall, if in their judgment the public interests demand it, order an election to be held at an earlier date to be fixed by the council.

§ 6 INITIATIVE BALLOTS.

The ballot used in voting upon an initiated ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words, "For the Ordinance" and "Against the Ordinance."

Where an initiated ordinance and an alternative ordinance proposed by the council are submitted, the ballot shall state the captions of each ordinance, clearly designating them "Ordinance No. 1" and "Ordinance No. 2," respectively, and shall set forth below the captions on separate lines the words "For Ordinance No. 1," "For Ordinance No. 2,". Where an initiated ordinance and an alternative ordinance are submitted each voter shall vote "For" only one ordinance. Where an initiated ordinance and an

alternative ordinance are submitted to the voters, the measure that receives the highest number of favorable votes shall prevail in that election.

(Ord. 22081-02-2016, § 2(IX), 2-2-2016, approved 5-7-2016)

§ 7 NUMBER OF MEASURES TO BE INITIATED; INITIATED ORDINANCES SUBJECT TO AMENDMENT OR REPEAL BY COUNCIL.

Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this Charter. Initiated ordinances, adopted by the electors, shall be published and may be amended or repealed by the council as in the case of other ordinances; but not until two years after such ordinance or ordinances shall become effective.

CHAPTER XXI: REFERENDUM

Section

- 1 [Submission of ordinance to voters prior to taking effect or within thirty days of passage; section not applicable to routine or emergency measures, general appropriation ordinance or bond ordinances]
- 2 [Referendum petition]
- 3 [Alteration or amendment or proposed ordinance]
- 4 Ordinances passed by referendum subject to amendment or repeal by council after six months
- 5 [Referendum relative to purchases and sales of public property by city]

§ 1 [SUBMISSION OF ORDINANCE TO VOTERS PRIOR TO TAKING EFFECT OR WITHIN THIRTY DAYS OF PASSAGE; SECTION NOT APPLICABLE TO ROUTINE OR EMERGENCY MEASURES, GENERAL APPROPRIATION ORDINANCE OR BOND ORDINANCES.]

If prior to the date when an ordinance of a general nature passed by the council shall take effect, or within thirty (30) days after the passage of same, a referendum vote should be demanded on same, as hereafter provided, such ordinance shall be submitted to the legal voters of the City of Fort Worth, and the same shall not be effective and valid until the said ordinance shall have been approved by a majority of those voting thereon; provided, that this section shall not apply to mere matters of routine, or emergency measures passed on the ground of urgent public need for the preservation of peace, health, safety or property, by a vote of not less than three-fourths of the City Council, nor to the general appropriation ordinance or bond ordinances.

§ 2 [REFERENDUM PETITION.]

Whenever there shall be presented to the City Council a petition or petitions, signed by twenty (20) per cent of the registered and qualified legal voters of said city, demanding that an ordinance passed by the council, and set forth in said petition or petitions, be submitted to a vote of the qualified electors of the city, it shall be the duty of the council to submit such proposed ordinance to a vote of the qualified electors of said city at the next election held thereafter by said city. The signatures to said petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. All signatures must be made in ink or with indelible pencil. One of the signers of said petition shall make oath before a duly qualified officer that the statements therein are true and that each signature to said petition is a genuine signature of the person whose name it purports to be and was signed in his presence by such person; provided, that any petition intended to require a submission to referendum of an ordinance enacted by the City Council shall be presented to the council within thirty (30) days after the enactment of such ordinance, and not thereafter. The City Council may, if in its judgment the public interest so demands, provide for such referendum election to be held at an earlier date than that of the next ensuing election, in which event the said date shall be fixed by the council.

§ 3 [ALTERATION OR AMENDMENT OR PROPOSED ORDINANCE.]

If the City Council shall alter or amend said proposed ordinance (as it may do), and such amended ordinance should not be satisfactory to the persons demanding the referendum, then the said amended

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ordinance shall be, if demanded in writing by a committee of five (5) signers, to be designated in the petitions as the committee to act for the said petitioners, submitted to a vote of the people at the next election ensuing in the city, unless a different date be set by the council. Or if said ordinance should not be amended or altered by the City Council, the same course shall be taken in respect thereto as in the case of amended ordinances.

The ballots used in such election shall contain the words, -“For the Ordinance Passed by the City Council on a certain date” (stating the nature of the ordinance), and “Against the said Ordinance.” If a majority of the votes cast shall be in favor of the adoption of said ordinance, the said ordinance as passed shall be valid and effective, as other ordinances of the city, upon proper publication if required. If a majority of the votes cast as [at] such election be against the said ordinance it shall not be valid and effective.

§ 4 ORDINANCES PASSED BY REFERENDUM SUBJECT TO AMENDMENT OR REPEAL BY COUNCIL AFTER SIX MONTHS.

Referendum ordinances adopted by the electors shall be published and may be amended or repealed by the council as in the case of other ordinances, but not until six (6) months after such ordinance shall become effective.

§ 5 [REFERENDUM RELATIVE TO PURCHASES AND SALES OF PUBLIC PROPERTY BY CITY.]

The City of Fort Worth may take, hold and purchase such personal property, chattels, animate and inanimate, lands and real property as may be needed for the corporate purposes of said city, whether in or out of the corporate limits of the city, and may sell, lease, alienate, exchange or encumber any real estate or personal property owned or acquired by it; provided, however, that no sale shall be made of any

public property owned by said city whose value exceeds one hundred twenty-five thousand dollars (\$125,000.00), without first making such intention known by means of publication in the official newspaper of the city once a week for four (4) consecutive weeks, during which time it shall be lawful for qualified voters, who shall not be fewer than ten (10) percent of the number of voters who voted in the most recent municipal election for mayor to petition the City Council for a referendum, in which event the matter of such sale shall be referred to the people at an election to be held for that purpose, at the time and in the way and manner to be prescribed by the City Council of said city, and in the event a majority of the votes cast at such election is in favor of such proposition, then the sale shall be made; otherwise, such sale shall not take place.

(Ord. 16797, § 1(X), 1-24-2006, approved 5-13-2006)

CHAPTER XXII: IMPROVEMENT AND PAVING OF STREETS AND HIGHWAYS

Section

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§ 1 IMPROVEMENT, DEFINITION OF.

The term "improvement," when used in this Charter shall include the improvement of any street, avenue, alley, highway, public place or square, or portion thereof, in the city by filling, grading, raising, paving, repairing or otherwise improving the same in a permanent manner, or the construction or reconstruction of sidewalks, curbs and gutters, and other necessary appurtenances, including drains and culverts, and also the laying out, opening, narrowing, straightening or otherwise establishing, defining or locating streets, alleys, avenues, public places, squares or sidewalks. Said term shall also include any other permanent street improvement for a public benefit.

§ 2 HIGHWAY, DEFINITIONS OF.

The term "highway," when used herein, shall include any street, alley, highway, avenue or public place or square, bridges, viaducts, tunnels and causeways, in the city, dedicated or devoted to public use.

§ 3 HIGHWAYS; IMPROVEMENT OF.

The City Council shall have power to order the improvement of any highway or highways, or part thereof, in the city, and to prescribe the nature and extent of the improvements, and shall have power to

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cause any of such improvements to be made separately or together.

§ 4 PAVEMENT IMPROVEMENT OF HIGHWAY, SIDEWALKS AND CURBS; CONTRACTS; PAYMENT; LIEN; SALE; DEED.

Subject to the terms hereof, the cost of such improvement may be paid wholly by the city or partly by the city and partly by owners of property abutting on such improvements and benefited thereby. But the whole cost of constructing any sidewalk or curb shall be paid by the owners of such abutting property, and the owner of any railroad or street railroad having any track or tracks, switch or turn-out in a highway ordered to be improved shall pay the whole cost of such improvement between the rails and tracks of said railroad or switch or turn-out, and two (2) feet on the outside thereof. The portion of the cost of such improvement payable by the owner of such railroad or street railroad, and all costs of collection, shall be a special tax against and secured by lien upon the roadbed, ties, rails, fixtures, rights, and franchises of such railroad or street railroad and the owner thereof. After the execution of a contract by the city for any such improvement, the City Council shall, by ordinance, levy a special assessment upon the roadbed, ties, rails, fixtures, rights and franchises of such railroads or street railroads for the portions of said cost payable by the owners thereof, which assessment shall be a lien on such property from the time of levy, prior and superior to all encumbrances thereon, except lawful taxes. Such assessment shall become due and delinquent as shall be specified by said ordinance, and if not paid as therein provided, shall be enforced as in the case of the collection of taxes under this Charter, by the advertisement and sale of the property rights and franchises levied on. The officer making said sale shall execute to the purchaser a deed similar to the one executed when property is sold for ad valorem taxes, and the recital of such deed that all legal prerequisites to the validity of said sale have been complied which shall be prima facie

evidence of the truth thereof, and so accepted without further proof. Such tax and lien may also be enforced by suit in any court having jurisdiction.

§ 5 IMPROVEMENT OF HIGHWAYS; POWER TO ORDER; PROCEDURE; SPECIFICATIONS OF MATERIAL; BOND OF CONTRACTOR; ADVERTISEMENT FOR BIDS; POWER TO ACCEPT OR REJECT; NO CHANGE OF BIDS.

The City Council shall have the power by resolution to order the making of such public improvements, or any of them, by majority vote, without notice, and the passage of such resolution shall be conclusive of the public necessity and benefits thereof. The resolution shall generally set out the nature and extent of the improvements to be made, the section or sections of the highway or highways to be improved, and the material or materials to be used, and the method or methods of paying the cost. The resolution may specify different or alternative materials and different or alternative methods for the construction of the improvement, and the payment of its cost; upon passage of such resolution, the director of public works shall forthwith prepare specifications, subject to approval of the City Council, for the improvement, embracing the different or alternative materials or methods which may be prescribed by said resolution, for the construction of said improvement or payment of its cost; and the character of bond or bonds, if any required of the successful bidder. Such specifications shall be submitted to the City Council, and after being corrected, in event correction is necessary, and the same is satisfactory to the council, same shall be approved by the City Council. The City Council shall have power to require of the contractor to whom the work may be let, a bond or bonds for the faithful performance of the contract, and for the repair, or reconstruction, in whole or in part, of the improvement within three (3) years after its completion, if necessitated within that time by any defective material, plans, methods, or processes, employed in the construction of such improvement,

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and containing such other provisions as the City Council may require. Such bond or bonds shall be executed by the contractor with a good and solvent corporate surety thereon, authorized to do business in Texas, and acceptable to the City Council, or with two (2) good, solvent and acceptable personal sureties, if the council shall so elect.

When the specifications have been adopted by the City Council, the city secretary, or other officer designated by the council, shall advertise for sealed bids for the construction of said improvements in accordance with the specifications. Said advertisement shall be published one (1) or more times in a newspaper of general circulation in the city, and shall state the times prescribed by the council for receiving bids, which shall be not less than ten (10) days from the first publication of said advertisement. Bids shall be filed and opened by the City Manager or his or her designee. Said council may accept such bid or bids, as it may deem most beneficial to the city and the owner of the property abutting the proposed improvement, or may reject any and all bids, and may accept different bids for parts of the improvement and accept such bid or bids on different plans or methods, or for different materials, as it may deem best. No bid shall be amended, revised or changed after being filed.

(Ord. 16797, § 1(XI), 1-24-2006, approved 5-13-2006)

§ 6 IMPROVEMENTS-CONTRACTS; SIGNATURE BY MAYOR.

The bids having been accepted by the City Council, the city shall enter into contract with the contractor, to whom the work is let, for its performance. Such contract shall be signed by the city manager or his or her designee and attested by the corporate seal affixed by the city secretary, or other officer designated by the council, and shall be approved as to form by the City Council.

(Ord. 16797, § 1(XII), 1-24-2006, approved 5-13-2006)

§ 7 IMPROVEMENTS-LIMIT OF COST; ASSESSMENT; DEFERRED PAYMENTS; INTEREST; ATTORNEY'S FEES.

Exclusive of the cost of such improvement to be paid by railroads and street railroads, as herein provided, the city, acting by the City Council, shall have the power to assess the whole cost of constructing and reconstructing sidewalks and curbs and other improvements against the owners of property abutting on the highway or highways, or sections thereof, to be improved, who are especially benefited thereby. But no part of such cost shall be assessed against any owner of his property in excess of the special benefits thereto in enhanced value thereof arising from the improvement, nor until after the notice and hearing hereinafter provided for. The proportion of the cost assessed against any property, or its owner, shall be in such proportion as the frontage of property of each owner is to the whole frontage of property to be improved, and shall be in accordance with the front foot rule or plan, unless, in the opinion of the City Council, such rule would operate unjustly in particular cases, in which event the City Council shall adopt such rule of apportionment as will effect substantial equality and justice between property owners, having in view benefits received and burdens imposed on such owner. The cost of paving street intersections and public alleys shall be borne by the city.

When the payment of any part of the cost of improvement assessed against any property owners is deferred, the City Council shall have power to provide that such payments shall bear interest at not to exceed eight (8) per cent per annum, and shall have power to include in any assessment against such owners, or their property, cost of collection and a reasonable attorney's fees, when such costs and fees are incurred.

§ 8 IMPROVEMENT-LISTS OF OWNERS; NOTICE TO OWNERS; PROTESTS; PROCEDURES.

When the contract or contracts for improvements have been executed and approved, if any part of the

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cost is to be assessed against property, or its owner or owners, the director of public works shall at once prepare a statement containing the names of persons, firms or corporations or estates owning property abutting on the highway, or section thereof, to be improved and the number of front feet owned by each, with such description by lot or block number, or otherwise, sufficient to identify the same, and also containing an estimate of the total cost of the proposed improvement, the cost per front foot of abutting property. Said statement shall be examined by the City Council and any errors therein corrected, but no error or omission shall invalidate any assessment made thereunder. When said statement has been approved by the council, it shall then determine and declare the necessity of assessing any part of the cost of proposed improvements against such owners and their property by resolution directing notice to be given to such owners and fixing the time and place of a hearing to be given them. Such notice shall be signed by the city secretary, or other officer designated by the council, and shall state the time and place of hearing, the general nature of improvement proposed, the highway or section thereof to be improved and the total amount and amount per foot proposed to be assessed against owner and his property.

Such notice shall be served by publishing same for three times, the first being at least twenty-one days before the date of hearing, in the city's official newspaper and by mailing a copy thereof by letter deposited in the post office of said city directed to the address of each owner, if known, but if not known, then to the address of his agent or attorney, if known. Said letters shall be posted at least fourteen (14) days before the day of said hearing. Said notice and letter shall contain all the information required by law. On the day fixed for said hearing or any time thereafter, before any assessment is made, any person, firm, corporation or estate owning or having any interest in any property proposed to be assessed for any part of the cost of such improvement or against whom any personal charge is proposed, shall have the right to appear before the City Council in person, or by attorney or agent, and shall be entitled to a hearing as to all matters affecting said assessment or personal liability, or the benefits of said improvement, if any,

to property proposed to be assessed and any objection to such assessment, or to the making of such improvement or any invalidity or irregularity in the proceedings with reference thereto, or any other objection. All objections shall be filed in writing, and thereafter the opportunity shall be given to persons filing objections to subpoena witnesses and produce testimony. Said hearing may be adjourned from time to time until completed without further notice. The City Council shall have power to inquire into and determine all facts necessary to the adjudication of objections and the ascertainment of special benefits to such owners by means of such improvements and shall render such judgment in each case as shall be just and proper. Objections to the regularity of any proceedings, or the validity of any assessment or charge of personal liability against any person or property, shall be waived unless presented at the time and in the manner herein specified.

§ 9 IMPROVEMENTS-ORDINANCE FIXING LIEN; PARTIAL PAYMENTS; INTEREST; RELEASE OF LIEN; PERSONAL LIABILITY; JOINT OWNERSHIP; SALES UNDER LIEN; ORDINANCE; NOTICE OF LIEN; ERRORS; EFFECT OF.

When said hearing has been concluded, the City Council shall by ordinance, which shall take effect from its passage, without publication or other prerequisites, assess against the several owners of property, and their property abutting on the highway or section thereof, ordered to be improved, such part of the cost of improvement as said council may have adjudged against them. Said ordinance shall fix a lien upon said property and declare the respective owners thereof to be personally liable for the amounts assessed against them, and shall state the time and terms of payment of such amounts. The said ordinance shall prescribe the rate of interest upon deferred payments, not exceeding the maximum set by law, and shall provide that failure to pay any installment when due shall mature all of said deferred payments. But any owner shall have the right to discharge any installment before maturity by the payment of same with accrued interest to date of payment. The lien and

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charge of personal liability above referred to shall secure and include all costs of collection, including a reasonable attorney's fee, when incurred. Upon payment in full of any assessment against any such property, the city shall, acting by its mayor, execute a release which shall discharge the lien thereof.

More than one parcel or lot of land, the property of one owner, or owned jointly by two (2) or more owners, may be assessed together without invalidating said assessment or the lien thereof, or any claim of personal liability. The cost of such improvement assessed against any property, or its owner, together with interest as set by the City Council and costs of collection, including reasonable attorney's fees, when incurred, shall constitute a personal claim against such property owner and be secured by lien on such property superior to all other liens, claims or titles, except lawful taxes, and such liability and lien may be enforced in any court having jurisdiction, or by sale of such property by the officer, and in any manner, as far as applicable, sales are authorized to be made for nonpayment of city taxes, but it shall not be necessary to sell at the same time as for delinquent taxes. The recital in any deed made in pursuance to such sales that all legal prerequisites to the validity thereof have been complied with, shall be prima facie evidence thereof, and without further proof shall be presumed to be true.

The City Council may by resolution make such rules and regulations as may be deemed proper to enforce collection of such assessments. Any error or omission in any proceeding herein provided for shall be corrected by the council, and shall not invalidate the said proceedings. The passage of such ordinance making said assessment shall be notice to all persons of the lien created thereby.

§ 10 IMPROVEMENTS-SUIT BY OWNER; FIFTEEN DAYS LIMITATION; PRECEDENCE IN COURTS; DEFENDANTS; SUSPENSION OF IMPROVEMENTS.

Any person interested in any property assessed for such improvements, or against whom any charge

of personal liability may have been fixed, may, within fifteen (15) days from the conclusion of the hearing above referred to, but not thereafter, institute suit in any court having jurisdiction for the purpose, on any ground, of testing the validity of said assessment or personal liability, and the validity of any proceeding had with reference thereto; but is said action be not brought within said period of fifteen (15) days, then said persons, their heirs, successors, assigns, or personal representative, shall be forever barred from asserting any defect in such proceedings or any invalidity in said assessment or charge of personal liability, in any action in which the same may thereafter be brought into question.

The said city and the contractor to whom the work of improvement may have been let, shall be made parties defendant to any suit brought under this section. When any suit has been brought under the terms of this section, the performance of any work may be suspended at the election of the city or the contractor until said suit is finally determined, provided that any writ of error or appeal from the judgment of the court in which said suit was brought shall be perfected within thirty (30) days from the adjournment of the term of the court of original jurisdiction at which final judgment shall thereafter be taken or sued out, but any such suit shall be entitled to precedence in all courts in this state, and any party may move in any court of an early hearing, and such cases shall, in all courts, be entitled to be advanced on the docket and speedily determined.

§ 11 IMPROVEMENTS-OMISSION OF PROPERTY FROM IMPROVEMENT; EFFECT OF.

When the City Council has reason to believe that the owner of any property may successfully claim the same as exempt from assessment, the council may order that the improvement shall not be made in front of said property, unless the owner shall first satisfactorily secure the payment of the amount which would be assessed against the same, were it not exempt. When any part of the cost of improvement is to be paid by such property owners or assessed against

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their property and the contractor is required to look to such property or its owners for the proportion of the cost assessed against them, and the city is relieved from the payment of such cost, the contractor may or may not be required to construct improvements in front of property which is exempt from the enforcement of a lien for such cost. The omission of improvements in front of such property on a highway or section thereof ordered to be improved, shall not invalidate or affect any assessment against any other property located on such highway, or section thereof, or charge of personal liability against the owner thereof.

§ 12 IMPROVEMENTS-ON ONE SIDE OF HIGHWAY; ASSESSMENT OF COST.

The City Council shall have power to order improvements made on only one side of a highway or section thereof, and may assess part of the cost against property and its owners abutting on said improvement as herein provided.

§ 13 IMPROVEMENTS-CORRECTION OF ERRORS; INVALID ASSESSMENTS; PROCEDURE TO CORRECT; REASSESSMENT.

If any error shall occur in any proceeding provided for by this chapter of the Charter, it shall be the duty of the City Council to correct the same, and whenever it shall be finally determined in any suit that any assessment or charge of liability against any property, or its owner, is invalid or unenforceable, for any reason, then it shall be the duty of the City Council at once to reassess against said property and its owner such proportion of the cost of improvement as may be proper, lawful and just, and the City Council shall have power, and it shall be its duty, by ordinance or resolution, to adopt such rules and regulations for a hearing to said owners before the reassessment as may be necessary legally to bind such owners and property by reassessment, and shall have power to adopt all other rules and regulations requisite

to such reassessment, or fixing a charge of personal liability against such owners.

§ 14 IMPROVEMENTS-PETITION OF SIXTY PER CENT OF PROPERTY OWNERS; PROCEDURE; PARTIAL PAYMENTS; INTEREST; PAYMENT BY CITY; ASSIGNMENT OF DEFERRED PAYMENTS; STREET IMPROVEMENT FUND.

Whenever the owners of sixty (60) per cent of the front feet of property abutting on any highway, or part or section thereof, in the city shall, in writing, petition the City Council for the improvement thereof, and shall in the petition agree to pay the cost of such improvement in front of their respective properties, exclusive of any costs payable under the terms of this Charter, by owners of railroads or street railroads, and shall generally designate the nature and extent of the proposed improvement, the City Council must order the making of said improvement; provided, only, that the City Council shall be satisfied from the said petition, or other evidence before it, that the payment of at least one-half of the total cost of improvement, exclusive of cost to be paid by owners or railroads and street railroads, can be secured by assessment against abutting property and its owner, or in some other manner. When such petition has been filed and approved, the procedure of the said council, the city and its officers, with respect to such improvement and fixing, and assessing, apportioning and collecting the cost thereof, shall, in all things be in compliance with the preceding and succeeding sections of this chapter of the Charter, and the provisions thereof which shall apply in all respects to proceedings under this section, except as in this section otherwise provided. Where improvements are made under the terms of this section, the work shall not begin until at least sixty (60) per cent of the estimated cost thereof, exclusive of the amount to be paid by railroads or street railroads has been assessed against the property abutting on the proposed improvement, or against the owners thereof. When improvements are made under the terms of this section, the proportion of the cost thereof assessed

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against the owners of property, and their property shall be payable by them to the city, or its assigns, in five (5) or more equal installments, the first of which shall be due thirty (30) days after the completion and acceptance of the improvement by the city, and the remainder in annual installments thereafter. Deferred payments shall bear interest at not to exceed eight (8) per cent per annum as may be fixed by the City Council, and default in the payment of any installment of principal or interest, when due, shall, at the option of said city, or its assigns, mature all unpaid installments, which shall, in such event, without notice, become collectible.

During the progress of and when improvements are completed under this section, the city may pay to the contractor making same, the whole agreed cost thereof, except amounts payable by the owner of railroads and street railroads, under the terms of this chapter. But upon such payment by the city, the contractor shall endorse and assign to the city, without recourse, all notes, contracts, liens or other securities or obligations given to said contractor by owners of abutting property to secure the payment of the cost of such improvements. The owners of property against whom and whose property, however, two-thirds of said cost shall have been assessed, shall pay the same to the city or its assigns, in installments, as above set forth. But such owner shall have the privilege of discharging said installments before maturity by paying same with accrued interest to date of payment. Payments so made to the city, or the proceeds of said assessments, if sold by the city, shall become part of the permanent street improvement fund and be sacredly preserved therein, and shall not be used in any manner except to make other permanent street improvements, where the cost or part thereof is assessed against abutting property or its owners.

§ 15 IMPROVEMENTS-CERTIFICATES, FORM OF; EXECUTED BY MAYOR; STREET IMPROVEMENT FUND.

The City Council may also authorize the issuance by the city of assignable certificates against abutting property owners or against persons, firms,

corporations or estates using or occupying highways. Such certificates shall be payable to the contractor, or to the city, should the city pay the whole cost of improvements, as set out in Section 14, and the City Council shall fix the form and terms of such certificates. The recital in such certificates that proceedings with reference to such improvements have been made in compliance with the terms thereof, and that all prerequisites to the fixing of the lien and charge of personal liability evidenced by such certificates have been performed, shall be prima facie of the facts so recited, and no other proof thereof shall be required, but in all courts the said proceedings and prerequisites shall, without further proof, be presumed to have been had and performed. Such certificates shall be executed by the mayor and attested by the city secretary, or such other officer as may be designated by the City Council, with the corporate seal. Such certificate, when payable to the city, may be sold by it as may be provided by the City Council, and the proceeds of said sale shall become part of the permanent street improvement fund.

§ 16 IMPOUNDMENTS-VALIDATION OF OLD CONTRACTS.

The City of Fort Worth having heretofore entered into contracts for the pavement of streets or begun proceedings looking thereto, all provisions of the preceding Charter and ordinances of the City of Fort Worth providing for the construction of such improvements or assessment of the cost thereof against owners of abutting property and their property, or the enforcement of such assessment shall remain in full force for the purpose of effecting the construction of the said improvements and assessing and collecting the cost thereof, and all contracts entered into by the City of Fort Worth heretofore for the same are hereby validated.

§ 17 [IMPROVEMENTS-ALTERNATIVE METHOD.]

That all of the powers conferred by the act of the first called session of the Fortieth Legislature,

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authorizing cities to improve streets and alleys and make assessments for same, known as Chapter 106, and found on page 489 of said Session Laws, be adopted as an alternative method, the provisions of which act, or any one of them may be exercised by the City Council or other governing authority whenever it is deemed advisable so to do.

CHAPTER XXIII: MERIT SERVICE

Section

[1 Establishment, regulation and maintenance]

[§ 1 ESTABLISHMENT, REGULATION AND MAINTENANCE.]

Consistent with all applicable federal and state laws, the City Council shall provide by ordinance for the establishment, regulation and maintenance of a merit system, governing personnel policies, grievances and other procedures and practices necessary to the effective administration of employees of the City of Fort Worth.

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**CHAPTER XXIV: ASSESSMENT AND COLLECTION OF TAXES;
PROVISIONS RELATIVE TO ISSUANCE AND SALE OF BONDS**

Section

- 1 Property subject to taxation
- 2 Levy and collection
- 3 [Repealed by Ord. 16797, § 1(XIII),
1-24-2006, approved 5-13-2006]
- 4 State law on assessment and collections
applicable
- 5 Tax liens; seizure and sale for taxes;
sale of personal property
- 6 Further powers of the City Council
- 7 Tax suits; delinquent taxes; limitations
- 8 [Repealed by Ord. 10272, § I(VI),
3-16-1989, approved 5-6-1989]
- 9 Delinquent taxes; appropriation of
- 10 Surplus funds; use of
- 11 Franchise; taxation of
- 12 Execution and garnishment; city not
subject to
- 13 [Repealed by Ord. 10272, § I(VI),
3-16-1989, approved 5-6-1989]
- 14 Rate of taxation; real and personal
property defined
- 15 [Repealed by Ord. 10272, § I(VI),
3-16-1989, approved 5-6-1989]
- 16 No rebates to be allowed on payment
of city taxes; right to borrow funds in
anticipation of taxes
- 17 Occupation taxes; limit of; license
fees; definition of
- 18 Issuance and sale of bonds.
- 19, 20 [Repealed]
- 21 Tax attorney; appointment and duties;
corporation counsel may act.
- 22—35 [Repealed by Ord. 10272, § I(VI),
3-16-1989, approved 5-6-1989]

§ 1 PROPERTY SUBJECT TO TAXATION.

All property, real, personal or mixed, lying and being within the corporate limits of the city on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. It shall be the duty of the tax assessor and collector on or before the first day of August of each year or as soon thereafter as practicable, to make and return to the City Council a full and complete list and assessment of all property, both real and personal, held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation.
(Ord. 10272, § I(VI), 3-16-1989, approved 5-16-1989)

§ 2 LEVY AND COLLECTION.

The City Council shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied and imposed under the Charter, and is hereby authorized to enforce the collection of same against all property subject to taxation and the owners thereof as provided by law. Unless otherwise provided by ordinance and the Charter, all property in the city liable to taxation shall be assessed in accordance with the provisions of the general laws of the state insofar as applicable.
(Ord. 10272, § I(VI), 3-16-1989, approved 5-6-1989)

**§ 3 [REPEALED BY ORD. 16797, § 1(XIII),
1-24-2006, APPROVED 5-13-2006].**

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§ 4 STATE LAW ON ASSESSMENT AND COLLECTIONS APPLICABLE.

Unless otherwise provided by this Charter and by ordinances passed thereunder, all property in such city liable to taxation shall be assessed and all taxes thereon collected in accordance with the provisions of general laws of the state, insofar as applicable. (Ord. 10272, § I(VI), 3-16-1989, approved 5-6-1989)

§ 5 TAX LIENS; SEIZURE AND SALE FOR TAXES; SALE OF PERSONAL PROPERTY.

In all cases where any dealer in goods or merchandise of any kind subject to either ad valorem or occupation taxes, or both, under the provisions of this Charter, shall, after the rendition of said goods, wares or merchandise for taxation, or after becoming liable for any occupation tax, become or be adjudged bankrupt, or make an assignment of said goods, wares or merchandise, or sell out or transfer the same in bulk, then the assessor and collector of taxes shall at once present to the trustee in bankruptcy, receiver, assignee or vendee of said dealer for payment, a statement of the amount due for said occupation or ad valorem taxes by said dealer, and in case of the failure of the said trustee in bankruptcy, receiver, assignee or vendee to at once pay the amount of said taxes, the said assessor and collector shall, by virtue of his assessment roll, levy upon, seize and sell from the said goods, wares or merchandise, enough to satisfy the amount of said taxes, interest and costs, such sale to be conducted in the manner now prescribed for the personal property under execution; and said taxes, until paid, shall be and constitute a prior lien on all said merchandise, goods and wares in default of the payment of said taxes; and whenever any goods, wares or merchandise shall be levied upon or seized under any writ of attachment or execution, upon which the said city has a claim for ad valorem or occupation taxes unpaid, said assessor and collector shall present for payment to the officer levying said writ of attachment or execution the amount due for taxes, interest and costs on said goods, wares or merchandise, and in case of failure of said officers or of the plaintiff in said writ to at once pay the amount

of said taxes, said assessor and collector shall proceed to levy upon, seize and sell enough of said goods, wares or merchandise to satisfy the amount of said taxes, interest and costs as hereinabove provided.

§ 6 FURTHER POWERS OF THE CITY COUNCIL.

Unless otherwise provided by the Constitution or general laws of the state, the City Council shall have the power, by ordinance, to do the following:

- (a) To provide for the levying, assessment and collection of such taxes as the council may determine;
- (b) To provide for the prompt collection of all taxes assessed, levied and imposed under this Charter;
- (c) To sell or cause to be sold real as well as personal or mixed property upon which taxes are delinquent and unpaid;
- (d) To regulate the manner of making out tax lists or inventories and appraisements of property therein and to prescribe the oath that shall be administered on such rendition of property;
- (e) To prescribe how and when property shall be rendered;
- (f) To prescribe the number and form of assessment rolls;
- (g) To fix the powers and duties of the tax assessor and collector;
- (h) To prescribe the date the taxes must be paid and to prescribe the amount of penalty, interest, attorney's fees and costs which are owed on delinquent taxes;
- (i) To adopt such other measures as the council deems advisable to secure the assessment of all property within the corporate limits of the City, and to collect the taxes thereon; and

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(j) To have and exercise all other powers and authority now conferred or that may hereafter be conferred upon cities by the general laws of the State of Texas.

(Ord. 10272, § I(VI), 3-16-1989, approved 5-6-1989)

§ 7 TAX SUITS; DELINQUENT TAXES; LIMITATIONS.

All taxes due by property owners on any and all property in the City of Fort Worth, as appears on the tax rolls of said city, may be collected by suit for delinquency and by foreclosure of the lien thereon in any court having jurisdiction of the same, and any person who shall purchase property encumbered with a lien for taxes, shall be deemed as to such taxes, a delinquent taxpayer, and such purchaser takes the property charged with the lien, and he cannot interpose any defense which his vendor might not have interposed had he continued to be the owner thereof. And no delinquent taxpayer shall have the right to plead in any court, or in any manner rely upon any statute of limitation by way of defense against the payment of any taxes or assessments due from him or from her to the City of Fort Worth.

§ 8 [REPEALED BY ORD. 10272, § I(VI), 3-16-1989, APPROVED 5-6-1989].

§ 9 DELINQUENT TAXES; APPROPRIATION OF.

The City Council of said city is authorized to appropriate all delinquent taxes against which no demands are outstanding, and after the purposes for which said taxes were levied have been fulfilled and satisfied, to any proper municipal purpose, and the City Council is empowered at the end of each fiscal year thereafter to declare such residue of said delinquent taxes a surplus and to direct that the same, when collected, be carried in bulk, as a surplus account, subject to appropriation by the council for proper municipal purposes, under the provisions of this Charter.

§ 10 SURPLUS FUNDS; USE OF.

At the end of each fiscal year, if any amount shall have accrued from taxation or revenue received from dividends or stocks or surplus receipts or earnings from any source, which are now or will be hereafter pledged to be applied to interest and sinking fund for the protection of all classes of outstanding bonds, or to be hereinafter issued, to exceed two (2) per cent for sinking fund, then in that event, the surplus, if any, over and above the two (2) per cent sinking fund, can be used for the purpose of making general improvements, or otherwise, as the council may determine.

§ 11 FRANCHISE; TAXATION OF.

All rights, privileges and franchises, heretofore or hereafter granted to be held by any person, firm or corporation, in the streets, alleys, highways or public grounds or places in said city, shall be subject to taxation by said city separately from and in addition to the other assets of such person, firm or corporation, and the council may require the rendition and assessment thereof accordingly.

§ 12 EXECUTION AND GARNISHMENT; CITY NOT SUBJECT TO.

The property, real and personal, belonging to said city, shall not be liable to be sold or appropriated under any writ of execution, or cost bill. Nor shall the funds belonging to said city in the hands of any person be liable to garnishment; nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand due or owing to any person. Nor shall the city, or any of its officials or agents, be required to answer any writ of garnishment on any account whatever.

§ 13 [REPEALED BY ORD. 10272, § I(VI), 3-16-1989, APPROVED 5-6-1989].

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§ 14 RATE OF TAXATION; REAL AND PERSONAL PROPERTY DEFINED.

The City Council shall have power to levy for general purposes an annual ad valorem tax on all real, personal and mixed property within the territorial limits of the City of Fort Worth, not exempt from taxation by the Constitution and laws of the State of Texas, based upon the fair cash value thereof, to the extent of the constitutional limit now permitted by the Constitution of the State of Texas to cities of over five thousand (5,000) population, the same being two dollars and fifty cents (\$2.50) on each one hundred dollars (\$100.00) of valuation, and which said tax shall embrace all taxes for municipal purposes as provided in this Charter. The meaning of the term "real property," as used in this chapter shall be construed to mean lots, lands, and all buildings or machinery and structures of every kind located upon or affixed to the same; and the meaning of the term "personal property," as used in this chapter, shall be construed to include all household furniture, money, goods, chattels and capital, and all franchises subject to taxation under this chapter of the Charter, all stocks of corporations, money or otherwise, and generally all property which is not real, including all buildings and improvements, machinery and fixtures of every kind upon lots and lands not owned by the owner of the said improvements.

(Ord. 16797, § 1(XIV), 1-24-2006, approved 5-13-2006)

§ 15 [REPEALED BY ORD. 10272, § I(VI), 3-16-1989, APPROVED 5-6-1989].

§ 16 NO REBATES TO BE ALLOWED ON PAYMENT OF CITY TAXES; RIGHT TO BORROW FUNDS IN ANTICIPATION OF TAXES.

The City Council shall not allow any rebate on the payment of city taxes in order to accelerate payment of same. If, however, the taxes are slow coming in and the council should find itself with

insufficient funds after the beginning of the fiscal year to provide for the budget appropriations temporarily, then the council shall have the right to make short term notes and borrow a sufficient amount of money, at the lowest rate of interest obtainable, for the short period of time that may elapse until the tax payments shall be adequate to meet the budget appropriations; said loan to be retired out of the tax collections as soon as practicable.

§ 17 OCCUPATION TAXES; LIMIT OF; LICENSE FEES; DEFINITION OF.

The City Council shall have the power to levy an occupation tax upon every occupation, profession, calling and vocation upon which an occupation tax is laid by the State of Texas; provided, however, that such occupation tax shall not exceed one-half of the amount exacted and required by the State of Texas. This tax shall be collected by the assessor and collector of city taxes and shall be paid by every person or persons, association of persons, firms or corporation which, under the laws of the State of Texas, are required to pay occupation taxes in the state. Provided, further, that nothing herein shall be construed to prevent the city, in the use of its police power, from prescribing license fees or police tax necessary and proper to enable the city to exercise proper police surveillance over all persons, firms or corporations, or calling subject to same.

§ 18 ISSUANCE AND SALE OF BONDS.

The City Council shall have authority to provide for the issuance and sale of bonds for permanent improvements and for any other legitimate municipal purpose as may be determined by the City Council. Such bonds shall be issued and sold in accordance with the requirements of state law and in such manner as the City Council may by ordinance determine.

§§ 19, 20 [REPEALED].

Assessment and Collection of Taxes; Provisions Relative to Issuance and Sale of Bonds

§ 21 TAX ATTORNEY; APPOINTMENT AND DUTIES; CORPORATION COUNSEL MAY ACT.

The City Council shall have the power, should it deem fit to do so, to appoint a special attorney for the tax department of said city to be known as the “tax attorney,” whose duty it shall be, under the supervision of the city attorney, to press for collection and payment all unpaid and delinquent taxes due the City of Fort Worth and to prosecute suits thereon in courts of competent jurisdiction, whenever instructed so to do; or the City Council shall have the power to require the performance of such work by the corporation counsel, the prosecuting attorney, or other assistant to the corporation counsel.

§§ 22—35 [REPEALED BY ORD. 10272, § I(VI), 3-16-1989, APPROVED 5-6-1989].

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CHAPTER XXV: ORDINANCES

Section

- 1 Ordinances, rules and regulations existing at the time this Charter goes into effect validated
- 2 Ordinances-Passage and publication; procedure; digest and revision; franchises and easements; publication of
- 3 Ordinances-Publication in book form; certified copies; admissibility as evidence
- 4 Ordinances-Approval of mayor not necessary
- 5 Ordinances-Revision and publication
- 6 Enacting clause
- 7 Ordinances to contain only one subject

§ 1 ORDINANCES, RULES AND REGULATIONS EXISTING AT THE TIME THIS CHARTER GOES INTO EFFECT VALIDATED.

All ordinances, resolutions, rules and regulations of the City of Fort Worth heretofore ordained, passed or enacted that are in force at the time this Charter becomes effective, and which are not in conflict therewith, shall remain in full force and vigor, until altered, amended or repealed by the City Council after this Charter takes effect. Provided, that said ordinances, resolutions, rules and regulations have become in effect by the terms of the Charter under which the same were enacted, and provided, further, that the same were valid and authorized by said Charter.

§ 2 ORDINANCES-PASSAGE AND PUBLICATION; PROCEDURE; DIGEST AND REVISION; FRANCHISES AND EASEMENTS; PUBLICATION OF.

It shall not be necessary to the validity of any ordinance that it be read more than one (1) time or considered at more than one (1) session of the Council; but this provision shall not apply to the appropriation and budget ordinance, which shall be controlled by the provisions relative thereto in other portions of this Charter. Every ordinance imposing a fine, penalty or forfeiture for the violation of its provisions shall, after the passage thereof, be published twice in the official newspaper of the City or in lieu thereof a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof may be published twice in the official newspaper of the City, before such ordinance shall take effect. All ordinances granting or confirming a franchise or easement over, across or upon the streets, highways or public places of the City, shall be accepted in writing by the grantees, and before taking effect a summary shall be published once a week for four (4) consecutive weeks within a period of thirty (30) days after its passage in the official newspaper of the City. But the time for publication of any ordinance of the City may be extended beyond the period herein provided by express provision to that effect, in which event such ordinance shall not take effect until after the time therein expressly prescribed. Ordinances not requiring publication shall take effect from and after their passage, unless otherwise therein expressly provided. No publication of any ordinance shall be required excepting those imposing a fine, penalty or forfeiture,

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or those granting a public easement or franchise, or the general appropriation ordinance, as provided for in the Chapter of this Charter dealing with the appropriation ordinance.

Revised or digested ordinances published in pamphlet form by authority of the City Council shall not be required to be published in any newspaper, and the publication in pamphlet form of such ordinance shall be held and taken as sufficient publication, notwithstanding such ordinance may impose a fine, penalty or forfeiture, or should contain a grant of easement or public franchise.

(Ord. 16797, § 1(XV), 1-24-2006, approved 5-13-2006)

§ 3 ORDINANCES-PUBLICATION IN BOOK FORM; CERTIFIED COPIES; ADMISSIBILITY AS EVIDENCE.

All ordinances of the City of Fort Worth, published or compiled in book or pamphlet form by the City shall be presumed to have been by and with the authority of said City, and shall be admitted as evidence in all courts, state and federal, without further proof beyond the production of said printed book or pamphlet; and provided, further, that copies of ordinances, resolutions, minutes and proceedings of the City Council, or prior governing bodies of the City of Fort Worth, certified by the city secretary to be true copies of the originals, with the seal of the city affixed thereon, shall also be admitted in evidence without further proof in all said courts.

§ 4 ORDINANCES-APPROVAL OF MAYOR NOT NECESSARY.

The final passage of an ordinance by the council and the publication of the same when so required shall be all that is necessary to make such ordinances valid and effective. The approval or signature of the mayor shall not be necessary.

§ 5 ORDINANCES-REVISION AND PUBLICATION.

It shall be the duty of the City Council, as soon as practicable after the adoption of this Charter, to provide for a revision, codification and publication of all the ordinances in force at that time in the city, and thereafter provide for a similar revision and publication as often as they may deem advisable.

§ 6 ENACTING CLAUSE.

Every ordinance passed by the City Council shall begin with the following heading: "Be It Ordained by the City Council of the City of Fort Worth."

§ 7 ORDINANCES TO CONTAIN ONLY ONE SUBJECT.

All ordinances and resolutions, except ordinances making appropriations, shall be confined to one subject, which shall be clearly expressed in the title. The ordinances making appropriations shall be confined to the subject of appropriations.

CHAPTER XXVI: FRANCHISES AND PUBLIC UTILITIES

Section

- 1 Power of City Council to fix and regulate the rates, tolls and charges of all public utilities in the city
- 2 Certain extensions may be granted by council
- 3 Franchise ordinances submitted to vote at expense of beneficiaries
- 4 Franchises and privileges; definition of as applied to public streets and highways; power of council to regulate
- 5 Franchises subject to control by city; no exclusive franchise granted
- 6 Council to pass ordinance requiring all public service corporations to file annual report

§ 1 POWER OF CITY COUNCIL TO FIX AND REGULATE THE RATES, TOLLS AND CHARGES OF ALL PUBLIC UTILITIES IN THE CITY.

The City Council shall have the power by ordinance to fix and regulate the price of water, gas, electric lights, electric power and steam heat, and to regulate and fix the fares, tolls and charges of local telephone service and charges of street railways and of all public buses, carriages, hacks and vehicles of every kind, whether transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of Fort Worth.

§ 2 CERTAIN EXTENSIONS MAY BE GRANTED BY COUNCIL.

The City Council shall have the right to grant unto any steam, street or interurban railway company the right for extensions, connections, branches or changes of or with the lines or tracks of any such companies on any of the streets or alleys of said city for a distance of not to exceed one mile in length, and unto any electric or motor interurban line the right to enter and operate on the streets of said city over the tracks of some other railway line, upon such terms and conditions as they may prescribe; provided, that all ordinances granting such rights shall run coexistent with the life of the franchise under which said lines or railway are operated.

§ 3 FRANCHISE ORDINANCES SUBMITTED TO VOTE AT EXPENSE OF BENEFICIARIES.

All propositions for public utilities, or ordinances granting franchise rights, which are to be submitted to a referendum vote, shall be published by title, and in full, at least once a week for four consecutive weeks immediately preceding said election in at least two (2) newspapers published in the City of Fort Worth, and the City Council may require that any and all expenses occasioned by said referendum vote shall be paid by the person or persons or corporations applying for the franchise.

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§ 4 FRANCHISES AND PRIVILEGES; DEFINITION OF AS APPLIED TO PUBLIC STREETS AND HIGHWAYS; POWER OF COUNCIL TO REGULATE.

The right to use the public streets, highways, alleys and thoroughfares of this city, which necessitates the digging up, or displacement thereof, for the installation of equipment, appliances or appurtenances, either on, above or below the surface of the same, to make the intended use thereof practicable, shall be deemed and considered a "franchise," granting of which shall be governed and controlled in the manner herein provided.

The use of the said public streets, highways, alleys and thoroughfares of this city, which does not require the digging up or similar interference with said streets, alleys or highways for the installation of equipment, appliances or appurtenances, to make the intended use possible, shall be treated and considered as a "privilege," subject to the control and disposition of the City Council, and such privilege over and upon the said public streets, alleys, highways and thoroughfares of the city shall not be granted to any person or corporation excepting when public necessity and convenience may require such use and when given by ordinance passed by a two-thirds vote of the City Council.

§ 5 FRANCHISES SUBJECT TO CONTROL BY CITY; NO EXCLUSIVE FRANCHISE GRANTED.

All grants, renewals, extensions or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city:

(a) To require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency;

(b) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

(c) To prescribe the form of accounts and at reasonable times to examine and audit the accounts and other records of such public utilities;

(d) To impose other reasonable regulations conducive to the safety, welfare and accommodation of the public.

Every public utility franchise hereafter granted shall be subject to the terms and conditions of this Charter, whether such terms and conditions are specifically mentioned in the franchise or not. No exclusive franchise or extension or renewal thereof shall ever be granted.

§ 6 COUNCIL TO PASS ORDINANCE REQUIRING ALL PUBLIC SERVICE CORPORATIONS TO FILE ANNUAL REPORT.

It shall be the duty of the City Council to pass an ordinance requiring all public service corporations operating within the corporate limits of the city to file a sworn annual report of the receipts from the operation of the said business for the current year, how expended, how much therefor for betterments or improvements, the rate of tolls or charges for services rendered to the public, and any other facts or information that the council may deem pertinent for its use in intelligently passing upon any questions that may arise between the city and the said public service corporations; said reports to be filed with the city secretary, and preserved for the use of the City Council.

CHAPTER XXVII: MISCELLANEOUS

Section

1	Succession of rights; suits, claims, etc., of old corporation vested in new corporation	16	Officers or employees of the city not to have financial interest in any contracts of the city
2	Officers under old Charter to hold until expiration of term and qualification of successors	17	Contracts for official advertising; official newspaper
3	City plan commission	18	Official newspaper; rates of advertising
3a	[Approval of plans, plats, etc., lying within five miles of city limits]	19	Contingent fund
4	Art commission; authorizing creation of same by ordinance of council	20	Public work and improvements constructed by city forces
5	Citizens given preference in the letting of contracts and in employment	21	Providing public notice by electronic and web based publications where allowed by state law
6	[Repealed by Ord. 16797, § 1(XVI), 1-24-2006, approved 5-13-2006]	22	Rate of taxation not to exceed one dollar ninety cents per one hundred dollars valuation of taxable property; subject to be increased to two dollars fifty cents per one hundred dollars of valuation, provided such increase be voted by the electorate in elections held to determine same from time to time
7	[Repealed by Ord. 22081-02-2016, § 2(XI), 2-2-2016, approved 5-7-2016]	23	[Repealed]
8	[Repealed by Ord. 16797, § 1(XVII), 1-24-2006, approved 5-13-2006]	24	No property of any kind exempt from local improvement taxes
9	Council to provide construction codes; supervision and inspection of buildings; power to condemn and remove buildings dangerous to the health, safety and welfare of the public and assessment costs	25	Notice of claim of damages as prerequisite to suit
10	Water supply; right to acquire same either in or out of the corporate limits	26	Elections; council to provide for holding same; counting returns and declaring result
11	Power of City Council to provide funds in cases of extraordinary public disaster or calamity	27	Oath of office
12	Franks, free ticket and passes prohibited	28	[Repealed]
13	Competitive bidding for contracts; approval of contracts by City Council	29	Budget estimates to be furnished city manager by all departments not under his immediate direction by the fifteenth day of August of each year
14	Change orders, alterations or modifications of contracts	30	Right of council to create a temporary loan to supplement the revenues of the city required to conduct the city's affairs to the end of the fiscal year, where the taxes contemplated in fixing the budget estimates should fall below such estimates
15	Power to appoint boards or commissions of citizens		

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- 31 Zoning ordinances; power to pass
- 31A [State law authorizing passage of zoning regulations adopted]
- 32 Enumeration of powers herein not exclusive of other powers
- 33 Charter to become effective notwithstanding some section or portion thereof should be held invalid
- 34 When Charter takes effect
- 35 Authority of council to fix boundary limits without consent of inhabitants of territory annexed; procedure, etc
- 36 [Employee's retirement fund]

§ 1 SUCCESSION OF RIGHTS; SUITS, CLAIMS, ETC., OF OLD CORPORATION VESTED IN NEW CORPORATION.

All suits, taxes, penalties, forfeitures and all other rights, claims and demands, which have accrued under the laws heretofore in force governing the City of Fort Worth, shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the corporation hereby created, and shall not in anywise be diminished, affected or prejudiced by the adoption and taking effect of this Charter.

§ 2 OFFICERS UNDER OLD CHARTER TO HOLD UNTIL EXPIRATION OF TERM AND QUALIFICATION OF SUCCESSORS.

The present city commission of Fort Worth, and all the officers of said city, elected by popular vote under the provisions of the preceding Charter, shall continue to serve and hold their respective offices until their respective terms of office shall have expired, and until their successors have been duly elected and qualified.

§ 3 CITY PLAN COMMISSION.

The City Council shall by ordinance provide for the creation of a city plan commission, and provide

for not less than seven (7) as the number of members composing the same, their tenure of office, the scope of activities of said commission, and making provision for the maintenance and upkeep of the same.

§ 3a [APPROVAL OF PLANS, PLATS, ETC., LYING WITHIN FIVE MILES OF CITY LIMITS.]

That all of the provisions of Chapter 231 of the General and Special Laws of the State of Texas, found on page 342 of the General and Special Laws of the State of Texas passed by the Fortieth Legislature at the regular session thereof, and known as Senate Bill No. 277, being an act to provide for the approval by municipal authorities before filing of plans, plats or replats or land lying in or within five (5) miles of the corporate limits of cities having a population of twenty-five thousand (25,000) persons or over, be and the same are hereby adopted.

§ 4 ART COMMISSION; AUTHORIZING CREATION OF SAME BY ORDINANCE OF COUNCIL.

The City Council shall by ordinance provide for the creation of an art commission, and provide for the number of members composing the same, their tenure of office, the scope of activities of said commission, and making provision for the maintenance and upkeep of the same.

§ 5 CITIZENS GIVEN PREFERENCE IN THE LETTING OF CONTRACTS AND IN EMPLOYMENT [REPEALED].

§ 6 [REPEALED BY ORD. 16797, § 1(XVI), 1-24-2006, APPROVED 5-13-2006].

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§ 7 [REPEALED BY ORD. 22081-02-2016, § 2(XI), 2-2-2016, APPROVED 5-7-2016].

§ 8 [REPEALED BY ORD. 16797, § 1(XVII), 1-24-2006, APPROVED 5-13-2006].

§ 9 COUNCIL TO PROVIDE CONSTRUCTION CODES; SUPERVISION AND INSPECTION OF BUILDINGS; POWER TO CONDEMN AND REMOVE BUILDINGS DANGEROUS TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC AND ASSESSMENT COSTS.

The City Council shall pass ordinances as permitted by law for the employment of all necessary construction codes, and providing for the inspection and supervision for all structures and buildings within the city and for the inspection and condemnation of hazardous buildings and structures and for the removal thereof and the assessment of costs thereof. The city shall have full power to condemn all dangerous buildings or obstruction of every kind, and shall provide regulations therefor by ordinance.

§ 10 WATER SUPPLY; RIGHT TO ACQUIRE SAME EITHER IN OR OUT OF THE CORPORATE LIMITS.

The City Council is hereby vested with authority to purchase, lease or otherwise acquire all lands and personal property, whether situated inside or outside of the city, necessary or requisite for creating and preserving an adequate water supply or extending the same for said city, and to carry and transport such water to consumers and the inhabitants thereof for domestic, business, manufacturing or other purposes.

§ 11 POWER OF CITY COUNCIL TO PROVIDE FUNDS IN CASES OF EXTRAORDINARY PUBLIC DISASTER OR CALAMITY.

In cases of extraordinary public disaster or calamity necessitating the expenditure of funds beyond those contemplated by the appropriation budget, the City Council shall have the power to obtain the necessary funds to meet such unexpected contingencies in whatever way and manner they deem most advisable, and the limitations prescribed in other portions of this Charter prohibiting a greater expenditure than that provided for by the appropriation budget shall not apply in this character of cases.

§ 12 FRANKS, FREE TICKET AND PASSES PROHIBITED.

No councilperson or other officer or employee of the city shall accept any frank, free ticket, pass or service directly or indirectly, from any person, firm or corporation operating a public service utility within the city upon terms more favorable than are granted to the public generally. Violation of the provisions of this section shall be made a misdemeanor by proper ordinance.

§ 13 COMPETITIVE BIDDING FOR CONTRACTS; APPROVAL OF CONTRACTS BY CITY COUNCIL.

(a) All city contracts calling for or requiring the expenditure or payment of an amount required by state law to be submitted to competitive bids must be submitted to competitive bids in accordance with state law. The city shall have the right to reject any and all bids. Any contract submitted to competitive bids shall be let to the lowest responsible bidder, quality considered.

(b) The City Council shall by ordinance establish rules by which a contract may be signed by the city manager without City Council approval;

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provided, however, that a contract which is required to be bid and which is let to other than the lowest bidder shall be first approved by the City Council. All contracts other than those prescribed by ordinance which allow the city manager to sign same without City Council approval shall be approved by the City Council and shall not be binding upon the city unless or until so approved.

The provisions of this section, as amended, shall take effect on January 1, 1984.

§ 14 CHANGE ORDERS, ALTERATIONS OR MODIFICATIONS OF CONTRACTS.

(a) When it becomes necessary to make changes in the plans or specifications after performance of a contract for public works has been commenced, or it becomes necessary to decrease or increase the quantity of work to be performed, such change, alteration, or modification shall be made only when a change order therefor is authorized by the City Council upon the written recommendation of the city manager. Provided, however, that the City Council may by ordinance establish rules by which a change order may be executed by the city manager without the requirement of City Council authorization.

(b) No such change, alteration or modification of a contract shall be valid unless the price to be paid for the work has been agreed upon in writing and signed by the contractor and the city manager upon authorization of the City Council, where required.

(c) The total contract price shall not be increased unless due provision has been made to provide for the payment of such added cost by appropriating available funds for that purpose. (Ord. 10272, § I(VII), 3-16-1989, approved 5-6-1989)

§ 15 POWER TO APPOINT BOARDS OR COMMISSIONS OF CITIZENS.

The City Council may, at the request of the city manager, or upon their own motion, appoint boards or

commissions to be composed of such number of citizens as the council may deem expedient to act in an advisory capacity in conjunction with any one or more of the departments created or authorized hereby. The members of such boards or commissions shall serve without compensation, and may be removed at any time by a majority vote of the council.

§ 16 OFFICERS OR EMPLOYEES OF THE CITY NOT TO HAVE FINANCIAL INTEREST IN ANY CONTRACTS OF THE CITY.

No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies, or services, except on behalf of the city as an officer or employee. An officer or an employee of a bank that serves as the city's depository bank shall be deemed not to have a financial interest in the city's contract. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the City Council, shall render the contract involved voidable by the city manager or the City Council. (Ord. 16797, § 1(XVIII), 1-24-2006, approved 5-13-2006)

§ 17 CONTRACTS FOR OFFICIAL ADVERTISING; OFFICIAL NEWSPAPER.

The City Council shall let annually contracts for the official advertising of the city for the ensuing fiscal year. For this purpose, the council shall advertise for bids, setting forth distinctly and specifically the work to be done, including the type and space to be used, and asking for sealed bids therefor. The advertisement for bids must be published twice. The second publication must be on or before the tenth day before the first date bids may be submitted. The council shall let the contracts for such official advertising to the lowest and best responsible

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bidder publishing a newspaper in the City of Fort Worth, which is a newspaper of general circulation, which newspaper has been published in said city for at least two (2) consecutive years prior to the time of awarding the contracts, and which newspaper meets all applicable requirements of state law for the publication of legal notices for the City of Fort Worth; provided that the council may reject any and all bids, if found excessive, and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the official newspaper of the city. All official publications made by the city shall be made in the official newspaper. (Ord. 10272, § I(VIII), 3-16-1989, approved 5-6-1989)

§ 18 OFFICIAL NEWSPAPER; RATES OF ADVERTISING.

All election notices, department reports, ordinances, charters or charter amendments, advertising, publicity of affairs or other publications required or authorized by this Charter, or by any ordinance of the city, to be made in any newspaper, and all such publications for which the City of Fort Worth may be liable, shall be paid for by the city at such rates as shall not in any event exceed the ordinary and regular advertising rates charged other advertisers. No bill shall be paid by the city for such advertising or printing in excess of the lowest prevailing business rates.

§ 19 CONTINGENT FUND.

Provision shall be made in the annual budget and in the annual appropriation ordinance for a reasonable contingent fund for use in any of the administrative departments of the city. Such contingent fund shall be under the control of the city manager and distributed by and with the approval of the City Council. In case of emergency, upon written request by the head of any

department, stating the facts constituting such emergency, the city manager shall bring the same to the attention of the City Council and, if approved by him and by the council, he shall in writing authorize the transfer from the contingent fund to the credit of the department making such request of a sum sufficient to meet the proposed emergency expenditure. He shall transmit a copy of such written authority to the city controller and likewise to the department making such request. Upon the receipt by the city controller of such copy, the said fund shall be available for the purposes aforesaid, and shall be charged against the appropriation set apart for such department.

§ 20 PUBLIC WORK AND IMPROVEMENTS CONSTRUCTED BY CITY FORCES.

When authorized by the City Council, public work and improvements may be constructed by city forces in accordance with ordinances and policies adopted by the City Council concerning same.

§ 21 PROVIDING PUBLIC NOTICE BY ELECTRONIC AND WEB BASED PUBLICATIONS WHERE ALLOWED BY STATE LAW.

The city may provide public notice by utilizing electronic and other web based publications and notices as a substitute for newspaper publications where allowed by State law. Electronic and web based publications and notices shall meet any content or deadlines or other date requirements established by law or rule for publishing that notice in a newspaper. The notice or link must be placed in a prominent place on the home page of the City's website. (Ord. 22081-02-2016, § 2(X), 2-2-2016, approved 5-7-2016)

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§ 22 RATE OF TAXATION NOT TO EXCEED ONE DOLLAR NINETY CENTS PER ONE HUNDRED DOLLARS VALUATION OF TAXABLE PROPERTY; SUBJECT TO BE INCREASED TO TWO DOLLARS FIFTY CENTS PER ONE HUNDRED DOLLARS OF VALUATION, PROVIDED SUCH INCREASE BE VOTED BY THE ELECTORATE IN ELECTIONS HELD TO DETERMINE SAME FROM TIME TO TIME.

The limit of taxation for all municipal purposes shall not exceed one and ninety/one-hundredths (\$1.90) dollars per annum on each one hundred (\$100.00) dollars valuation of all taxable property situated within the limits of the city, such rate to be fixed and determined by the Council annually when passing the appropriation ordinance.

The said rate of taxation may be annually increased, from time to time, by the council until the constitutional limit of two and fifty/one-hundredths (\$2.50) dollars on each one hundred (\$100.00) dollars valuation of taxable property, shall have been reached; provided that any increase of the annual rate of taxation beyond the one and ninety/one-hundredths (\$1.90) dollars limit here established shall never be valid unless first authorized by a majority vote of the qualified voters participating in an election lawfully held for that purpose. No more than one election in any one year shall ever be held for such purpose.

§ 23 [REPEALED].

§ 24 NO PROPERTY OF ANY KIND EXEMPT FROM LOCAL IMPROVEMENT TAXES.

No property of any kind, church, school, or otherwise, in the City of Fort Worth shall be exempt from any of the special taxes and assessments authorized by this Charter for local improvements.

§ 25 NOTICE OF CLAIM OF DAMAGES AS PREREQUISITE TO SUIT.

Before the City of Fort Worth shall become liable for damages for death, personal injury or damage to property, the person injured or the owner of the property damaged, or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death, shall file with the City Council written notice of such death, injury, or damage within one hundred eighty (180) days after the same has been sustained, unless good cause is shown for the claimant's failure to file the notice before the expiration of one hundred eighty (180) days. The written notice must reasonably describe the damage or injury claimed, the date and location of the injury or damage, how the injury or damage occurred, the amount of damages, the amount for which the claimant will settle, the residence address of the claimant, the names and addresses of all witnesses upon whom the claimant relies to establish his claim, and, if such notice is not filed within one hundred eighty (180) days, the circumstances establishing good cause for such failure to file. The notice requirements provided by this section do not apply if the City of Fort Worth has actual notice within one hundred eighty (180) days that the death or injury has occurred or that the property has been damaged.
(Ord. 10272, § I(IX), 3-16-1989, approved 5-6-1989)

§ 26 ELECTIONS; COUNCIL TO PROVIDE FOR HOLDING SAME; COUNTING RETURNS AND DECLARING RESULT.

The City Council shall make all necessary regulations concerning elections, the manner and method of holding same, by proper ordinances enacted for that purpose. Such regulations, however, shall be in keeping with the provisions of this Charter and shall be in keeping and consistent with the provisions of the state law applicable to elections in municipalities, insofar as the same may be practicable.

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The council shall provide for the examination and counting of the returns of elections, declare the result thereof and issue all proper certificates to the successful candidates; and it is hereby made the duty of the council to examine and count the returns at its first regular meeting after the election is held; and, if no regular meeting shall be held within one week after an election is held, it is hereby made the duty of the mayor to call a special meeting of the council for the purpose of counting the votes and determining the result of the election within one week after the election is held, and the officers declared to be elected at such election shall be entitled to qualify immediately after the declaration of the council of the result of the election and upon taking the oath of office prescribed by law.

Until changed or modified by the council elected after the adoption of this Charter, the election laws in force at the time this Charter becomes effective shall continue to operate and control in the matter of all elections held within the city.

§ 27 OATH OF OFFICE.

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation, to be filed and kept in the office of the city secretary, that he will support, protect and defend the Constitution and laws of the United States and of the State of Texas, and in all respects faithfully discharge the duties of his office or position. This provision shall apply to the city manager and to the heads of departments.

§ 28 [REPEALED].

§ 29 BUDGET ESTIMATES TO BE FURNISHED CITY MANAGER BY ALL DEPARTMENTS NOT UNDER HIS IMMEDIATE DIRECTION BY THE FIFTEENTH DAY OF AUGUST OF EACH YEAR.

Every department of the city government not under the direct control of the city manager shall by not later than the fifteenth day of August of each year furnish to the city manager, for use in the preparation of his recommendations to the council regarding the annual budget, a detailed budget estimate of the needs and requirements of such department for the coming year.

§ 30 RIGHT OF COUNCIL TO CREATE A TEMPORARY LOAN TO SUPPLEMENT THE REVENUES OF THE CITY REQUIRED TO CONDUCT THE CITY'S AFFAIRS TO THE END OF THE FISCAL YEAR, WHERE THE TAXES CONTEMPLATED IN FIXING THE BUDGET ESTIMATES SHOULD FALL BELOW SUCH ESTIMATES.

Whenever the revenues of the city for any fiscal year should, before the end of such fiscal year, fall below the allowances set apart in the budget for the maintenance and operation of the various departments of the city government for that year, due to unavoidable shortage in the collection of taxes or other revenues relied upon by the city at the time of making the annual budget appropriation for said year, then, in such contingency, the council shall have the right to borrow, at the lowest obtainable rates, the amount necessarily required to conduct the operations of the city government for the remainder of the fiscal year; but the total amount of such indebtedness hereby authorized to be created shall not exceed ten (10) per cent of the total budget appropriation. The council shall, as security for the repayment of said loan, be authorized to pledge the uncollected taxes for said fiscal year, and it shall be their duty to retire the said loan out of the proceeds of said taxes as fast as collections thereof shall be made.

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§ 31 ZONING ORDINANCES; POWER TO PASS.

The city shall have the power to pass zoning ordinances permitted by law.

§ 31A [STATE LAW AUTHORIZING PASSAGE OF ZONING REGULATIONS ADOPTED].

That all of the powers granted by Chapter 283, page 424 of the General and Special Laws of the Fortieth Legislature of Texas and known as House Bill No. 87 authorizing cities and incorporated villages to pass zoning regulations be adopted.

§ 32 ENUMERATION OF POWERS HEREIN NOT EXCLUSIVE OF OTHER POWERS.

The enumeration of particular powers of this Charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the City of Fort Worth shall have and may exercise all other powers which are now, or may hereafter be, possessed or enjoyed by cities of over five thousand (5,000) population under the Constitution and the general laws of the State of Texas, and all the powers of the city, whether expressed or implied, shall be exercised and embraced in the manner prescribed by this Charter, or when not so prescribed, then in such manner as may be provided by ordinance or resolution of the City Council.

§ 33 CHARTER TO BECOME EFFECTIVE NOTWITHSTANDING SOME SECTION OR PORTION THEREOF SHOULD BE HELD INVALID.

If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force

or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held to be unconstitutional or invalid; it being here declared that the citizens voting for this Charter would have voted for the same with such objectionable or invalid section or part of a section omitted therefrom.

§ 34 WHEN CHARTER TAKES EFFECT.

For the purpose of nominating and electing officers and exercising the powers of the city as provided herein, this Charter shall take effect from the time of its approval by the electors of the city. For the purpose of establishing departments, divisions and officers, and distributing the functions thereof, and for all other purposes, it shall take effect at the time the council elected at the first election held under this Charter shall take office.

§ 35 AUTHORITY OF COUNCIL TO FIX BOUNDARY LIMITS WITHOUT CONSENT OF INHABITANTS OF TERRITORY ANNEXED; PROCEDURE, ETC.

The City Council shall have power, by ordinance, to fix the boundary limits of the City of Fort Worth, Texas, and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the city, with or without the consent of the territory and inhabitants annexed. In fixing said boundary limits, the city shall comply with the procedures prescribed by state law. Upon passage of any such ordinance, the boundary limits of the city shall thereafter be fixed in such ordinance; and when any additional territory has been so annexed, same shall be part of the City of Fort Worth, Texas, and the property situated therein shall bear its pro rata part of the taxes levied by the city, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens, and shall

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be bound by the acts, ordinances, resolutions and regulations of the city.

(Ord. 10272, § I(X), 3-16-1989, approved 5-6-1989)

§ 36 [EMPLOYEE'S RETIREMENT FUND].

(a) There shall be a retirement system for the employees of the city which shall be known as the "Employees' Retirement Fund of the City of Fort Worth." The employees' retirement fund may provide a system of retirement and disability benefits for all municipal employees who become disabled as a direct and proximate result of the performance of their duties, or as a regard for faithful service over a period of years. The mayor, members of the council, members of boards and commissions, and part-time or temporary employees are not entitled to participate in the employees' retirement fund.

(b) Such system shall be governed by a board of directors composed of such members and selected in such manner as may be provided by ordinance of the council, provided that municipal employees shall have representation on the board.

(c) Such system shall be financed by a retirement fund created by contributions of the members and of the city, in a manner as may be provided by ordinance of the council.

(d) The City of Fort Worth shall have and enjoy all of the powers and authority heretofore granted by the statutes and Constitution of the State of Texas and that may hereafter be so granted affecting pensions for its officers and employees.

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CHAPTER XXVIII: DEPARTMENT OF INTERNAL AUDIT

Section

- 1 Established
- 2 City internal auditor-Appointment; qualifications; compensation
- 3 Term, removal, absence or disability of city internal auditor
- 4 Powers and duties of department of internal audit
- 5 Appointment of employees
- 6 Independent audit

§ 1 ESTABLISHED.

There shall be a department of internal audit which is charged with conducting financial, fiscal compliance, and financial procedure audits of all city departments, offices, agencies and programs. (Ord. 10272, § I(XI), 3-16-1989, approved 5-6-1989)

§ 2 CITY INTERNAL AUDITOR-APPOINTMENT; QUALIFICATIONS; COMPENSATION.

The department of internal audit shall be under the direction and control of the city internal auditor, who shall be recommended by the manager and appointed by the City Council. The city internal auditor must be a person knowledgeable in public financial and fiscal theory, municipal accounting and auditing, and public administration. The city internal auditor's compensation shall be fixed by the City Council. (Ord. 10272, § I(XI), 3-16-1989, approved 5-6-1989)

§ 3 TERM, REMOVAL, ABSENCE OR DISABILITY OF CITY INTERNAL AUDITOR.

The city internal auditor shall not be appointed for a definite fixed time but shall be removable at the will and pleasure of the City Council by a vote of not less than a majority of the entire council. If removed after serving six (6) months, the city internal auditor may demand written charges and the right to be heard thereon at a public meeting of the City Council prior to the date on which the city internal auditor's final removal shall take effect, but pending such hearing the City Council may suspend the city internal auditor from office. The action of the City Council in suspending or removing the city internal auditor shall be final. In case of the absence or disability of the city internal auditor, the City Council may designate some qualified person to perform the duties of the office. (Ord. 10272, § I(XI), 3-16-1989, approved 5-6-1989)

§ 4 POWERS AND DUTIES OF DEPARTMENT OF INTERNAL AUDIT.

Consistent with other provisions of this Charter, the City Council shall by ordinance provide for the powers and duties of the department of internal audit. (Ord. 10272, § I(XI), 3-16-1989, approved 5-6-1989)

§ 5 APPOINTMENT OF EMPLOYEES.

Within the budget approval process and personnel procedures established by the City Council for all departments, the city internal auditor shall have the power to appoint, employ and remove such assistants, employees and personnel as he may deem necessary for the efficient administration of the affairs of the

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department of internal audit and to prescribe and fix their duties, scope of authority and qualifications.
(Ord. 10272, § I(XI), 3-16-1989, approved 5-6-1989)

§ 6 INDEPENDENT AUDIT.

This chapter shall not be deemed to repeal or amend Chapter X, section 11, of this Charter.
(Ord. 10272, § I(XI), 3-16-1989, approved 5-6-1989)