

ENDING YOUR CAMPAIGN

1) Q: The election is over; do I still need to file campaign finance reports?

Yes, you must continue to file semiannual campaign finance reports as a candidate until you file a final report. Regardless of whether you won or lost your election, your campaign treasurer appointment and the corresponding duty to file campaign finance reports do not simply expire. **If you do not file a final report you must continue filing semiannual campaign finance reports even if you have no campaign activity.**

If you expect to accept no further political contributions and to make no further political expenditures and have no other reportable activity, you may file a final report. Filing a final report terminates your campaign treasurer appointment and relieves you from any additional filing obligations *as a candidate* (note: as discussed below in Question #3, you may still be required to file reports as an officeholder). Also, after filing your final report you will still need to file annual reports of any unexpended campaign contributions if you are not an officeholder and retain campaign contributions or assets purchased with campaign contributions.

If you intend to continue accepting contributions to pay campaign debts you should **not** terminate your campaign treasurer appointment. You must continue to have a campaign treasurer appointment on file to accept contributions, including those made with the intent to offset campaign debts. You must also have a campaign treasurer on file to make expenditures to pay campaign debts, including the repayment of any loans made to your campaign.

2) Q: How do I file a Final Report?

To file a final report, you must complete the “Candidate/Officeholder Campaign Finance Report” (Form [C/OH](#) for non-judicial candidates or Form [JC/OH](#) for judicial candidates) and check the report type “final report” on the cover sheet of that report. Also be sure to complete the relevant portions of the Designation of Final Report page (Form C/OH-FR). The final report covers the period beginning the date of the campaign treasurer appointment, or the day after the date your last report ended, as applicable, through the date the final report is filed.

For more information on filing a final report, please read the applicable [Form C/OH instructions](#) or [Form JC/OH instructions](#) and the applicable [campaign finance guide](#).

3) Q: I am an officeholder and have filed a final report, do I have to file any other campaign finance reports?

If you are an officeholder, you will still be subject to the filing requirements applicable to officeholders. The officeholder reporting requirements depend on whether you are an officeholder who files with the Texas Ethics Commission or a local officeholder.

If you are an officeholder who files reports with the Texas Ethics Commission, **you must file semiannual reports** for any period during which you are an officeholder, regardless of whether you have a campaign treasurer appointment on file. Candidates and officeholders for the following positions file reports with the Texas Ethics Commission¹:

- (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;

If you are a [local officeholder](#) and you have terminated your campaign treasurer appointment, you are still required to file semiannual reports if you accept more than \$500 in officeholder contributions or make more than \$500 in officeholder expenditures in a semiannual period after terminating your campaign treasurer appointment. You are considered a local officeholder if you file campaign finance reports with a political subdivision rather than the Texas Ethics Commission

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, chapter 159 of the Local Government Code, or other law outside the Texas Ethics Commission's jurisdiction. **Terminating a campaign**

¹ Tex. Elec. Code § 252.005.

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

4) Q: What if I have still have campaign contributions or assets purchased with campaign contributions when I file my final report?

If you are not an officeholder when you file your final report and have surplus political funds or assets, you are required to file annual reports of unexpended contributions ([Form C/OH-UC](#)). Annual reports are due not earlier than January 1 and not later than January 15 of each year. An annual report must include the following: (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.

Once you dispose of all campaign contributions and assets you must file a report of final disposition of unexpended contributions. Do this by completing Form C/OH-UC and selecting the “Final Disposition” box. Your obligation to file annual reports as a former candidate or former officeholder ends when you file a report of final disposition of unexpended contributions.

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.

5) Q: How may I dispose of surplus campaign funds and assets purchased with campaign funds?

You may **not** convert to personal use campaign contributions or assets purchased with campaign contributions. Within six-years of filing your final report, you must dispose of surplus campaign assets or funds in one of the following ways²:

- You may give them to the political party with which you were affiliated when last on the ballot;
- You may contribute them to a candidate or a political committee. (This triggers a requirement to file a report of the contribution)

² Elec. Code § 254.204.

- You may give them to the comptroller for deposit in the state treasury to be used to finance primary elections;
- You 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;
- 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; or
- 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.

Things to Remember

- Anyone who has a campaign treasurer appointment on file must file semiannual campaign finance reports even after the election has ended and even if you lost the election. To end this filing requirement cease campaign activity and file a final report.
- If you file a final report you may still be required to file semiannual reports as an officeholder.
- If after filing your final report you still have campaign contributions or assets purchased with campaign funds, you must file annual reports of unexpended contributions. You must dispose of those assets within six years after filing your final report or leaving office, whichever is later.
- Reports filed with the Texas Ethics Commission are required to be filed electronically unless you qualify for the [exemption](#).

Checklist for Ending Your Campaign

Local Filers

1. Determine whether you will have any further reportable activity in your campaign.
2. Designate the report covering the last reporting period you need to file as your final report if you expect no additional reportable activity in connection with your candidacy. Your final report:
 - a. Relieves you of the duty to file additional reports that are required of a candidate; and
 - b. Terminates your campaign treasurer appointment.
3. Determine whether you have unexpended contributions (leftover funds or assets) when you file your final report. If you have no unexpended contributions, you have ended your candidacy by filing the final report and you do not need to take any further action with your local filing authority.
4. File annual reports of unexpended contributions if you have leftover funds or assets.
5. Dispose of unexpended contributions in a specified manner within six years of filing your final report. ([See Campaign Finance Guide for Candidates and Officeholders Who File with Local Filing Authorities.](#))

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

FORM CIS

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

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 Name of Local Government Officer

2 Office Held

3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code

4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.

5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 SIGNATURE

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

Signature of Local Government Officer

Please complete either option below:

(1) Affidavit

NOTARY STAMP / SEAL

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

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

(2) Unsworn Declaration

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

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

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

Signature of Local Government Officer (Declarant)

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

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

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;
or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or
(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.