



FORT STOCKTON

INDEPENDENT SCHOOL DISTRICT

101 W DIVISION
FORT STOCKTON, TX 79735
432-336-4000
432-336-4008 FAX

January 16, 2024

Dear Candidates and Officeholders:

The Fort Stockton Independent School District of Fort Stockton, Texas, is a Texas Public School District that operates under the Texas Education Agency and state law. Please understand the material in this packet is not exhaustive and it is the duty of the candidate/officeholder to become familiar with and follow the laws, rules, and regulations applicable to campaigns for office.

The role of the Fort Stockton ISD's Election Clerk is to accept and file the various candidate applications, affidavits, and statements required, and note the date of filing thereon. There is no legal duty to inform anyone of the necessity of or deadlines for filing any of the documents or to advise anyone in regard to the meaning and requirements of statutes. The Fort Stockton ISD's Election Clerk serves only as the custodian of the records for the benefit and convenience of the public. The Fort Stockton ISD's Elections Clerk should not be expected to judge or comment upon the timeliness or sufficiency of reports filed.

On the filing of an application for a place on the ballot, the Fort Stockton ISD's Elections Clerk must review the application to determine whether it complies with the requirements as to form, content, and procedure only. That is, the Fort Stockton ISD's Election Clerk checks to be sure it was filed correctly and in a timely manner and that all required information is completed and attested to. **The review must be completed not later than the fifth day after the date the application is received by the authority.** If an application does not comply with applicable requirements, the Fort Stockton ISD Election Clerk must reject the application and immediately deliver to the candidate written notice of the reason for the rejection. [Sec. 141.032(e)].

Section 141.032, which governs the review of a candidate's application for a place on the ballot for form, content, and procedure, does not apply to a determination of a candidate's eligibility.

All applications, affidavits, statements, and campaign reports filed with the Fort Stockton ISD's Elections Clerk are considered public information, may be posted on the Fort Stockton ISD website, and are open for inspection by any person.

Persons with general election or campaign questions may contact the Elections Division of the Secretary of State's Office at 1-800-252-VOTE or www.sos.state.tx.us or the Texas Ethics Commission at (512) 463-5800 or www.ethics.state.tx.us.

If you have specific questions for the Fort Stockton ISD's Election office, please do not hesitate to call (432) 336-4000, ext. 2, or email elections@fsisd.net. You may also visit the Elections page on the Fort Stockton ISD's website at <https://www.fsisd.net/domain/384>.

Sincerely,

Ember Renteria
Fort Stockton ISD Election Clerk





Applying/Filing for a Place on Ballot School Board Trustee Wards 4 & 6 May 4, 2024



Candidates seeking office as a Fort Stockton ISD School Board Trustee must file the appropriate documentation with the proper filing authority, **Ember Renteria, Election Clerk for Fort Stockton ISD**. All documentation must be completed and notarized (if applicable). If Ember Renteria is not in the office, the paperwork can be left (not “filed” until received by Ember Renteria) with Lucy Gomez, Lizette De La Rosa, Aimee Bislar, or Delilia Urias. Mrs. Gomez, Mrs. Bislar and Mrs. Urias are Notaries and can help with notary services at no cost. **The last day to apply for a place on the ballot is February 16, 2024, at 5:00 p.m.**

Below is some helpful information for applying/filing the documents. Please read all documentation provided thoroughly before filing.

Forms required to file when applying for a place on the ballot:

1. Application for Place on the School Board Trustee General Election Ballot – Form 2-21
2. Code of Fair Campaign Practices – Form CFCP
3. Appointment of a Campaign Treasurer by a Candidate – Form CTA
4. Candidate/Officeholder Campaign Finance Report – Form C/OH
 - a. **This form may or may not have to be filed depending on if you are opposed or unopposed and/or you will accept or spend more than \$1010.00 for the election.**

Other forms provided in the packet (please keep for possible future use and file only if changes are needed):

1. AMENDMENT: Appointment of a Campaign Treasurer by a Candidate – Form ACTA
 - a. Use this form to change information previously reported on Form CTA and for renew your choice to report under the modified schedule. The information you enter on this form will replace the information from your previous appointment on the form CTA.
2. Candidate/Officeholder Report of Unexpended Contributions – Form C/OH-UC
 - a. Use this form for filing either an annual report of unexpended contributions or a report of final disposition of unexpended contributions.

All forms can be requested via email or by phone from Ember Renteria. For questions on form 2-21 (Application for a Place on the Ballot) please contact Ms. Renteria.

Ember Renteria
432-336-4000 x 12
ember.renteria@fsisd.net
Monday – Friday 8:00 a.m. to 5:00 p.m.

For questions or concerns about the forms CTA, CFCP, C/OH, ACTA, or C/OH-UC: please call the Texas Ethics Commission. All forms can be found online via the Texas Ethics Commission website.

Texas Ethics Commission
P.O. Box 12070
Austin, TX 78711-2070
512-463-5800
TDD 1-800-735-2989
<https://www.ethics.state.tx.us>
Monday – Friday 8:00 a.m. to 5:00 p.m.

****All documents are considered “filed” when received by Ember Renteria. Form 2-21 will be checked within 5 days of filing for verification of completion.**



Sec. 141.032. REVIEW OF APPLICATION; NOTICE TO CANDIDATE. (a) On the filing of an application for a place on the ballot, the authority with whom the application is filed shall review the application to determine whether it complies with the requirements as to form, content, and procedure that it must satisfy for the candidate's name to be placed on the ballot.

(b) Except as provided by Subsection (c), ****the review shall be completed not later than the fifth day after the date the application is received by the authority.**

(c) If an application is accompanied by a petition, the petition is considered part of the application, and the review shall be completed as soon as practicable after the date the application is received by the authority. However, the petition is not considered part of the application for purposes of determining compliance with the requirements applicable to each document, and a deficiency in the requirements for one document may not be remedied by the contents of the other document. Unless the petition is challenged, the authority is only required to review the petition for facial compliance with the applicable requirements as to form, content, and procedure.

(d) A determination under this section that an application complies with the applicable requirements does not preclude a subsequent determination that the application does not comply, subject to Section [141.034](#).

(e) If an application does not comply with the applicable requirements, the authority shall reject the application and immediately deliver to the candidate written notice of the reason for the rejection.

(f) This section does not apply to a determination of a candidate's eligibility.

(g) Except as otherwise provided by this code:

(1) a candidate may not amend an application filed under Section [141.031](#); and

(2) the authority with whom the application is filed may not accept an amendment to an application filed under Section [141.031](#).

Content Included in Packet List

General Information:

1. Candidate Letter (Keep)
 2. Content Included in Packet List (Keep)
 3. Important 2022 Election Dates – (Keep)
 4. Board Members Eligibility/Qualifications – FSISD Board Policy BBA (Legal) – (Keep)
 5. **Application for Place on School Board Trustee Ward 4 or Ward 6 General Election Ballot** (English and Spanish) with instructions – **This form is required** – Texas Secretary of State – **(File with FSISD)**
 6. First Steps for Candidate Running for School Board Trustee Instructions – Texas Ethics Commission – (Keep)
 7. Campaign Finance Guide for Candidates and Office Holders Who File with Local Filing Authorities – Texas Ethics Commission – (Keep)
 8. **Form CTA – Appointment of Campaign Treasurer by a Candidate** – **This form is required** – Texas Ethics Commission – **(File with FSISD)**
 9. Form CTA Instruction Guide – Appointment of Campaign Treasurer by a Candidate – Texas Ethics Commission – (Keep)
 10. **Form C/OH – Candidate/Officeholder Campaign Finance Report**– **This form is required if you are planning to spend more than \$1010.00** – Texas Ethics Commission – **(File with FSISD if you meet requirements)**
 11. Form C/OH Instruction Guide – Candidate/Officeholder Campaign Finance Report – Texas Ethics Commission – (Keep)
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Optional Form

12. **Form CFCP – Code of Fair Campaign Practices** – **This form is optional** – Texas Ethics Commission – **(File with FSISD – Optional)**
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Amendment Information

13. **Form ACTA – AMENDMENT: Appointment of a Campaign Treasurer by a Candidate** – *Form used to make amendments to original Form CTA* – Texas Ethics Commission – **(File with FSISD if you need to amend your original Form CTA)**
 14. Form ACTA Instructions – AMENDMENT: Appointment of a Campaign Treasurer by a Candidate – Texas Ethics Commission (Keep)
 15. **Form C/OH-UC – Candidate/Officeholder Report of Unexpended Contributions** – *Form used to make amendments to original Form C/OH* – Texas Ethics Commission – **(File with FSISD if you need to amend your original Form C/OH)**
 16. Form C/OH-UC Instruction Guide – Candidate/Officeholder Report of Unexpended Contributions – Texas Ethics Commission (Keep)
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Content Included in Packet List

(Continued)

Resources and Helpful Information

17. Fort Stockton ISD Policy (Keep)

- a. BBB (LEGAL)*
- b. BBB (LOCAL)*
- c. BBC (LEGAL)*
- d. BBBC (LEGAL)*
- e. BBBB (LEGAL)*

18. Political Advertising (Keep)

19. Effective Board Practices (Keep)

20. School Board Ethics (Keep)

21. Texas Association of School Boards Information Packets (Keep)

- a. Frequently Asked Questions about Running for School Board*
- b. Campaign Speech During Elections*
- c. Roles and Responsibilities of Individual School Board Members*
- d. Powers and Duties of the School Board*
- e. Board Officers and the Law*

22. Resource Information Page (Keep)

23. Fort Stockton ISD Ward Maps

Important 2024 Election Dates

May 4, 2024 - Uniform Election Date

First Day to Apply for Ballot by Mail	Monday, January 1, 2024
First Day to File for Place on General Election Ballot	Wednesday, January 17, 2024
Last Day to File for Place on General Election Ballot	Friday, February 16, 2024 at 5:00 p.m.
Last Day to Register to Vote	Thursday, April 4, 2024
First Day of Early Voting By Personal Appearance	Monday, April 22, 2024
Last Day to Apply for Ballot by Mail (Received, not Postmarked)	Tuesday, April 23, 2024
Last Day of Early Voting by Personal Appearance	Tuesday, April 30, 2024
Last day to Receive Ballot by Mail	Saturday, May 4, 2024
Election Day	Saturday, May 4, 2024
Last day for Official Canvass of Returns	Wednesday, May 15, 2024

Note: If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

Eligibility

To be eligible to be a candidate for, or elected or appointed to, the office of school board member, a person must:

1. Be a United States citizen.
2. Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable.
3. 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.
4. Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities [but see Ineligibility below].
5. Have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:
 - a. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
 - b. For a write-in candidate, the date of the election at which the candidate's name is written in.
 - c. For an appointee to an office, the date the appointment is made.
6. Be registered to vote in the territory from which the office is elected on the date described at item 5, above.

Election Code 1.020, 141.001(a); Education Code 11.066; Gov't Code 601.009; Tex. Const. Art. XVI, Sec. 14

Qualified Voter

A person may not be elected trustee of an independent school district unless the person is a qualified voter. *Education Code 11.061(b)*

"Qualified voter" means a person who:

1. Is 18 years of age or older;

BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

BBA
(LEGAL)

2. Is a United States citizen;
3. Has 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;
4. Has not been finally convicted of a felony or, if so convicted, has fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or been pardoned or otherwise released from the resulting disability to vote;
5. Is a resident of this state; and
6. Is a registered voter.

Election Code 1.020, 11.002 [See Atty. Gen. Op. KP-0251 (2019) (concluding that the restoration of a convicted felon's qualification to vote under Election Code 11.002(a)(4)(A) after fully discharging a sentence does not restore the person's eligibility to hold public office under Election Code 141.001(a)(4))]

Residency

"Residence"
Defined

In the Election Code, "residence" means domicile, that is, one's home and fixed place of habitation to which one intends to return after any temporary absence. A person may not establish residence for the purpose of influencing the outcome of a certain election. A person does not lose the person's residence status by leaving to go to another place for temporary purposes only. A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person's home. A person may not establish a residence at any place the person has not inhabited. A person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain. *Election Code 1.015*

Note: The issue of whether a candidate has satisfied residency requirements should be judicially determined. *State v. Fischer*, 769 S.W.2d 619 (Tex. App.—Corpus Christi 1989, writ *dism'd w.o.j.*)

Intent to Return

For purposes of satisfying the continuous residency requirement, a person who claims an intent to return to a residence after a temporary absence may establish that intent only in accordance with Election Code 141.001(a-1), which does not apply to a person displaced from the person's residence due to a declared local, state, or national disaster. *Election Code 141.001(a-1)–(a-2)*

BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

BBA
(LEGAL)

Single-Member
Districts

A candidate for board member representing a single-member district must be a resident of the district the candidate seeks to represent. *Education Code 11.052(g)*

Ineligibility

A person is ineligible to serve as a member of the board of a district if the person has been convicted of a felony or an offense under Penal Code 43.021 (solicitation of prostitution). *Education Code 11.066*

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

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL¹ Failure to provide required information may result in rejection of application.

APPLICATION FOR A PLACE ON THE _____ GENERAL ELECTION BALLOT					
TO: City Secretary/Secretary of Board (name of election)					
I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.					
OFFICE SOUGHT (Include any place number or other distinguishing number, if any.)				INDICATE TERM <input type="checkbox"/> FULL <input type="checkbox"/> UNEXPIRED	
FULL NAME (First, Middle, Last)			PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*		
PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.)			PUBLIC MAILING ADDRESS (Optional) (Address for which you receive campaign related correspondence, if available.)		
CITY	STATE	ZIP	CITY	STATE	ZIP
PUBLIC EMAIL ADDRESS (Optional) (Address for which you receive campaign related emails, if available.)		OCCUPATION (Do not leave blank)		DATE OF BIRTH / /	VOTER REGISTRATION VOID NUMBER² (Optional)
TELEPHONE CONTACT INFORMATION (Optional) Home: _____ Office: _____ Cell: _____					
FELONY CONVICTION STATUS (You MUST check one)		LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN			
<input type="checkbox"/> I have not been finally convicted of a felony.		IN THE STATE OF TEXAS ____ year(s) ____ month(s)		IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED ____ year(s) ____ month(s)	
<input type="checkbox"/> I have been finally convicted of a felony, but I have been pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with the submission of this application. ³					
*If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan or contain a title, nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election. Please review sections 52.031, 52.032 and 52.033 of the Texas Election Code regarding the rules for how names may be listed on the official ballot.					
Before me, the undersigned authority, on this day personally appeared (name of candidate) _____, who being by me here and now duly sworn, upon oath says: "I, (name of candidate) _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code. I am aware that I must disclose any prior felony conviction, and if so convicted, must provide proof that I have been pardoned or otherwise released from the resulting disabilities of any such final felony conviction. I am aware that knowingly providing false information on the application regarding my possible felony conviction status constitutes a Class B misdemeanor. I further swear that the foregoing statements included in my application are in all things true and correct."					
X _____ SIGNATURE OF CANDIDATE					
Sworn to and subscribed before me this the _____ day of _____, _____, by _____. (day) (month) (year) (name of candidate)					
Signature of Officer Authorized to Administer Oath ⁴			Printed Name of Officer Authorized to Administer Oath		
_____ Title of Officer Authorized to Administer Oath			Notarial or Official Seal		
TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY: <input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE. This document and \$_____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> Voter Registration Status Verified					
_____/_____/_____ Date Received		_____/_____/_____ Date Accepted		(See Section 1.007) _____ Signature of Filing Officer or Designee	

INSTRUCTIONS

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

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

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

NEPOTISM LAW

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

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

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

FOOTNOTES

¹An application for a place on the ballot, including any accompanying petition, is public information immediately on its filing. (Section 141.035, 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>

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

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

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

Executive Pardon under Texas Code of Criminal Procedure 48.01

Restoration of Rights under Texas Code of Criminal Procedure 48.05

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. See Chapter 602 of the Texas Government Code for the complete list of persons authorized to administer oaths.

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

TODA LA INFORMACIÓN ES REQUERIDA A MENOS QUE SE INDIQUE COMO OPCIONAL¹ El hecho de no proporcionar la información requerida puede resultar en el rechazo de la solicitud.

SOLICITUD DE INSCRIPCIÓN PARA UN LUGAR EN LA BOLETA DE UNA ELECCIÓN GENERAL DE _____					
Para: Secretario(a) de la Ciudad/ Secretario(a) del Consejo _____ (nombre de la elección)					
Solicito que mi nombre se incluya en la boleta oficial mencionada anteriormente como candidato(a) al cargo indicado a continuación.					
CARGO SOLICITADO (Incluya cualquier número de cargo u otro número distintivo, si lo hay.)			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 APAREZCA EN LA BOLETA*		
DIRECCIÓN DE RESIDENCIA PERMANENTE (No incluya un apartado postal o una ruta rural. Si usted no tiene una dirección de residencia, describa la ubicación de la residencia.)			DIRECCIÓN DE CORREO PÚBLICO (Opcional) (Dirección en la que recibe la correspondencia relacionada con la campaña, si está disponible.)		
CIUDAD	ESTADO	CÓDIGO POSTAL	CIUDAD	ESTADO	CÓDIGO POSTAL
DIRECCIÓN DE CORREO ELECTRÓNICO PÚBLICO (Opcional) (Dirección donde recibe correo electrónico relacionado con la campaña, si está disponible.)		OCUPACIÓN (No deje este espacio en blanco)	FECHA DE NACIMIENTO ____/____/____	VOID – NÚMERO ÚNICO DE IDENTIFICACIÓN DE VOTANTE² (Opcional)	
INFORMACIÓN DE CONTACTO TELEFÓNICO (Opcional) Hogar: _____ Trabajo: _____ Celular: _____					
ESTADO DE CONDENA POR DELITO GRAVE (DEBE marcar una)			DURACIÓN DE RESIDENCIA CONTINUA A PARTIR DE LA FECHA EN QUE ESTA SOLICITUD FUE JURADA		
<input type="checkbox"/> No he sido finalmente condenado por un delito grave. <input type="checkbox"/> He sido finalmente condenado por un delito grave, pero he sido indultado o liberado de otro modo de las discapacidades resultantes de esa condena por delito grave y he proporcionado prueba de este hecho con la presentación de esta solicitud. ³			EN EL ESTADO DE TEXAS ____ año(s) ____ mes(es)		EN EL TERRITORIO/DISTRITO/PRECINTO DEL CUAL SE ELIGE EL CARGO BUSCADO ____ año(s) ____ mes(es)
<p>*Si usa un apodo como parte de su nombre para aparecer en la boleta, también está firmando y jurando las siguientes declaraciones: Juro además que mi apodo no constituye un lema ni contiene un título, ni indica un punto de vista o afiliación política, económica, social o religiosa. He sido comúnmente conocido por este apodo durante al menos tres años antes de esta elección. Por favor, revise las secciones 52.031, 52.032 y 52.033 del Código Electoral de Texas con respecto a las reglas sobre cómo se pueden incluir los nombres en la boleta oficial.</p>					
Ante mí, la autoridad abajo firmante, en este día apareció personalmente (nombre del candidato) _____, quien estando a mi lado aquí y ahora debidamente juramentado, bajo juramento dice: "Yo, (nombre del candidato) _____, del condado de _____, Texas, siendo candidato para el cargo de _____, juro que apoyaré y defenderé la Constitución y las leyes de los Estados Unidos y del Estado de Texas. Soy un ciudadano de los Estados Unidos elegible para ocupar dicho cargo según la Constitución y las leyes de este estado. No se me ha determinado por un fallo final de una corte que ejerce la jurisdicción testamentaria que esté totalmente incapacitado mentalmente o parcialmente incapacitado sin derecho a voto. Soy consciente de la ley de nepotismo según el Capítulo 573 del Código de Gobierno. Soy consciente de que debo divulgar cualquier condena previa de un delito grave y, si he sido condenado, debo proporcionar prueba de que he sido indultado o liberado de otro modo de las discapacidades resultantes de dicha condena final por delito grave. Soy consciente de que proporcionar a sabiendas información falsa en la solicitud con respecto a mi posible estado de condena por delito grave constituye un delito menor de Clase B. Juro además que las declaraciones anteriores incluidas en mi solicitud son, en todos los aspectos, verdaderas y correctas."					
<div style="text-align: center;">X _____ FIRMA DEL CANDIDATO</div>					
Jurado y suscrito ante mí este día ____ de ____ del ____ por ____. (día) (mes) (año) (nombre de candidato)					
Firma del oficial autorizado para administrar el juramento ⁴ _____ Título del oficial autorizado para administrar el juramento			Nombre del oficial autorizado para administrar juramentos en letra de molde _____ Notarial o sello oficial		
TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY: <input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE. This document and \$_____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> Voter Registration Status Verified ____/____/____ (See Section 1.007) _____ Date Received Date Accepted Signature of Filing Officer or Designee					

INSTRUCCIONES

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

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

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

LEY DE NEPOTISMO

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

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

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

NOTAS

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

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

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

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

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

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

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

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

First Steps for Candidates Running for School Board Trustee

This quick-start guide for candidates 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. You can find this form and its instructions on our "[Local Filers Non-Judicial Candidate/Officeholder](#)" webpage. File **Form CTA** with the school board clerk or school board secretary, as applicable.

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

• YES:

- You do not qualify to file on the modified reporting schedule. (See "Modified Reporting" in "[Campaign Finance Guide for Candidates and Officeholders Who File with Local Filing Authorities](#)".)
- 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 school board clerk or school board 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 school board clerk or school board secretary. (See "Modified Reporting" in "[Campaign Finance Guide for Candidates and Officeholders Who File with Local Filing Authorities](#)".)
- If you elect to file on the modified reporting schedule, you do not have to file pre-election campaign finance reports due 30 days and 8 days prior to the election.
- **Exceed \$1,010***: If you elect to file on the modified reporting schedule but later exceed **\$1,010*** in either contributions or expenditures, what reports you will be required to file depends upon when you exceed \$1,010*.
 - If you exceed \$1,010* prior to 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 school board clerk or school board secretary no later than the due date. Find **Form C/OH** and its instructions on our "[Local Filers Non-Judicial Candidate/Officeholder](#)" webpage.

- If you exceed **\$1,010*** after the 30th day before the election, you are **required** to file an Exceeded Modified Reporting Limit report using [Form C/OH](#). To be timely filed, this report must be filed with the school board clerk or school board secretary within 48 hours of exceeding \$1,010*. Find [Form C/OH](#) and its instructions on our “[Local Filers Non-Judicial Candidate/Officeholder](#)” webpage.
- If you exceed **\$1,010*** prior to 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 school board clerk or school board 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 school board clerk or school board 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, fill in your treasurer information, get it notarized, and file it with the school board clerk or school board 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.

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

TEXAS ETHICS COMMISSION

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



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

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

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

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

Revised January 1, 2023

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

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

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

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

OFFICEHOLDERS

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

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

JUDICIAL CANDIDATES AND OFFICEHOLDERS

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

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

FEDERAL OFFICES

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

FILING AUTHORITIES

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

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

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

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

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

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

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

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

POLITICAL COMMITTEES (PACS)

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

FINANCIAL DISCLOSURE STATEMENTS

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

FEDERAL INCOME TAX

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

TEXAS ETHICS COMMISSION

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

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

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

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. Tex. Elec. Code § 253.038 (a-1). This restriction applies to a payment made from political funds on or after September 1, 2007, without regard to whether the payment was made under a lease or other agreement entered into before that date.

ACCEPTING CONTRIBUTIONS

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

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

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

REIMBURSEMENT FOR POLITICAL EXPENDITURES FROM PERSONAL FUNDS

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

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

SEPARATE ACCOUNT REQUIRED

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

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

RESTRICTIONS INVOLVING LOBBYING

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

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

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

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

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

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

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

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

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

INFORMATION REQUIRED ON REPORTS

CONTRIBUTIONS

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

PLEDGES

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

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

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

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

LOANS

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

Funds” in this guide for additional information.

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

CONTRIBUTIONS OF PERSONAL SERVICES

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

CONTRIBUTIONS OF PERSONAL TRAVEL

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

CONTRIBUTIONS FROM OUT-OF-STATE POLITICAL COMMITTEES

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

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

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

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

EXPENDITURES

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

UNPAID INCURRED OBLIGATIONS

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

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

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

EXPENDITURES MADE BY CREDIT CARD

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

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

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

CAMPAIGN EXPENDITURES FROM PERSONAL FUNDS

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

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

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

OFFICEHOLDER EXPENDITURES FROM PERSONAL FUNDS

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

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

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

DIRECT EXPENDITURES

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

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

SUPPORTING POLITICAL COMMITTEES

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

PAYMENTS TO A BUSINESS OF THE CANDIDATE OR OFFICEHOLDER

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

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

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

INTEREST EARNED AND OTHER CREDITS/GAINS/REFUNDS

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

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

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

PURCHASE OF INVESTMENTS

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

TOTAL POLITICAL CONTRIBUTIONS MAINTAINED

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

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

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

TIME OF ACCEPTING CONTRIBUTION

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

TIME OF MAKING EXPENDITURE

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

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

PREPARING REPORTS

FORMS

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

SIGNATURE REQUIRED

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

FILING DEADLINES

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

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

PERIODS COVERED BY REPORTS

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

DEADLINE ON WEEKEND OR HOLIDAY

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

5 P.M. DEADLINE

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

DELIVERY BY MAIL OR OTHER CARRIER

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

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

RETENTION OF RECORDS USED FOR REPORTS

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

REPORTS

SEMIANNUAL REPORTS

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

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

REPORTS DUE 30 DAYS AND 8 DAYS BEFORE AN ELECTION

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

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

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

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

REPORT DUE 8 DAYS BEFORE A RUNOFF ELECTION

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

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

MODIFIED REPORTING

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

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

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

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

“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 \$1,010 in contributions or make more than \$1,010 in expenditures by the end of the reporting period.

FINAL REPORT

See “Ending Filing Obligations” below.

ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS

See “Ending Filing Obligations” below.

FINAL DISPOSITION OF UNEXPENDED CONTRIBUTIONS REPORT

See “Ending Filing Obligations” below.

THINGS TO REMEMBER

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

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

ENDING FILING OBLIGATIONS

FINAL REPORT

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

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

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

ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS

The following individuals must file annual reports of unexpended contributions:

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

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

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

REPORT OF FINAL DISPOSITION OF UNEXPENDED CONTRIBUTIONS

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

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

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

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

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

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

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

CAMPAIGN FINANCE RESTRICTIONS

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

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

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

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

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

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

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

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

APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

FORM CTA
PG 1

See CTA Instruction Guide for detailed instructions.		1 Total pages filed:	
2 CANDIDATE NAME	MS / MRS / MR FIRST MI	OFFICE USE ONLY	
	NICKNAME LAST SUFFIX	Filer ID #	
3 CANDIDATE MAILING ADDRESS	ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE	Date Received	
		Date Hand-delivered or Postmarked	
4 CANDIDATE PHONE	AREA CODE PHONE NUMBER EXTENSION ()	Receipt #	Amount \$
		Date Processed	
5 OFFICE HELD (if any)		Date Imaged	
6 OFFICE SOUGHT (if known)			
7 CAMPAIGN TREASURER NAME	MS/MRS/MR FIRST MI NICKNAME LAST SUFFIX		
8 CAMPAIGN TREASURER STREET ADDRESS (residence or business)	STREET ADDRESS; APT / SUITE #; CITY; STATE; ZIP CODE		
9 CAMPAIGN TREASURER PHONE	AREA CODE PHONE NUMBER EXTENSION ()		
10 CANDIDATE SIGNATURE	<p>I am aware of the Nepotism Law, Chapter 573 of the Texas Government Code.</p> <p>I am aware of my responsibility to file timely reports as required by title 15 of the Election Code.</p> <p>I am aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations.</p> <p>_____ Signature of Candidate</p> <p>_____ Date Signed</p>		
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 \$1,080 in political contributions or make more than \$1,080 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

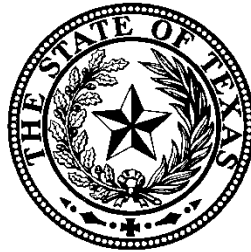
**Non-TEC Filers must file this form with the local filing authority
DO NOT SEND TO TEC**

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, 2024

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; use Form CTA-T for this purpose.

FORMING A POLITICAL COMMITTEE

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

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

CHANGING A CAMPAIGN TREASURER

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

AMENDING A CAMPAIGN TREASURER APPOINTMENT

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

REPORTING REQUIREMENT FOR CERTAIN OFFICEHOLDERS

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

TERMINATING A CAMPAIGN TREASURER APPOINTMENT

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

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

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

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

FILING A FINAL REPORT

For filing purposes, you are a “candidate” as long as you have an appointment of campaign treasurer on file. If you do not expect to accept any further campaign contributions or to make any further campaign expenditures, you may file a final report of contributions and expenditures. A final report terminates your appointment of campaign treasurer and relieves you of the obligation of filing further reports as a candidate. If you have surplus funds, or if you retain assets purchased with political funds, you will be required to file annual reports. (*See instructions for FORM C/OH - UC.*) If you are an officeholder at the time of filing a final report, you may be required to file semiannual reports of contributions, expenditures, and loans as an officeholder.

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

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

ELECTRONIC FILING

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

GUIDES

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

SPECIFIC INSTRUCTIONS

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

PAGE 1

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

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

consanguinity. For example, a wife is related to her husband's grandmother in the second degree by affinity.

PAGE 2

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

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

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

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

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

An opposed candidate in an election is eligible to report under the modified reporting schedule if he or she does not intend to accept more than \$1,080 in political contributions or make more than \$1,080 in political expenditures in connection with an election. The amount of a filing fee paid to qualify for a place on the ballot does not count against the \$1,080 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 \$1,080 maximums apply to each election within the cycle. In other words, you are limited to \$1,080 in contributions and expenditures in connection with the primary, an additional \$1,080 in contributions and expenditures in connection with the general election, and an additional \$1,080 in contributions and expenditures in connection with a runoff.

EXCEEDING \$1,080 IN CONTRIBUTIONS OR EXPENDITURES. If you exceed \$1,080 in contributions or expenditures in connection with an election, you must file according to the regular filing schedule. In other words, you must file pre-election reports and a runoff report, if you are in a runoff.

If you exceed either of the \$1,080 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	<div data-bbox="358 344 431 369">NEW</div> <div data-bbox="558 380 1321 447">COMPLETE THIS SECTION ONLY IF YOU ARE CHOOSING MODIFIED REPORTING</div> <div data-bbox="492 543 1386 600">•• This declaration must be filed no later than the 30th day before the first election to which the declaration applies. ••</div> <div data-bbox="466 682 1422 732">•• 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.)</div> <div data-bbox="535 812 1351 867">•• Candidates for the office of state chair of a political party may NOT choose modified reporting. ••</div> <div data-bbox="440 951 1412 1140">I do not intend to accept more than \$1,080 in political contributions or make more than \$1,080 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.</div> <div data-bbox="467 1354 844 1398"><hr/>Year of election(s) or election cycle to which declaration applies</div> <div data-bbox="1042 1354 1295 1377"><hr/>Signature of Candidate</div>

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, 2024

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

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

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

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

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

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

PAGE 2

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

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

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

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

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

An opposed candidate in an election is eligible to report under the modified reporting schedule if he or she does not intend to accept more than \$1,080 in political contributions or make more than \$1,080 in political expenditures in connection with an election. The amount of a filing fee paid to qualify for a place on the ballot does not count against the \$1,080 expenditure limit. An opposed candidate who reports under the modified schedule is not required to file pre-election reports (due 30 days and 8 days before an election) or runoff reports (due 8 days before a runoff). (Note: An *unopposed* candidate is not required to file pre-election reports in the first place.) The obligations to file semi-annual reports, special pre-election reports, or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$1,080 maximums apply to each election within the cycle. In other words, you are limited to \$1,080 in contributions and expenditures in connection with the primary, an additional \$1,080 in contributions and expenditures in connection with the general election, and an additional \$1,080 in contributions and expenditures in connection with a runoff.

Exceeding \$1,080 in contributions or expenditures. If you exceed \$1,080 in contributions or expenditures in connection with an election, you must file according to the regular schedule. In other words, you must file pre-election reports and a runoff report, if you are in a runoff.

If you exceed either of the \$1,080 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.

CODE OF FAIR CAMPAIGN PRACTICES

FORM CFCP COVER SHEET

Pursuant to chapter 258 of the Election Code, every candidate and political committee is encouraged to subscribe to the Code of Fair Campaign Practices. The Code may be filed with the proper filing authority upon submission of a campaign treasurer appointment form. Candidates or political committees that already have a current campaign treasurer appointment on file as of September 1, 1997, may subscribe to the code at any time.

Subscription to the Code of Fair Campaign Practices is voluntary.

OFFICE USE ONLY

Date Received

Date Hand-delivered or Postmarked

Date Processed

Date Imaged

1 ACCOUNT NUMBER
(Ethics Commission Filers)

2 TYPE OF FILER

CANDIDATE ☐

POLITICAL COMMITTEE ☐

*If filing as a candidate, complete boxes 3 - 6,
then read and sign page 2.*

*If filing for a political committee, complete
boxes 7 and 8, then read and sign page 2.*

3 NAME OF CANDIDATE
(PLEASE TYPE OR PRINT)

TITLE (Dr., Mr., Ms., etc.)

FIRST

MI

NICKNAME

LAST

SUFFIX (SR., JR., III, etc.)

**4 TELEPHONE NUMBER
OF CANDIDATE**
(PLEASE TYPE OR PRINT)

AREA CODE

PHONE NUMBER

EXTENSION

()

5 ADDRESS OF CANDIDATE
(PLEASE TYPE OR PRINT)

STREET / PO BOX;

APT / SUITE #;

CITY;

STATE;

ZIP CODE

**6 OFFICE SOUGHT
BY CANDIDATE**
(PLEASE TYPE OR PRINT)

7 NAME OF COMMITTEE
(PLEASE TYPE OR PRINT)

**8 NAME OF CAMPAIGN
TREASURER**
(PLEASE TYPE OR PRINT)

TITLE (Dr., Mr., Ms., etc.)

FIRST

MI

NICKNAME

LAST

SUFFIX (SR., JR., III, etc.)

GO TO PAGE 2

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate and political committee in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional rights to a free and 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
TITLE 15, ELECTION CODE
REGULATING POLITICAL FUNDS AND CAMPAIGNS



All Amendments Effective on September 1, 2023

(Revised 8/1/2023)

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

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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.

(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 persons acting in concert with 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.

(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:

(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;

(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 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.

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.

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) Repealed by Acts 2019, 86th Leg., R.S., Ch. 209 (H.B. 3580), Sec. 5(1), eff. September 1, 2019.

(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) Repealed by Acts 2019, 86th Leg., R.S., Ch. 209 (H.B. 3580), Sec. 5(1), eff. September 1, 2019.

(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;

(12) expenses incurred in preparing and delivering committee contributions;

(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

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.

(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, 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

(7) "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 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 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 judicial candidate or officeholder may not 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.

(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) Repealed by Acts 2019, 86th Leg., R.S., Ch. 384 (H.B. 3233), Sec. 17(1), eff. June 2, 2019.

(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 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 GENERAL-PURPOSE COMMITTEES.

(a) Repealed by Acts 2019, 86th Leg., R.S., Ch. 384 (H.B. 3233), Sec. 17(2), eff. June 2, 2019.

(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 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 is liable for a civil penalty not to exceed three times the amount of the political contributions accepted in violation of this section.

(d) Repealed by Acts 2019, 86th Leg., R.S., Ch. 384 (H.B. 3233), Sec. 17(2), eff. June 2, 2019.

(e) Repealed by Acts 2019, 86th Leg., R.S., Ch. 384 (H.B. 3233), Sec. 17(2), eff. June 2, 2019.

Sec. 253.158. CONTRIBUTION BY SPOUSE OR CHILD.

(a) For purposes of this subchapter, a contribution by the spouse 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.

Sec. 253.159. EXCEPTION TO CONTRIBUTION LIMITS. Section 253.155 does 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. 253.1601. CONTRIBUTION TO CERTAIN COMMITTEES CONSIDERED CONTRIBUTION TO CANDIDATE OR OFFICEHOLDER. For purposes of Sections 253.155 and 253.157, a contribution to a specific-purpose committee for the purpose of supporting a judicial candidate, opposing the candidate's opponent, or assisting a judicial 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) Repealed by Acts 2019, 86th Leg., R.S., Ch. 384 (H.B. 3233), Sec. 17(4), eff. June 2, 2019.

(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 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 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) Repealed by Acts 2019, 86th Leg., R.S., Ch. 384 (H.B. 3233), Sec. 17(5), eff. June 2, 2019.

(c) A person who is both a candidate and an officeholder may reimburse the person's personal funds in only 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 contribution limits prescribed by Section 253.155 or 253.157 and the limit on reimbursement of personal funds and repayment of certain loans prescribed by Section 253.162, the general and primary elections are considered separate elections for a candidate whose name appears on the ballot.

(b) For purposes of the contribution limits prescribed by Sections 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.

Sec. 253.167. CERTIFICATION OF POPULATION; NOTICE OF CONTRIBUTION 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 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. 253.171. CONTRIBUTION FROM OR DIRECT CAMPAIGN EXPENDITURE BY POLITICAL PARTY. A political expenditure that is made by the principal political committee of the state executive committee or a county executive committee

of a political party for a generic get-out-the-vote campaign or to create and distribute 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:

- (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. 253.176. 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.

(c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 384 (H.B. 3233), Sec. 17(7), eff. June 2, 2019.

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.

Sec. 254.0313. OMISSION OF ADDRESS FOR JUDGE AND FAMILY MEMBER.

(a) In this section, "family member" has the meaning assigned by Section 31.006, Finance Code.

(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, including a federal bankruptcy judge, a state judge, or a family member of a federal judge, including a federal bankruptcy judge, or a state judge, the commission shall remove or redact the residence address of a federal judge, including a federal bankruptcy judge, a state judge, or the family member of a federal judge, including a federal bankruptcy judge, or a 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.

(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) In prescribing the format of a report filed under this chapter, including a report filed with an authority other than the commission under Subsection (a), the commission shall ensure that the report requires for political expenditures made with a credit card that:

(1) the expenditures be reported in a single itemized list; and

(2) the list include, stated by credit card issuer:

(A) the name of the credit card issuer;

(B) the date and amount of each expenditure; and

(C) the date the credit card issuer was repaid for the expenditure.

(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) *Repealed.*

(b) *The clerk or secretary of a political subdivision's governing body or, if the governing body does not have a clerk or secretary, the governing body's presiding officer shall make a report filed with the political subdivision by a candidate, officeholder, or specific-purpose committee under this subchapter available to the public on the political subdivision's Internet website not later than the 10th business day after the date the report is received..*

(c) *Repealed.*

(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.

(e-1) Before making a report available on the Internet as required by Subsection (b), the authority with whom the report is filed 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. The address information removed must remain available on the report maintained in the authority's 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.

(h) *A report made available on an Internet website under this section must be accessible on that website until the fifth anniversary of the date the report is first made available.*

Sec. 254.04011. Repealed.

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.

Sec. 254.044. REPORTING OF POLITICAL CONTRIBUTIONS AND EXPENDITURES MADE USING CREDIT CARD.

(a) A candidate or officeholder who accepts a political contribution made using a credit card shall:

(1) for a political contribution for which a processing fee is deducted by the credit card issuer from the political contribution amount:

(A) report as a political contribution the full amount, including the deducted amount; and

(B) report as a political expenditure the deducted amount; and

(2) for a political contribution for which a processing fee is paid by the person making the political contribution in excess of the political contribution amount, report only as a political contribution the full amount the candidate or officeholder accepts, not including the amount paid in excess of the political contribution amount.

(b) A candidate or officeholder who accepts a political contribution described by Subsection (a)(2) is not required to report the excess amount paid as a processing fee by the person making the political contribution.

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.

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 the meanings assigned by Section 253.152.

(2) "Member" has the meaning assigned to "member of a law firm" by Section 253.152.

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, 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.

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. 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. 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 candidate or measure 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) 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.

(d) 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) 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. 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.

CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

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

The C/OH Instruction Guide explains how to complete this form.		1 Filer ID (Ethics Commission Filers)		2 Total pages filed:									
3 CANDIDATE / OFFICEHOLDER NAME	MS / MRS / MR FIRST MI			OFFICE USE ONLY									
	NICKNAME LAST SUFFIX												
4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS <input type="checkbox"/> Change of Address	ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE			Date Received									
5 CANDIDATE / OFFICEHOLDER PHONE	AREA CODE PHONE NUMBER EXTENSION ()					Date Hand-delivered or Date Postmarked							
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	<table style="width: 100%;"> <tr> <td style="width: 30%;">ELECTION DATE Month / Day / Year</td> <td style="width: 70%;">ELECTION TYPE <input type="checkbox"/> Primary <input type="checkbox"/> Runoff <input type="checkbox"/> Other Description <input type="checkbox"/> General <input type="checkbox"/> Special </td> </tr> </table>					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						
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	<p><small>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.</small></p> <table style="width: 100%;"> <tr> <td style="width: 20%;">COMMITTEE TYPE</td> <td>COMMITTEE NAME</td> </tr> <tr> <td><input type="checkbox"/> GENERAL</td> <td>COMMITTEE ADDRESS</td> </tr> <tr> <td><input type="checkbox"/> SPECIFIC</td> <td>COMMITTEE CAMPAIGN TREASURER NAME</td> </tr> <tr> <td></td> <td>COMMITTEE CAMPAIGN TREASURER ADDRESS</td> </tr> </table>					COMMITTEE TYPE	COMMITTEE NAME	<input type="checkbox"/> GENERAL	COMMITTEE ADDRESS	<input type="checkbox"/> SPECIFIC	COMMITTEE CAMPAIGN TREASURER NAME		COMMITTEE CAMPAIGN TREASURER ADDRESS
COMMITTEE TYPE	COMMITTEE NAME												
<input type="checkbox"/> GENERAL	COMMITTEE ADDRESS												
<input type="checkbox"/> SPECIFIC	COMMITTEE CAMPAIGN TREASURER NAME												
	COMMITTEE CAMPAIGN TREASURER ADDRESS												

GO TO PAGE 2

CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

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

15 C/OH NAME		16 Filer ID (Ethics Commission Filers)
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. ☐ SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS

\$

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

\$

3. ☐ SCHEDULE B: PLEDGED CONTRIBUTIONS

\$

4. ☐ SCHEDULE E: LOANS

\$

5. ☐ SCHEDULE F1: POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

\$

6. ☐ SCHEDULE F2: UNPAID INCURRED OBLIGATIONS

\$

7. ☐ SCHEDULE F3: PURCHASE OF INVESTMENTS MADE FROM POLITICAL CONTRIBUTIONS

\$

8. ☐ SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD

\$

9. ☐ SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS

\$

10. ☐ SCHEDULE H: PAYMENT MADE FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH

\$

11. ☐ SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

\$

12. ☐ 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#: _____) 7 Contributor address; City; State; Zip Code	8 Amount of Contribution \$ <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	9 In-kind contribution description
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#: _____) Contributor address; City; State; Zip Code	Amount of Contribution \$ <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	In-kind contribution description
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.			

PLEDGED CONTRIBUTIONS

SCHEDULE B

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule B:	
2 FILER NAME		3 Filer ID (Ethics Commission Filers)	
4 TOTAL OF UNITEMIZED PLEDGES		\$	
5 Date	6 Full name of pledgor <input type="checkbox"/> out-of-state PAC (ID#: _____) 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
Accounting/Banking
Consulting Expense
Contributions/Donations Made By
Candidate/Officeholder/Political Committee
Credit Card Payment

Event Expense
Fees
Food/Beverage Expense
Gift/Awards/Memorials Expense
Legal Services

Loan Repayment/Reimbursement
Office Overhead/Rental Expense
Polling Expense
Printing Expense
Salaries/Wages/Contract Labor

Solicitation/Fundraising Expense
Transportation Equipment & Related Expense
Travel In District
Travel Out Of District
Other (enter a category not listed above)

The Instruction Guide explains how to complete this form.

1 Total pages Schedule F1:	2 FILER NAME		3 Filer ID (Ethics Commission Filers)			
4 Date	5 Payee name					
6 Amount (\$)	7 Payee address; City; State; Zip Code					
PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description				
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T. <input type="checkbox"/> Check if Austin, TX, officeholder living expense					
9 Complete <u>ONLY</u> if direct expenditure to benefit C/OH						
<table style="width: 100%;"> <tr> <td style="width: 50%;">Candidate / Officeholder name</td> <td style="width: 25%;">Office sought</td> <td style="width: 25%;">Office held</td> </tr> </table>				Candidate / Officeholder name	Office sought	Office held
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					
<table style="width: 100%;"> <tr> <td style="width: 50%;">Candidate / Officeholder name</td> <td style="width: 25%;">Office sought</td> <td style="width: 25%;">Office held</td> </tr> </table>				Candidate / Officeholder name	Office sought	Office held
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					
<table style="width: 100%;"> <tr> <td style="width: 50%;">Candidate / Officeholder name</td> <td style="width: 25%;">Office sought</td> <td style="width: 25%;">Office held</td> </tr> </table>				Candidate / Officeholder name	Office sought	Office held
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					
<table style="width: 100%;"> <tr> <td style="width: 50%;">Candidate / Officeholder name</td> <td style="width: 25%;">Office sought</td> <td style="width: 25%;">Office held</td> </tr> </table>				Candidate / Officeholder name	Office sought	Office held
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
Accounting/Banking
Consulting Expense
Contributions/Donations Made By
Candidate/Officeholder/Political Committee

Event Expense
Fees
Food/Beverage Expense
Gift/Awards/Memorials Expense
Legal Services

Loan Repayment/Reimbursement
Office Overhead/Rental Expense
Polling Expense
Printing Expense
Salaries/Wages/Contract Labor

Solicitation/Fundraising Expense
Transportation Equipment & Related Expense
Travel In District
Travel Out Of District
Other (enter a category not listed above)

The Instruction Guide explains how to complete this form.

1 Total pages Schedule F2:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)
-----------------------------------	---------------------	--

4 TOTAL OF UNITEMIZED UNPAID INCURRED OBLIGATIONS	\$
--	----

5 Date	6 Payee name
---------------	---------------------

7 Amount (\$)	8 Payee address; City; State; Zip Code
----------------------	---

9 TYPE OF EXPENDITURE	<input type="checkbox"/> Political <input type="checkbox"/> Non-Political
------------------------------	---

10 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T. <input type="checkbox"/> Check if Austin, TX, officeholder living expense	

11 Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
--	-------------------------------	---------------	-------------

Date	Payee name
------	------------

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

TYPE OF EXPENDITURE	<input type="checkbox"/> Political <input type="checkbox"/> Non-Political
---------------------	---

PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T. <input type="checkbox"/> Check if Austin, TX, officeholder living expense	

Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
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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
Accounting/Banking
Consulting Expense
Contributions/Donations Made By
Candidate/Officeholder/Political Committee

Event Expense
Fees
Food/Beverage Expense
Gift/Awards/Memorials Expense
Legal Services

Loan Repayment/Reimbursement
Office Overhead/Rental Expense
Polling Expense
Printing Expense
Salaries/Wages/Contract Labor

Solicitation/Fundraising Expense
Transportation Equipment & Related Expense
Travel In District
Travel Out Of District
Other (enter a category not listed above)

The Instruction Guide explains how to complete this form.

1 Total pages Schedule 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
Accounting/Banking
Consulting Expense
Contributions/Donations Made By
Candidate/Officeholder/Political Committee
Credit Card Payment

Event Expense
Fees
Food/Beverage Expense
Gift/Awards/Memorials Expense
Legal Services

Loan Repayment/Reimbursement
Office Overhead/Rental Expense
Polling Expense
Printing Expense
Salaries/Wages/Contract Labor

Solicitation/Fundraising Expense
Transportation Equipment & Related Expense
Travel In District
Travel Out Of District
Other (enter a category not listed above)

The Instruction Guide explains how to complete this form.

1 Total pages Schedule 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 ONLY 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 ONLY 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 ONLY 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: <div style="display: flex; flex-wrap: wrap; justify-content: space-between; padding: 5px 0;"><div><input type="checkbox"/> Schedule A2</div><div><input type="checkbox"/> Schedule B</div><div><input type="checkbox"/> Schedule B(J)</div><div><input type="checkbox"/> Schedule C2</div><div><input type="checkbox"/> Schedule D</div><div><input type="checkbox"/> Schedule F1</div><div><input type="checkbox"/> Schedule F2</div><div><input type="checkbox"/> Schedule F4</div><div><input type="checkbox"/> Schedule G</div><div><input type="checkbox"/> Schedule H</div><div><input type="checkbox"/> Schedule COH-UC</div><div><input type="checkbox"/> Schedule B-SS</div></div>		
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: <div style="display: flex; flex-wrap: wrap; justify-content: space-between; padding: 5px 0;"><div><input type="checkbox"/> Schedule A2</div><div><input type="checkbox"/> Schedule B</div><div><input type="checkbox"/> Schedule B(J)</div><div><input type="checkbox"/> Schedule C2</div><div><input type="checkbox"/> Schedule D</div><div><input type="checkbox"/> Schedule F1</div><div><input type="checkbox"/> Schedule F2</div><div><input type="checkbox"/> Schedule F4</div><div><input type="checkbox"/> Schedule G</div><div><input type="checkbox"/> Schedule H</div><div><input type="checkbox"/> Schedule COH-UC</div><div><input type="checkbox"/> Schedule B-SS</div></div>		
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: <div style="display: flex; flex-wrap: wrap; justify-content: space-between; padding: 5px 0;"><div><input type="checkbox"/> Schedule A2</div><div><input type="checkbox"/> Schedule B</div><div><input type="checkbox"/> Schedule B(J)</div><div><input type="checkbox"/> Schedule C2</div><div><input type="checkbox"/> Schedule D</div><div><input type="checkbox"/> Schedule F1</div><div><input type="checkbox"/> Schedule F2</div><div><input type="checkbox"/> Schedule F4</div><div><input type="checkbox"/> Schedule G</div><div><input type="checkbox"/> Schedule H</div><div><input type="checkbox"/> Schedule COH-UC</div><div><input type="checkbox"/> Schedule B-SS</div></div>		
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, 2022



Revised January 1, 2022

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, 2022. For a report that includes activity occurring before January 1, 2022, you must use the instructions applicable before calendar year 2022, which are available on the Texas Ethics Commission's website at <https://www.ethics.state.tx.us/forms/coh/cohfrm.php>.

IMPORTANT UPDATES

Increased Disclosure Thresholds

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

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

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

Contributions Made Electronically Must Be Itemized

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

ELECTRONIC FILING

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

FILLING OUT THE FORMS

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

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

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

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

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

TEXAS ETHICS COMMISSION GUIDES

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

PHOTOCOPIES OF FORMS

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

FILING DATE

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

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

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

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

FORM C/OH: CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT

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

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

GENERAL INFORMATION

Use Form C/OH for filing the following reports:

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

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

OFFICEHOLDER ACTIVITY

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

DUTIES OF CANDIDATE OR OFFICEHOLDER

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

DUTIES OF CAMPAIGN TREASURER

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

WHERE TO FILE

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

FILING A FINAL REPORT

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

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

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

COMPLETING THE COVER SHEET

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

PAGE 1

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

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

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

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

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

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

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

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

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

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

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

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

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

See “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 \$940 in contributions or \$940 in expenditures in connection with the election must file this Exceeded Modified Reporting Limit report within 48 hours after exceeding the \$940 limit. The candidate must meet this deadline even if it falls on a weekend or a holiday.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Committee Type:

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

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

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

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

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

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

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

16. FILER ID: See instructions for section 1.

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

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

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

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

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

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

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

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

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

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

Line 4- Total Political Expenditures: Add the following:

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

Enter that total on line 4.

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

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

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

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

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

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

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

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

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

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

20. FILER ID: See instructions for section 1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS

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

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

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

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

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

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

If the contributor is an out-of-state political committee from which you accepted more than \$940 in the reporting period (including pledges or loans from sources other than financial institutions that have been in business for more than a year), you must include one of the following with your report:

- a written statement, certified by an officer of the out-of-state political committee, listing the full name and address of each person who contributed more than \$190 to the out-of-state political committee during the 12 months immediately preceding the contribution; *or*
- a copy of the out-of-state political committee's statement of organization filed as required by law with the FEC and certified by an officer of the out-of-state committee.

If the contributor is an out-of-state political committee from which you accepted \$940 or less (including pledges) during the reporting period, you must include one of the following with your report:

- a copy of the out-of-state political committee's statement of organization filed as required by law with the FEC and certified by an officer of the out-of-state committee; *or*
- a document listing the committee's name, address and phone number; the name of the person appointing the committee's campaign treasurer; and the name, address and phone number of the committee's campaign treasurer.

"ID #" Line (Electronic Filing Only): If you are filing your report electronically, you may enter in this field the out-of-state committee's Federal Election Commission (FEC) identification number. If you do not have an FEC # for the out-of-state PAC or are not filing electronically with the Commission, you must provide other documentation as explained above.

6. CONTRIBUTOR ADDRESS: Enter the complete address of the contributor.

7. AMOUNT OF CONTRIBUTION: Enter the amount of the contribution.

8. PRINCIPAL OCCUPATION OR JOB TITLE: Candidates for and holders of statewide offices in the executive branch and candidates for and holders of legislative offices must disclose the principal occupation or job title of an individual from whom the candidate or officeholder has accepted contributions (including pledges) of \$940 or more during the reporting period. In other circumstances, filers are not required to report this information but may do so.

9. EMPLOYER: Candidates for and holders of statewide offices in the executive branch and candidates for and holders of legislative offices must disclose the employer of an individual from whom the candidate or officeholder has accepted contributions (including pledges) of \$940 or more during the reporting period. In other circumstances, filers are not required to report this information but may do so.

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE B: PLEDGED CONTRIBUTIONS

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

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

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

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

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

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

- 1. TOTAL PAGES 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 \$940 or more during the reporting period. Other types of filers are not required to report this information but may do so.
- 13. EMPLOYER:** Candidates for and holders of statewide offices in the executive branch and candidates for and holders of legislative offices must disclose the full name of the employer of an individual from whom the candidate or officeholder has accepted a loan (including a pledge of a loan) of \$940 or more during the reporting period. Other types of filers are not required to report this information but may do so.

- 14. DESCRIPTION OF COLLATERAL:** If there is no collateral for the loan, check the “none” box and go to section 15. If there is collateral for the loan, enter a description of the collateral for the loan.
- 15. “Check if personal funds were deposited into political account” box:** Check this box *only if* the loan is a deposit of your personal funds into an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. Political expenditures made from that loan, and any subsequent expenditures to reimburse the candidate or officeholder, must be reported as if they were made from political contributions. The reimbursement may not exceed the amount reported as a loan. Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.
- 16. GUARANTOR INFORMATION:** If there are no guarantors for the loan, check the “Not Applicable” box and go to the next loan. If you have no further loans to report, go to the next applicable schedule.
- A person who guarantees all or part of a loan makes a reportable contribution in the amount of the guarantee. You must report such a contribution on this schedule, and not on the contributions schedule.
- 17. NAME OF GUARANTOR:** Enter the full name of the person guaranteeing the loan. If the guarantor is an individual, enter the full first and last name and suffix (Jr., III, etc.) if applicable. If the guarantor is an entity, enter the full name of the entity.
- 18. GUARANTOR ADDRESS:** Enter the complete address of the guarantor.
- 19. AMOUNT GUARANTEED:** Enter the dollar amount of the loan that the guarantor has agreed to guarantee.
- 20. PRINCIPAL OCCUPATION:** Enter the principal occupation of the guarantor.
- 21. EMPLOYER:** Enter the employer of the guarantor.

SCHEDULE F1: POLITICAL EXPENDITURES FROM POLITICAL CONTRIBUTIONS

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

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

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

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

Itemization: You must enter expenditures paid to one individual or entity during a reporting period that in the aggregate exceed \$190 on this schedule. If you made more than one expenditure to the same payee, the total of which exceeded \$190, enter each expenditure separately. Although you are not required to do so, you may also report expenditures to one person that do not exceed \$190 in the period on this schedule. If you choose not to itemize expenditures of \$190 and less on this schedule, you must total all unitemized expenditures and report them on the Cover Sheet, page 2, section 17, line 3.

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

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

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

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

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

Advertising Expense

Accounting/Banking

Consulting Expense

Contributions/Donations Made By Candidate/Officeholder/Political Committee

Credit Card Payment

Event Expense

Fees

Food/Beverage Expense

Gifts/Awards/Memorials Expense

Legal Services

Loan Repayment/Reimbursement

Office Overhead/Rental Expense

Polling Expense

Printing Expense

Salaries/Wages/Contract Labor

Solicitation/Fundraising Expense

Transportation Equipment and Related Expense

Travel In District

Travel Out Of District

Other

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

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

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

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

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

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

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

SCHEDULE F2: UNPAID INCURRED OBLIGATIONS

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

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

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

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

Unpaid Incurred Political Obligations: You must enter political obligations incurred but not yet paid to one individual or entity during a reporting period that in the aggregate exceed \$190 on this schedule. If you incurred more than one obligation to the same payee, the total of which exceeded \$190, enter each expenditure separately. Although you are not required to do so, you may also report political obligations incurred to one person that do not exceed \$190 in the period on this schedule. If you choose not to itemize incurred political obligations of \$190 and less on this schedule, you must total all unitemized obligations and report them in section 4 of this Schedule. You must also include that amount in the total unitemized political expenditures of \$190 or less on C/OH Cover Sheet, page 2, section 17, line 3.

Unpaid Incurred Non-Political Obligations: You must enter non-political obligations incurred but not yet paid to one individual or entity during a reporting period on this schedule, regardless of the amount.

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

- 1. TOTAL PAGES SCHEDULE F2:** After you have completed Schedule F2, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. TOTAL OF UNITEMIZED UNPAID INCURRED OBLIGATIONS:** Enter the total amount of political obligations incurred during the reporting period that do not exceed \$190 in the aggregate per person, unless itemized on this schedule. You are not required to itemize unpaid incurred political obligations of \$190 or less, but if you choose to do so, do not include those unpaid incurred obligations in the total you enter here.
- 5. DATE:** Enter the date the obligation was incurred. Obligations you incurred *and* paid during the reporting period are not entered on this schedule.

6. PAYEE NAME: See instructions for Schedule F1, section 5.

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

7. AMOUNT: Enter the exact amount of the incurred obligation.

8. PAYEE ADDRESS: Enter the complete address of the person to whom the obligation is owed.

9. TYPE OF EXPENDITURE: Check only one box to indicate whether the incurred obligation was political or non-political.

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

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

11. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:
See instructions for Schedule F1, section 9.

SCHEDULE F3: PURCHASE OF INVESTMENTS FROM POLITICAL CONTRIBUTIONS

These instructions are for candidates and officeholders using SCHEDULE F3: PURCHASE OF INVESTMENTS FROM POLITICAL CONTRIBUTIONS.

Use this schedule to disclose information about investments purchased from political contributions during the reporting period. Do not enter on this schedule political expenditures from political contributions, unpaid incurred obligations, expenditures made by credit card, political expenditures made from personal funds, or payments from political contributions made to a business that you own or control. (Report political expenditures from political contributions on Schedule F1; report unpaid incurred obligations on Schedule F2; report expenditures made by credit card on Schedule F4; report expenditures from personal funds on Schedule G; and report payments from political contributions made to a business that you own or control on Schedule H.)

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

Itemization: You must enter investments purchased with political contributions during a reporting period that in the aggregate exceed \$120 on this schedule. Although you are not required to do so, you may also report investments purchased with political contributions that do not exceed \$120 in the period on this schedule.

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

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

SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD

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

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

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

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

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

Political Expenditures Made by Credit Card: You must itemize political expenditures made by credit card that exceed \$190 (in the aggregate) to a single payee. If you made two or more expenditures to the same payee, the total of which exceeded \$190, enter each expenditure made by credit card separately. Although you are not required to do so, you may also report political expenditures made by credit card that do not exceed \$190 in the reporting period on this schedule. If you choose not to itemize political expenditures made by credit card of \$190 and less on this schedule, you must total all unitemized political expenditures and report them in section 4 of this Schedule. You must also include that amount in the total unitemized political expenditures of \$190 or less on C/OH Cover Sheet, page 2, section 17, line 3.

Non-Political Expenditures Made by Credit Card: You must itemize any non-political expenditure made by credit card, regardless of the amount.

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

- 1. TOTAL PAGES SCHEDULE F4:** After you have completed Schedule F4, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.

3. FILER ID: See instructions for Cover Sheet, page 1, section 1.

4. TOTAL OF UNITEMIZED EXPENDITURES CHARGED TO A CREDIT CARD:

Enter the total amount of political expenditures charged to a credit card during the reporting period that do not exceed \$190 in the aggregate per person, unless itemized on this schedule. You are not required to itemize political expenditures made by credit card of \$190 or less, but if you choose to do so, do not include those political expenditures made by credit card in the total you enter here.

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

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

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

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

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

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

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

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

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

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

11. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:

See instructions for Schedule F1, section 9.

SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS

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

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

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

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

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

Itemization: If you choose to report political expenditures from personal funds on this schedule, you must itemize political expenditures paid to one individual or entity during a reporting period that in the aggregate exceed \$190 on this schedule. If you made more than one expenditure to the same payee, the total of which exceeded \$190, enter each expenditure separately. Although you are not required to do so, you may also report expenditures to one person that do not exceed \$190 in the period on this schedule. You must total all political expenditures from personal funds that you do not itemize on this schedule and include them in the total of unitemized political expenditures on the C/OH Cover Sheet, page 2, section 17, line 3.

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

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

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

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

 “Reimbursement from Political Contributions Intended” box: Check this box if you intend to reimburse yourself for the expenditure. (In order to be reimbursed from political contributions in any amount for an expenditure made out of personal funds, you must itemize the expenditure on this schedule and check this box or you must report the expenditure as a loan to yourself on Schedule E.)
7. **PAYEE ADDRESS:** Enter the complete address of the person to whom the expenditure was made.
8. **PURPOSE OF EXPENDITURE:** See instructions for Schedule F1, section 8.
9. **DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:**
 See instructions for Schedule F1, section 9.

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

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

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

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

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

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

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

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

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

SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

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

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

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

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

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

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

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

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

Use this schedule to report information regarding any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting from the use of a political contribution or an asset purchased with a political contribution, any proceeds of the sale of an asset purchased with a political contribution, the amount of which exceeds \$120, and any other gain from a political contribution received during the reporting period.

Itemization: You must enter interest, credits, gains, refunds and returned contributions received during a reporting period that in the aggregate exceed \$120 on this schedule. Although you are not required to do so, you may also report any credit/gain/refund, or interest that does not exceed \$120 in the period on this schedule.

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

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

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

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

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

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

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

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

FORM C/OH-FR: DESIGNATION OF FINAL REPORT

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

GENERAL INFORMATION

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

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

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

Officeholders Filing a Final Report: You will not have to worry about surplus political funds and assets until you cease to be an officeholder. You may still be required to file semiannual reports of contributions and expenditures as an officeholder. The only officeholders who are not required to file semiannual reports are local officeholders who do not exceed \$940 in contributions or \$940 in expenditures during the reporting period.

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

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

COMPLETING THE FORM

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

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

ADDITIONAL INFORMATION REGARDING EXPENDITURES

EXAMPLES: REPORTING EXPENDITURES MADE BY CREDIT CARD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXAMPLES: PURPOSE OF EXPENDITURES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXAMPLES: REPORTING EXPENDITURES FROM PERSONAL FUNDS

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

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

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

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

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

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

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

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

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

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

EXAMPLES: REPORTING STAFF REIMBURSEMENT

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

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

Example #1: The payment out of the staff worker's personal funds does not exceed \$5,000 in the reporting period **and** you reimburse the staff worker from political funds in the same reporting period – You will simply itemize the payment (if over the \$190 itemization threshold) on Schedule F1 as if you made the expenditure directly to the vendor out of your political funds, with the name of the vendor who sold the goods or services as the payee for the expenditure. **Do not** disclose as the payee the name of your staff worker.

Example #2: The payment(s) out of the staff worker's personal funds are over \$5,000 in the aggregate in the reporting period **and** you reimburse the staff worker from political funds in the same reporting period – You will use a 3-step process, disclosing everything on the same report: (1) On Schedule E, disclose the total amount paid from the staff worker's personal funds as a loan from the staff worker to your campaign; (2) On Schedule F1, itemize the payments made by your staff worker separately, with the names of the vendors who sold the goods or services to your staff worker as the payees for the expenditures. **Do not** disclose as the payee the name of your staff worker; and (3) On Schedule F1, disclose the payment to your staff worker for the reimbursement of the loan.

Example #3: The payment(s) out of the staff worker's personal funds do not exceed \$5,000 in the aggregate in the reporting period **but** you reimburse the staff worker from political funds in a different reporting period – You will use a 3-step process, disclosing steps 1 and 2 on the same report and step 3 later, when the reimbursement occurs: (1) On Schedule E, disclose the total amount paid from the staff worker's personal funds as a loan from the staff worker to your campaign; (2) On Schedule F1, itemize the payments made by your staff worker separately, with the names of the vendors who sold the goods or services to your staff worker as the payees for the expenditures. **Do not** disclose as the payee the name of your staff worker; and (3) When you reimburse your staff worker, if ever, disclose on Schedule F1 of the report covering the period in which the reimbursement occurs the payment to your staff worker for the reimbursement of the loan.

CANDIDATE / OFFICEHOLDER REPORT OF UNEXPENDED CONTRIBUTIONS

FORM C/OH-UC
COVER SHEET PG 1

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 <hr style="border-top: 1px dashed black;"/> NICKNAME LAST SUFFIX		OFFICE USE ONLY Date Received Date Hand-delivered or Date Postmarked <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Receipt #</td> <td style="width: 50%; padding: 2px;">Amount \$</td> </tr> </table> Date Processed Date Imaged	Receipt #	Amount \$	
	Receipt #	Amount \$				
3 CANDIDATE / OFFICEHOLDER ADDRESS ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE <input type="checkbox"/> change of address						
4 REPORT TYPE	<input type="checkbox"/> Annual <input type="checkbox"/> Final Disposition		Date Processed			
5 PERIOD COVERED	Month Day Year Month Day Year / / THROUGH / /		Date Imaged			
6 TOTALS	1. TOTAL AMOUNT OF UNEXPENDED POLITICAL CONTRIBUTIONS AS OF DECEMBER 31 OF THE PREVIOUS YEAR.		\$			
	2. TOTAL AMOUNT OF INTEREST AND OTHER INCOME EARNED ON UNEXPENDED POLITICAL CONTRIBUTIONS DURING THE PREVIOUS YEAR.		\$			
7 SIGNATURE I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code. <div style="text-align: right; margin-right: 100px;"> _____ Signature of Candidate/Officeholder </div> <p style="text-align: center; margin: 10px 0;">Please complete either option below:</p> <p>(1) Affidavit</p> <p>NOTARY STAMP / SEAL</p> <p>Sworn to and subscribed before me by _____ this the _____ day of _____, 20_____, to certify which, witness my hand and seal of office.</p> <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 33%;">Signature of officer administering oath</td> <td style="width: 33%;">Printed name of officer administering oath</td> <td style="width: 33%;">Title of officer administering oath</td> </tr> </table> <div style="background-color: black; color: white; text-align: center; padding: 5px; margin: 10px 0;">OR</div> <p>(2) Unsworn Declaration</p> <p>My name is _____, and my date of birth is _____.</p> <p>My address is _____, _____, _____, _____, _____.</p> <p style="text-align: center; margin-left: 100px;">(street) (city) (state) (zip code) (country)</p> <p>Executed in _____ County, State of _____, on the _____ day of _____, 20_____. <div style="text-align: right; margin-right: 100px;"> _____ Signature of Candidate/Officeholder (Declarant) </div> </p>				Signature of officer administering oath	Printed name of officer administering oath	Title of officer administering oath
Signature of officer administering oath	Printed name of officer administering oath	Title of officer administering oath				

**C/OH REPORT OF UNEXPENDED CONTRIBUTIONS:
EXPENDITURES****FORM C/OH-UC****PG 2****8** C/OH NAME**9** Filer ID (Ethics Commission Filers)**10** Date**11** Payee name**13** Amount
(\$)**12** Payee address; City; State; Zip Code**14** Purpose of expenditure (See instructions regarding type of information required.)**15**Is expenditure a contribution
to a candidate, officeholder, or
political committee?☐ Yes☐ No☐ Check if travel outside of Texas. Complete Schedule T.

Date

Payee name

Amount
(\$)

Payee address; City; State; Zip Code

Purpose of expenditure (See instructions regarding type of information required.)

Is expenditure a contribution
to a candidate, officeholder, or
political committee?☐ Yes☐ No☐ Check if travel outside of Texas. Complete Schedule T.

Date

Payee name

Amount
(\$)

Payee address; City; State; Zip Code

Purpose of expenditure (See instructions regarding type of information required.)

Is expenditure a contribution
to a candidate, officeholder, or
political committee?☐ Yes☐ No☐ Check if travel outside of Texas. Complete Schedule T.

Date

Payee name

Amount
(\$)

Payee address; City; State; Zip Code

Purpose of expenditure (See instructions regarding type of information required.)

Is expenditure a contribution
to a candidate, officeholder, or
political committee?☐ Yes☐ No☐ Check if travel outside of Texas. Complete Schedule T.**ATTACH ADDITIONAL COPIES OF THIS FORM AS NEEDED**

TEXAS ETHICS COMMISSION

**CANDIDATE/OFFICEHOLDER REPORT
OF UNEXPENDED CONTRIBUTIONS**

FORM C/OH-UC – INSTRUCTION GUIDE
(PAPER FILERS ONLY)



Revised August 14, 2020

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

www.ethics.state.tx.us

(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.

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

Note: If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

Membership

The board consists of the number of members that the district had on September 1, 1995. *Education Code 11.051(b)*

Increase in
Membership

A board that has three or five members may by resolution increase the membership to seven. A board that votes to increase its membership must consider whether the district would benefit from also adopting a single-member election system under Education Code 11.052. [See Single-Member Districts, below.]

A resolution increasing the number of trustees takes effect with the second regular election of trustees that occurs after the adoption of the resolution. The resolution must provide for a transition in the number of trustees so that when the transition is complete, trustees are elected as provided by Education Code 11.059 (terms).

Education Code 11.051(c)

Terms

A trustee of a district serves a term of three or four years.

Elections for trustees with three-year terms shall be held annually. The terms of one-third of the trustees, or as near to one-third as possible, expire each year.

Elections for trustees with four-year terms shall be held biennially. The terms of one-half of the trustees, or as near to one-half as possible, expire every two years.

Board policy must state the schedule on which specific terms expire.

Education Code 11.059

Note: For website posting requirements regarding trustee information, see CQA.

**Uniform Election
Dates**

Each general or special election of board members shall be on one of the following dates:

1. The first Saturday in May.

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

2. The first Tuesday after the first Monday in November.

Election Code 41.001(a)

Joint Elections

Required

A district trustee election shall be held on the same date as:

1. The election for the members of the governing body of a municipality located in the district;
2. The general election for state and county officers, which is held on the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002;
3. The election for the members of the governing body of a hospital district, if the school district:
 - a. Is wholly or partly located in a county with a population of less than 40,000 that is adjacent to a county with a population of more than three million; and
 - b. Held its election for board members jointly with the election for the members of the governing body of the hospital district before May 2007; or
4. The election for the members of the governing board of a public junior college district in which the school district is wholly or partly located.

Elections held on the same date as provided above shall be held as a joint election under Election Code Chapter 271, and the voters shall be served by common polling places consistent with Election Code 271.003(b).

Education Code 11.0581(a)–(c)

A board may enter into an agreement with another political subdivision holding an election on the same day in all or part of the same county to hold the elections jointly. The terms of a joint election agreement must be stated in an order, resolution, or other official action adopted by the board. *Election Code 271.002*

**Methods of
Election—Options**

At Large

In a district in which the positions of trustees are not designated by number or in which the trustees are not elected from single-member trustee districts, the candidates receiving the highest number of votes shall fill the positions the terms of which are normally expiring. *Education Code 11.057(b)*

Position or Place

The positions on the board shall be designated by number in any district in which the board by resolution orders that all candidates for trustee be voted on and elected separately for positions on the board and that all candidates be designated on the official ballot

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

according to the number of the positions for which they seek election.

Not later than the 60th day before the date of an election, the board must make the resolution and number the positions on the board in the order in which the terms of office expire. Once a board has ordered the election of trustees by numbered positions, neither the board nor their successors may rescind the action.

Education Code 11.058(c)–(f)

Single-Member
Districts

*On Board's
Motion*

Except as provided below, the board, on its own motion, may order that trustees of the district are to be elected from single-member districts or that not fewer than 70 percent of the members of the board are to be elected from single-member districts with the remaining board members to be elected from the district at large.

If a majority of the area of a district is located in a county with a population of less than 10,000, a board, on its own motion, may order that trustees of the district are to be elected from single-member districts or that not fewer than 50 percent of the members of the board are to be elected from single-member districts with the remaining board members to be elected from the district at large.

Before adopting an order, a board must:

1. Hold a public hearing at which registered voters of a district are given an opportunity to comment on whether or not they favor the election of trustees in the manner proposed by the board; and
2. Publish notice of the hearing in a newspaper that has general circulation in the district, not later than the seventh day before the date of the hearing.

An order adopted by the board must be entered not later than the 120th day before the date of the first election at which all or some of the trustees are elected from single-member districts authorized by the order.

Education Code 11.052(a)–(d)

By Voter Petition

If at least 15 percent or 15,000 of the registered voters of the district, whichever is less, sign and present to the board a petition requesting submission to the voters of the proposition that trustees be elected in a specific manner, which must be generally described on the petition and which must be a manner of election the board could have ordered on its own motion, the board shall order that the appropriate proposition be placed on the ballot at the first regular election of trustees held after the 120th day after the date the

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

petition is submitted to the board. The proposition must specify the number of trustees to be elected from single-member districts. Beginning with the first regular election of trustees held after an election at which a majority of the registered voters voting approve the proposition, trustees shall be elected in the manner prescribed by the approved proposition. *Education Code 11.052(e)*

*Board Member
Districts*

If single-member districts are adopted or approved by either method described above, the board shall divide the district into the appropriate number of trustee districts, based on the number of members that are to be elected from single-member districts, and shall number each trustee district. The trustee districts must be compact and contiguous and must be as nearly as practicable of equal population. In a district with 150,000 or more students in average daily attendance, the boundary of a trustee district shall not cross a county election precinct boundary except at a point at which the district boundary crosses the county election precinct boundary. Trustee districts must be drawn not later than the 90th day before the date of the first election of trustees from those districts. *Education Code 11.052(f)*

*Residency for
First Election*

Residents of each trustee district are entitled to elect one trustee to the board. A trustee elected to represent a trustee district at the first election of members must be a resident of the district the trustee represents not later than the 90th day after the date election returns are canvassed, or the 60th day after the date of a final judgment in an election contest filed concerning that trustee district. A trustee vacates the office if the trustee fails to move into the district the trustee represents within the time provided. [For more information on residency, see BBA and BBC.] *Education Code 11.052(g)*

*Number and
Term*

At the first election at which some or all of the trustees are elected from single-member trustee districts and after each redistricting, all positions on a board shall be filled. The trustees then elected shall draw lots for staggered terms as provided by Education Code 11.059 (terms). *Education Code 11.052(h)*

Redistricting

Not later than the 90th day before the date of the first regular board election at which trustees may officially recognize and act on the last preceding federal census, a board shall redivide a district into the appropriate number of trustee districts if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than ten percent. Redivision of a district shall be in the manner provided above at Board Member Districts. *Education Code 11.052(i)*

Phase-in Option

The board of a district that adopts a redistricting plan may provide for the trustees in office when the plan is adopted or the district is

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

redistricted to serve for the remainder of their terms in accordance with this provision. The trustee district and any at-large positions provided by the district's plan shall be filled as the staggered terms of trustees then in office expire. Not later than the 90th day before the date of the first election from trustee districts and after each re-districting, a board shall determine the order in which the positions will be filled. *Education Code 11.053*

**Boundary Change
Notice**

A district that changes its boundaries or the boundaries of districts used to elect members to the board shall not later than the 30th day after the date the change is adopted:

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and
2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

Election Code 42.0615

**Methods of Voting—
Options**

Plurality

Except as otherwise provided at Majority, below, to be elected to a public office, a candidate elected at large, at large by position, or by single-member districts must receive more votes than any other candidate for the office. *Education Code 11.057(a), (b); Election Code 2.001*

Cumulative

The board of a district that elects its trustees at large or at large by position may order that elections for trustees be held using the cumulative voting procedure.

If a board adopts an order requiring the use of cumulative voting, only the board member positions that were scheduled to be filled at the election are filled through the use of cumulative voting.

At an election at which more than one board member position is to be filled, all of the positions that are to be filled at the election shall be voted on as one race by all the voters of a district. Each voter is entitled to cast a number of votes equal to the number of positions to be filled at the election.

A voter may cast one or more of the specified number of votes for any one or more candidates in any combination. Only whole votes may be cast and counted. If a voter casts more than the number of votes to which the voter is entitled in the election, none of the voter's votes may be counted in that election. If a voter casts fewer votes than entitled, all of the voter's votes are counted in that election.

BOARD MEMBERS
ELECTIONS

BBB
(LEGAL)

The candidates who are elected are those, in the number to be elected, receiving the highest number of votes.

A district that adopts an order requiring the use of cumulative voting may not elect its members by position as provided by Education Code 11.058.

Education Code 11.054

Majority

The board of a district in which the positions of trustees are designated by number or in which the trustees are elected from single-member districts may provide by resolution, not later than the 180th day before the date of an election, that a candidate must receive a majority of the votes cast for a position or in a trustee district, as applicable, to be elected.

The resolution is effective until rescinded by a subsequent resolution adopted not later than the 180th day before the date of the first election to which the rescission applies.

Education Code 11.057(c)

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

Note: If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

Resignation

To be effective, a board member's resignation must be in writing and signed by the board member and delivered to the presiding officer of the board. A board may not refuse to accept a resignation. *Election Code 201.001*

Effective Date

If a board member submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the board or on the eighth day after the date of its receipt by the board, whichever is earlier. *Election Code 201.023*

Holdover Doctrine

All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified (i.e., sworn in). Until the vacancy created by a board member's resignation is filled by a successor, the board member continues to serve and have the duties and powers of office and continues to be subject to the nepotism provisions. A holdover board member may not vote on the appointment of his or her successor. *Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Ops. JM-636 (1987), O-6259 (1945)* [See DBE for more information on nepotism]

Residency

A person elected or appointed to serve as a board member must remain a resident of the district throughout the term of office. A board member who ceases to reside in the district vacates the office. *Tex. Const., Art. XVI, Sec. 14; Prince v. Inman, 280 S.W.2d 779 (Tex. Civ. App.—Beaumont 1955, no writ); Whitmarsh v. Buckley, 324 S.W.2d 298 (Tex. Civ. App.—Houston 1959, no writ)* [See BBA]

Single-Member
District

A trustee vacates the office if the trustee ceases to reside in the district the trustee represents. *Education Code 11.052(g)*

Filling a Vacancy

If a vacancy occurs on the board, the remaining board members may fill the vacancy by appointment until the next trustee election, or may order a special election to fill the vacancy. If more than one year remains in the term of the position vacated, the vacancy shall be filled not later than the 180th day after the date the vacancy occurs. *Education Code 11.060*

BOARD MEMBERS
ELECTIONS

BBB
(LOCAL)

Membership	The Board shall consist of seven members.
Method of Election	Election of Board members shall be by single-member districts, also known as wards.
Election Date	General election of Board members shall be on the May uniform election date.
Terms and Election Schedule	Board members shall be elected for three-year terms, with elections conducted annually, as follows:
Districts (Wards) 1 and 7	The election for single-member districts (wards) 1 and 7 shall be held in 2023, 2026, 2029, and in three-year intervals thereafter.
Districts (Wards) 2, 3, and 5	The election for single-member districts (wards) 2, 3, and 5 shall be held in 2025, 2028, 2031, and in three-year intervals thereafter.
Districts (Wards) 4 and 6	The election for single-member districts (wards) 4 and 6 shall be held in 2024, 2027, 2030, and in three-year intervals thereafter.
Method of Voting	To be elected, a candidate must receive more votes than any other candidate for the single-member district.
Plurality	

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

Appointment	To be eligible to be appointed to a board, a person must have the qualifications set forth at Election Code 141.001(a). <i>Election Code 141.001(a)</i> [See BBA]
Special Election	<p>A special election to fill a vacancy shall be conducted in the same manner as the district's general election. <i>Education Code 11.060(c)</i></p> <p>An election to fill a vacancy shall be to fill the unexpired term only. <i>Tex. Const. Art. XVI, Sec. 27</i></p>
<i>Date of Election</i>	A special election to fill a vacancy shall be held on an authorized uniform election date occurring within the required period after the vacancy occurs. If no uniform election date affords enough time to hold the election in the manner required by law, the election shall be held on the first authorized uniform election date occurring after the expiration of the period. <i>Election Code 41.001(a), .004(a); Atty. Gen. Op. KP-102 (2016)</i> [See BBB]
<i>Ordering Election</i>	<p>If a vacancy is to be filled by special election, the election shall be ordered as soon as practicable after the vacancy occurs. <i>Election Code 201.051(a)</i></p> <p>Except as otherwise provided by the Election Code, a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 46th day after the date the election is ordered. <i>Election Code 201.052(a)</i></p> <p>If the special election is to be held on the date of the general election for state and county officers, the election shall be ordered not later than the 78th day before election day. The general election for state and county officers is the first Tuesday after the first Monday in November in even-numbered years. <i>Election Code 41.002, 201.051</i></p>
Officer's Statement and Oath	For requirements regarding the officer's statement and oath of office, see BBBB(LEGAL).
Former Board Member Employment	A trustee may not accept employment with the district until the first anniversary of the date the trustee's membership on a board ends. <i>Education Code 11.063</i>
Involuntary Removal from Office	On his or her own motion or at the request of an individual, the attorney general or the county or district attorney may petition the district court for leave to file an information in the nature of quo warranto. An action in the nature of quo warranto is available if:
Quo Warranto	<ol style="list-style-type: none">1. A person usurps, intrudes into, or unlawfully holds or executes an office; or2. A public officer does an act or allows an act that by law causes forfeiture of office.

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

If the person against whom the information is filed is found guilty as charged, the court:

1. Shall enter judgment removing the person from the office and for the costs of prosecution; and
2. May fine the person for usurping, intruding into, or unlawfully holding and executing the office.

Civ. Prac. & Rem. Code 66.001–.003

Removal by Petition
and Trial

A proceeding for the removal of a board member is begun by filing a written petition for removal in district court of the county in which the board member resides. A resident of the state who has lived for at least six months in the county in which the petition is to be filed and who is not currently under indictment in the county may file a petition. *Local Gov't Code 87.015*

*Reasons for
Removal*

A board member may be removed from office for:

1. “Incompetency,” which means:
 - a. Gross ignorance of official duties;
 - b. Gross carelessness in the discharge of those duties; or
 - c. Unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of election.
2. “Official misconduct,” which means intentional, unlawful behavior relating to official duties by a board member entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of a board member to perform a duty imposed on the board member by law.
3. Intoxication on or off duty caused by drinking an alcoholic beverage, but not if it was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician.
4. Conviction of a board member by a jury for any felony or for misdemeanor official misconduct. The conviction of a public officer by a petit jury for any felony or for a misdemeanor involving official misconduct operates as an immediate removal from office of that officer.

Tex. Const., Art. V, Sec. 24; Local Gov't Code 87.011, .012(14), .013, .031

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

*Removal for
Purchasing
Violations*

See CH for information regarding removal for purchasing violations.

**Temporary
Replacement of
Board Member on
Military Active Duty**

A board member who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but the board may appoint a replacement to serve as a temporary board member if the elected or appointed board member will be on active duty for longer than 30 days.

The board member who is temporarily replaced may recommend to the board the name of a person to temporarily fill the office. The board shall appoint the temporary board member to begin service on the date specified in writing by the board member being temporarily replaced as the date the board member will enter active military service.

A temporary board member has all the powers, privileges, and duties of the office as the board member who is temporarily replaced. A temporary board member shall perform the duties of office for the shorter period of:

1. The term of the active military service of the board member who is temporarily replaced; or
2. The term of office of the board member who is temporarily replaced.

“Armed forces of the United States” means the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard.

Tex. Const., Art. XVI, Sec. 72

**Campaign Treasurer
Appointment**

Each candidate shall appoint a campaign treasurer as provided by Election Code, Chapter 252. An individual may appoint himself or herself as campaign treasurer. *Election Code 252.001, .004*

Contents

A campaign treasurer appointment by a candidate must be in writing and include:

1. The campaign treasurer's name, residence or business street address, and telephone number;
2. The name of the person making the appointment;
3. The candidate's telephone number; and
4. A statement, signed by the candidate, that the candidate is aware of the nepotism law. [See DBE]

Election Code 252.002, .0032

Filing Authority

A candidate for a school board must file the campaign treasurer appointment and all required financial statements with the clerk or secretary of the board or, if the district has no clerk or secretary, with the board's presiding officer. *Election Code 252.005(3)*

A specific-purpose committee for supporting or opposing a candidate for the board must file its campaign treasurer appointment with the same authority. *Election Code 251.001(13), 252.006*

A specific-purpose committee for supporting or opposing a measure must file its campaign treasurer appointment with the secretary of the board or, if the district has no secretary, with the board's presiding officer. *Election Code 252.007(3)*

Period of
Effectiveness

A campaign treasurer appointment takes effect at the time it is filed and continues in effect until terminated. *Election Code 252.011*

**Termination of
Appointment**

Removal

A campaign treasurer 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. The appointment of a successor terminates the appointment of the campaign treasurer who is removed. *Election Code 252.012*

Board Action

A board by order may adopt a process by which the clerk or secretary, as applicable, of the district 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.

The order must:

1. Define "inactive candidate or political committee" for purposes of terminating the campaign treasurer appointment; and

2. Require written notice to the affected candidate or committee of the proposed termination; the date, time, and place of the meeting at which the board will consider the proposed termination; and the effect of termination of the campaign treasurer appointment.

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 Election Code Chapter 254 (Political Reporting);
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 board; and
3. Has not filed a final report under Election Code 254.065 or 254.125, or a dissolution report under Election Code 254.126 or 254.159.

Before the clerk or secretary of the district may terminate a campaign treasurer appointment, the board must consider the proposed termination in a regularly scheduled open meeting.

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 board votes to terminate the appointment. Following that meeting, the clerk or secretary of the district 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.

Election Code 252.0131

**Contributions and
Expenditures**

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. *Election Code 253.031(a)*

Recordkeeping

Each candidate and each officeholder shall maintain a record of all reportable activity. The record must contain the information necessary for filing the reports required by Election Code Chapter 254. *Election Code 254.001*

Reporting

*Candidates and
Officeholders*

Reports by candidates and officeholders shall be filed with the authority with whom the campaign treasurer appointment is required to be filed. *Election Code 254.066, .097* [See Filing Authority, above]

*Specific-Purpose
Committee*

Except as provided below at Bonds, reports by a specific-purpose committee shall be filed with the authority with whom the political committee's campaign treasurer appointment is required to be filed.

Bonds

A specific-purpose committee created to support or oppose a measure on the issuance of bonds by a district shall file reports with the Ethics Commission.

Election Code 254.130

Note: The following provisions apply only to a district located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000.

Internet Posting

A report filed under Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or board member must be posted on the Internet website of the district. This access is in addition to the public's access to the information through other electronic or print distribution of the information.

The report must be available to the public on the district's website not later than the fifth business day after the date the report is filed with the district.

Before making a report available on its website, the 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, the information must remain available on the report maintained in the district's office.

Election Code 254.04011

Electioneering

The board may not use state or local funds or other resources of the district to electioneer for or against any candidate, measure, or political party. *Education Code 11.169*

Political Advertising

An officer or employee of a district may not knowingly spend or authorize the spending of public funds for the purpose of political advertising. This 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.

An officer or employee of a district 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.

It is an affirmative defense to prosecution for an offense under these provisions or the imposition of a civil penalty for conduct under these provisions that the officer or employee reasonably relied on a court order, or an interpretation of these provisions in a written opinion issued by a court of record, the attorney general, or the Ethics Commission.

On written request of the board that has ordered an election on a measure, the Ethics Commission shall prepare an advance written advisory opinion as to whether a particular communication relating to a measure does or does not comply with these provisions.

Election Code 255.003 [See CPAB regarding use of the internal mail system for political advertising.]

Definition

“Political advertising” means a communication that supports or opposes a political party, a public officer, a measure, or a candidate for nomination or election to a public office or office of a political party, and:

1. Is published in a newspaper, magazine, or other periodical in return for consideration;
2. Is broadcast by radio or television in return for consideration;
3. Appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or
4. Appears on an internet website.

“Political advertising” does not include an individual communication made by email or text message but does include mass emails and

text messages involving an expenditure of funds beyond the basic cost of hardware, messaging software, and bandwidth.

1 TAC 20.1(11); Election Code 251.001(16)

Newsletters

A newsletter of a public officer of a district is not political advertising if:

1. It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;
2. It includes no more than eight personally phrased references on a page that is 8 1/2" x 11" or larger, with a reasonable reduction in the number of such personally phrased references in pages smaller than 8 1/2" x 11"; and
3. When viewed as a whole and in the proper context:
 - a. Is informational rather than self-promotional;
 - b. Does not advocate passage or defeat of a measure; and
 - c. Does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

1 TAC 26.2

Disclosure
Statement

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 the:
 - a. Person who paid for the political advertising;
 - b. Political committee authorizing the political advertising; or
 - c. Candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

Political advertising that is authorized by a candidate, an agent of a candidate, or a political committee filing reports under Election Code Title 15 shall be deemed to contain express advocacy.

These requirements do not apply to tickets or invitations to political fundraising events; campaign buttons, pins, hats, or similar campaign materials; or circulars or flyers that cost in the aggregate less than \$500 to publish and distribute.

Election Code 255.001(a), (b), (d)

A required disclosure statement must contain the words “political advertising” or any recognizable abbreviation and comply with 1 Administrative Code 26.1. 1 TAC 26.1

Note: For specific information regarding political advertising and campaign communications by candidates, including offenses, see Election Code 255.001–.006. For information regarding political signs, see Election Code Chapter 259.

Nepotism

A candidate may not take affirmative action to influence a district employee or current trustee regarding the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of another individual related to the candidate within a prohibited degree of relationship under the nepotism law. [See DBE] This prohibition does not apply to a candidate’s actions taken regarding a bona fide class or category of employees or prospective employees. *Gov’t Code 573.042*

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](#).

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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](#).

Violations of the law often occur because someone finds it irresistible to wrap up a factual explanation with a motivational slogan such as:

***GOOD SCHOOLS ARE THE FOUNDATION
OF A GOOD COMMUNITY***

or

EVERY CHILD DESERVES A GOOD EDUCATION

Another common misstep is to include “calls to action” such as:

PUT CHILDREN FIRST

or

SHOW THAT YOU CARE ABOUT EDUCATION

Remember: No matter how much factual information about the purposes of a measure election is in a communication, *any amount* of advocacy is impermissible.

★ A violation of the prohibition is a **Class A misdemeanor**. This means that a violation could lead to criminal prosecution. Also, the Ethics Commission has authority to impose fines for violations of section 255.003.

Another provision of the Texas Election Code prohibits a school district board member or employee from using or authorizing the use of an internal mail system to distribute political advertising. An internal mail system is a system operated by a school district to deliver written documents to its board members or employees. A violation of this prohibition could also lead to the imposition of fines by the Ethics Commission or to criminal prosecution.

Although you may not use school district resources for political advertising, you are free to campaign for or against a proposition on your own time and with your own resources. If you do plan to become involved in a campaign, you should educate yourself about filing requirements and about the rules regarding disclosures on political advertising.

Information is available from the Texas Ethics Commission by phone at (512) 463-5800 or on the Ethics Commission’s web site at <https://www.ethics.state.tx.us>.

A SHORT GUIDE TO THE PROHIBITION AGAINST USING SCHOOL DISTRICT RESOURCES FOR POLITICAL ADVERTISING



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A SHORT GUIDE TO THE PROHIBITION AGAINST USING SCHOOL DISTRICT RESOURCES FOR POLITICAL ADVERTISING

No matter how enthusiastic you are about an election, it is important to remember that the Texas Election Code prohibits the use of political subdivision resources to produce or distribute political advertising in connection with an election. Section 255.003 of the Election Code provides as follows:

- An officer or employee of a political subdivision may not spend or authorize the spending of public funds for political advertising.
- This section 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.
- A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

New legislation effective September 1, 2009, further clarifies that 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 for or against the measure.

To understand the practical significance of this prohibition, it is useful to look at some of the specific words and phrases used in the law.

“Political advertising” means:

- (1) a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, or a public officer, 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; and
- (2) a communication that advocates passage or defeat of a measure, and 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.

Newsletter of Public Officer of a Political Subdivision. The Ethics Commission adopted a rule providing guidelines for when a newsletter of a public officer of a political subdivision is not political advertising. Texas Ethics Commission Rule 26.2 provides as follows:

For purposes of section 255.003 of the Election Code, a newsletter of a public officer of a political subdivision is not political advertising if:

- (1) It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;
- (2) It includes no more than eight personally phrased references (such as the public officer’s name, “I”, “me”, “the city council member”) on a page that is 8 ½” x 11” or larger, with a reasonable reduction in the number of such personally phrased references in pages smaller than 8 ½” x 11”; and
- (3) When viewed as a whole and in the proper context:

(A) is informational rather than self-promotional;

(B) does not advocate passage or defeat of a measure; and

(C) does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

- ★ The prohibition applies to any **“officer or employee of a political subdivision.”** In other words, if a school district employee makes a decision to use district resources in violation of the prohibition, the employee could be fined by the Ethics Commission or held criminally liable. School board members, as “officers” of a school district, are also subject to the prohibition.
- ★ A school district board member or employee would violate the prohibition by **“spending or authorizing the spending of public funds”** for political advertising. Not only does this mean that the school district may not purchase or authorize the purchase of new materials for use in creating political advertising, it also means that a school district board member or employee would violate the prohibition by using existing paper and machinery to generate, display, or distribute political advertising.

Also, it is not permissible to authorize the use of the paid time of school district employees to create or distribute political advertising. For example, school district staff may not copy, staple, or distribute political advertising on work time. Nor is it permissible to have school children work on political advertising during school time.

- ★ The prohibition does not apply to **“a communication that factually describes the purposes”** of a measure election. In other words, it is permissible to use district resources to produce explanatory material about what is at stake in a measure election. However, the communication may not contain information that an officer or employee of a political subdivision knows is false. The information must not be sufficiently substantial and important, such that it would be reasonably likely to influence a voter to vote a certain way.

Effective Board Practices:

An Inventory for School Boards



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An Inventory for School Boards



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Effective Board Practices: An Inventory for School Boards

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Introduction

Every school board wants first and foremost to ensure that students in the district succeed at the highest levels possible. Every decision the board makes and all the resources it marshals for the district are ultimately intended to promote this end.

To be successful over the long haul in promoting increased student achievement, the board must govern with vision, knowledge, and consistency.

Effective boards are marked by certain characteristics:

1. *They have embraced a vision and a set of clearly defined priorities for the district that structure both the board's decision making and the work of the district staff.* Vision and goals ensure both the district and the board have a clear focus for their efforts. When well considered, a vision and goals can also energize the staff, the students, and the entire community to work together for the common good of the community's and its citizens' future.
2. *They have a clear picture of what their work entails.* That is, the board understands its job relative to the work of others and knows the tools at the board's disposal for performing the job.
3. *They have formalized their work.* That is, the board has developed and follows clearly defined procedures and schedules for doing its work.
4. *They foster, through their own practices, the free flow of information within the community.* The free flow of information ensures the community is informed about and involved in the district's efforts to make its vision a reality.

All boards embody these characteristics in some measure. But truly effective boards—those that have positioned themselves to contribute consistently to increased student achievement—have institutionalized certain practices to make sure the tasks that promote improvement are performed regularly, consistently, and effectively.

Effective Board Practices: An Inventory for School Boards examines how fully the board currently embraces these characteristics of effectiveness. It lists practices in four areas that are the foundations for embodying the characteristics. If the board ignores the



practices listed here or performs them only perfunctorily, its capacity for leadership and the district's capacity for sustained improvement are left to chance and haphazard action. If it embraces them fully, the board will be positioned to make a consistent and sustained contribution to increased student achievement.

The Inventory is intended in large measure as a *planning* tool for boards that want to move to a higher level of effectiveness. *Very few boards are expected to be able to check off all the items on the Inventory in their initial review.* In fact, many boards will be able to check off only a handful. Inability to check off many items on the list does not mean the board is doing a poor job. It means only that the board may not be in a position to sustain its success over the long run. By incorporating more of the practices into its standard operations, the board will be providing both the district and the community with important vehicles for continued success.

Before checking your board's practices against the Inventory, be sure to read the pages that follow. These pages provide insight into why each of the activities is important. For more information about different activities contained in the Inventory, check the TASB Web Site at LTS.tasb.org/resources. This resources section contains information about the Inventory and other information about best practices in governance and oversight.

Working as a corporate board to secure the best education for the children of the community is a far more difficult task than it may seem to the average community member. The Inventory can help your board make sure its work is structured to promote both board and district success.

1. Planning and Governance

The primary way a school board governs a district is by setting direction for the district—articulating the culture it wants the district to embody, establishing the outcomes the board would like the district to achieve, and expressing and supporting the aspirations of the community for the future of its children. The most efficient vehicles for doing this are a clearly articulated vision and both annual and long-term goals. The goals give staff clear direction in achieving the district vision. Without a well-formed vision and goals there can be a lack of a clear sense of purpose and direction in the district. A clear district vision and goals coordinate the decisions and focus of the district staff.

It is important that the board and superintendent ensure that a vision and goals are in place for the district and that they use them to guide their own work and the decisions they make. In doing so, the board-superintendent team expresses its commitment to the vision and goals and ensures that they are used to coordinate the efforts within the district.

Vision

A vision statement outlines an ideal picture of what is desired for the district in the long term. It should be attainable and cause the district to reach beyond where it is currently. A well-formed vision statement is written and usually speaks to what is desired for the students, their learning environment, and the community.

A good vision statement should energize the board-superintendent team and the district staff. It should go beyond platitudes or generic statements and express the real aspirations of the community for the future of its children. Because the vision statement is really a statement of community aspirations, the board-superintendent team, which has been entrusted by the community to articulate and follow through on these aspirations, may want to solicit input from the staff and community when the vision is being developed. This will make the vision broader and will increase the support by the community and staff for its long-term attainment.

Even though a good vision statement may be useful for many years, it should be reviewed periodically and updated as needed. A good rule of thumb is to review the vision statement at least every five years. Some districts choose to review their vision statement more frequently.



Goals

District goals are more specific than a district vision. They can be short- or long-term and are focused on the results the district's leaders would like as part of the effort in achieving the vision. The goals address the issues the board would like the district's staff to spend special time, effort, and resources on in the coming year and in the long term. The board uses these goals to assess its decision making. The administration should use the goals to set work priorities for itself and the staff.



When setting goals, it is important that the board look comprehensively at the needs of the district and choose priorities carefully. To do this, the board needs the input of the superintendent and staff when setting district goals.

In addition to goals, the board must adopt student performance objectives each year. These objectives are related to the measures tracked in the Texas Academic Performance Report (TAPR). These objectives address specific and important student achievement measures. While these student performance objectives are required by law, they may not fully reflect the board's top priorities for the district. It is common for a district to have a set of district goals (three to eight is a common number) along with performance objectives related to the TAPR. Some of those goals may pinpoint aspects of the student performance objectives the board feels deserve special attention.

For each goal that is developed, there should be specific criteria included. These criteria help clarify what is expected by those charged in achieving them. Without clear criteria for achieving goals, staff may become confused about what specifically is expected.

District goals can be developed in a number of different ways. They can be developed by the board and the superintendent with input from some other key administrators if desired. In some districts, other staff members and/or parents may be involved in the development of the district goals. In others, district goals are developed by the administration and given to the board for its consideration and adoption.

Regardless of how the goals are developed, it is important that the board be fully committed to them. To ensure that the goals consistently represent the priorities of the district, it is important that the board take some action on them annually. This can include the board's reviewing, revising, and readopting the goals.

Achieving the Vision and Goals

The district's vision and goals should be consistently on the board's mind. The board should take no action on major items without first formally questioning what, if any, effect it will have on the district moving forward toward accomplishing its goals.

One of the ways the board can monitor the advancement of district goals is by focusing the superintendent's evaluation process on the attainment of the district goals. To do this the board will want to develop superintendent performance goals. These performance goals clearly articulate what the board wants to see the superintendent focusing his or her time on to achieve the district goals. If the board is clear in its expectations, it is more likely that the superintendent will devote significant time in ensuring the district's priorities are achieved.

As part of the process of developing superintendent performance goals, the board should request scheduled periodic reports from the superintendent. These reports are designed to give the board information on what the superintendent and staff are doing to ensure progress is being made on specific district goals. Another of the things the board must do to ensure the successful completion of district goals is to adopt a budget that adequately funds the district's priorities. The board needs to ask questions of the superintendent about the adequacy of funding for district goals when he or she presents the budget. If the goals are adequately funded, the likelihood of their being achieved is far greater than if they are underfunded.

The Planning and Governance items in the Inventory will assist the board in knowing if it has fully incorporated effective practices into its routine operations.

2. Oversight of Management

Clearly defining and respecting the differences between the board's and superintendent's roles are crucial to avoiding misunderstandings, inefficiency, and possible conflict between the board and superintendent. Texas statute assigns to the board the task of "overseeing the management of the district." The task of managing the district is assigned to the superintendent, who is the chief executive officer of the district. Understanding the difference between these two functions is absolutely essential.

A simple but effective way to characterize these two distinct activities is as follows:

Management consists of three activities:

- Putting plans, procedures, programs, and systems in place to achieve a clearly defined, desired result
- Monitoring those plans, procedures, programs, and systems against appropriate benchmarks or measures of effectiveness
- Changing the plans, procedures, etc., if they are not proving successful in achieving the desired result



Oversight of management consists of three related activities:

- Making sure there are clearly defined, desired results in place for the major areas under management
- Making sure the clearly defined, desired results are appropriate
- Making sure that plans, procedures, programs, or systems are in place, that they are monitored, and that they are changed if necessary

One sometimes hears about board efforts to "micromanage" the district. Micromanagement by boards, when it occurs, is usually a product of the failure of the board and superintendent to adequately and explicitly discuss and define the difference between management and oversight of management. Micromanagement by individual trustees usually occurs when the board has not fully established appropriate vehicles for the board to oversee management as a body corporate.

In essence, the superintendent is responsible for systematically managing the district by ensuring plans, systems, and procedures exist, are monitored, and adjusted as necessary. The board's oversight function is to ensure that the superintendent is systematically managing the district by doing these things.



As the manager of the district, the superintendent should ask and answer certain questions about the major areas of district operations. “What are we trying to accomplish in this area of district operations?” “How can we assess whether or not we are succeeding?” “What standard of performance are we aiming at?” Some of the areas of operations the superintendent should be asking these questions about include maintenance, transportation, food services, human resources, and curriculum development and assessment, among others. Another important part of the superintendent's job is determining how to measure and assess the effectiveness in each of these areas.

The board, in its oversight role, will want to ensure that the superintendent is clear on what the measures for success or standards are for all of the major areas of district operations. To do this, the board should to be systematically briefed by the superintendent about key operational areas. These periodic briefings should include what the measures of success are in the different operational areas and how well the district is doing in meeting these measures. By understanding the standards, the board can use this information to guide its deliberations on budgets, policy, and other issues related to operations that come before the board. The briefings about the operational areas will help the board understand what areas need improvement so it can make decisions to support those areas as needed.

Systematic management by superintendents will compel better decision making and should discourage second guessing by the board. Second guessing the superintendent's individual management decisions by the board is counterproductive and does not further the cause of good management or good oversight of management over the long term.

Oversight and Superintendent Evaluation

The board's annual evaluation of superintendent performance should focus foremost on the superintendent's success in meeting priority performance goals discussed in the Planning and Governance Section above. These goals should be tied to district goals, including those that address student achievement. The focus of priority performance goals should be how well the superintendent has done in moving the district forward in achieving the district's goals.

In addition, however, the board will want to evaluate the superintendent's success in systematically managing the district. Items on the evaluation document that target systematic management should focus on whether the superintendent has put plans, programs, and procedures in place to achieve desired results in the major areas of district operations; whether the standards are appropriate; how effectively the plans are monitored; and whether data from the monitoring is used to plan improvements.

This approach offers a suitable avenue for assessing oversight of management. It discourages the common tendency among boards to focus on management style in the evaluation instead of on recognizing where the superintendent is effectively performing the basic tasks of systematic management.

The Oversight of Management items in the Inventory will assist the board in knowing if it has fully defined with its superintendent the respective roles of the board and superintendent in this crucial area of district operations.

3. Board–Superintendent Team Operations

Clarifying Assumptions and Expectations

Local school boards are expected to work as a body corporate in making decisions. To do this well, the board must set clear expectations for how the group will function in this unique way. Several tools and practices exist to help clarify the work and expectations of the board-superintendent team. These include team building, a code of ethics, written board operating procedures, and a board activity calendar. These practices and tools can help clarify the work of the board-superintendent team. Working as a body corporate demands that the members agree on procedures in advance, since no one member has the authority to dictate or decide for the entire team. Personal conflicts will decrease and the possibility of the board's success will increase as each member gains familiarity with his or her colleague's intentions, expectations, and assumptions.



Self-Assessment and Team Building

Any organization that expects to operate effectively will periodically engage in some form of self-assessment. Conducting a self-assessment is an opportunity for the board to evaluate how well it has done in functioning as a body corporate. Completing a self-assessment as part of the annual team-building requirement is an opportunity for the board and superintendent team to determine what needs to be improved to function more effectively in the future. It is important that expectations and standards on how to improve the team's practices and behaviors are clearly articulated during this process.

Ethics and Operating Procedures

Two good ways for a board to clarify assumptions and expectations are to adopt a code of conduct or statement of ethical principles and written board operating procedures. Statements of ethical principles help to articulate ideal behavior and are intended to guide board members' actions. Discussion by board members about what to include in a code of conduct and in a set of operating procedures can help the members of the team further understand the expectations, priorities, and motivations among members of the board. These types of discussions can help identify possible sources of conflict in the future and reduce their likelihood.

Written board operating procedures are intended to define clearly how to carry out regular board tasks. Many people wrongly assume that the way to perform routine tasks is commonly known and understood by all members of the board. This is an incorrect assumption and often contributes to inefficiency, inconsistency in trustee actions, and failure to carry out important tasks.



New board members and new superintendents often find written operating procedures to be very helpful. They help new members of the team understand the operations of the team in an efficient and useful manner. Lack of operating procedures can cause new members to learn by trial and error.

Operating procedures should be reviewed at least once a year to make sure they are still benefiting the team. Of course, procedures can be reviewed and updated at any time the board believes it is necessary. The review needn't be extensive, but members should have an opportunity to comment on any procedures they think can be improved. Many board-superintendent teams like to review and discuss their procedures after board elections or when new board members join the team. The discussion can form part of their required orientation to the local district. A more thorough review, including development of additional, needed procedures, is one option for the annual team-building session.

It is important that all members of the board reach consensus on the language for board operating procedures and a code of ethics when they are being developed and updated. The process in reaching consensus requires discussion that further clarifies expectations and assumptions. The consensus process increases the value of these types of documents and the level of commitment to them by members of the board-superintendent team.

Annual Board Activity Calendar

Another tool that is helpful to maintain smoother board-superintendent operations is a written board activity calendar. This calendar outlines the key tasks and commitments the board will be responsible for throughout the year. Ideally the calendar will also include details about the types of information and reports the board will receive and take action on during the year.

A written board activity calendar serves several purposes. Among them, it does the following:

- Helps the board, especially new board members, know what to expect at any given time of year
- Ensures the board does not overlook any major responsibilities
- Helps the board prepare in advance for the regular tasks an effective board performs

- Assists the board and administration in judiciously scheduling their work, including developing agendas
- Ensures the board receives the regular information on district progress and operations success

Board activity calendars can take many different forms. The bottom line is that the calendar be (1) comprehensive, (2) consulted regularly in planning the board's work, and (3) followed. The calendar should be reviewed and updated at least once a year, or whenever necessary, to ensure that it is accurate and up-to-date. One of the times to consider reviewing the calendar is after board elections or any time new members join the board-superintendent team.

The Board-Superintendent Team Operations items in the Inventory will assist the board in knowing if it has in place and appropriately used the tools that promote efficiency in its own operations.

4. Advocacy

The school board is entrusted with the education of the children of its community. One of the things that the board does to advance this aim is to advocate for the district within the community and beyond.

Within the community, the board should take an active role in generating support for the district. This can be done in a number of ways. First, board members need to listen to what is going on in the community. Next the board needs to ensure that the community is aware of what is happening in the district. They can do this by ensuring that the community and staff are aware of the district's vision and goals, among other things. Some boards go a step further by inviting a broad range of community and staff members to participate in the development and/or revision of the district's vision and goals.

The board makes sure that the superintendent and staff have a plan in place to keep the community and staff aware of what is happening in the district. The superintendent should keep the board informed regularly about how the community and staff are being kept aware of district issues.

Developing Partnerships

School board-superintendent teams that wish to build partnerships with their communities have to plan for it. Partnerships must be grown in a systematic way. Therefore, it is important that the board ensure that a plan is in place to develop partnerships. In addition to relying on the superintendent and staff to implement a plan, the board will want to decide what the board itself can do to build partnerships. Whether the goals of a partnership are to share resources between the schools and a municipality, find tutors for students, or raise funds, the board as a body corporate and board members individually can be very helpful in developing these relationships. To ensure that the board is engaged in the process of building partnerships with the community, it is important that the board has a plan in place to hold itself accountable. This plan should include what the board members will do to assist in the development of partnerships. Additionally, the board will want to note on its board activity calendar when it will review progress.



Advocacy for the District with Other Elected Officials

School boards have an important responsibility to advocate for the district with legislators and other elected officials. Since school board members are entrusted by the local community with the interests of students of their district, they need to remember that occasionally they need to promote those interests with other elected officials. The board should plan for how it will represent the district. The plan for advocating for the district should be written and should list the activities the board as whole, individual board members, and the superintendent will undertake to gain support for the district.

Since board members are elected, they often have more influence over legislators and other publically elected officials than individuals or special-interest groups. Therefore, it is important that the board is actively involved in the process of advocating for the district. Some things that board members can do to advocate effectively for their district include keeping in touch with their legislators, inviting legislators to visit their districts, and encouraging the communities to contact legislators before crucial votes.

To ensure that the board is actively involved in advocating for the district, it should consider making it a long-term commitment. It is helpful for the board to review its advocacy activity on a regular basis. The board should review this activity at least every two years and make adjustments where necessary.

The Advocacy items in the Inventory will assist the board in knowing if it is taking all the steps necessary to have an effective advocacy program for the district.

5. Effective Board Practices: An Inventory for School Boards

Note that in the Inventory checklist, to respond to each of the numbered and shaded statements, please review the lettered criteria first. Each criteria item should be marked “Yes,” “No,” or “Unsure.” After responding to the criteria statements, respond to the numbered main item. The “Yes” response should be marked for the main item only if all the criteria received a “Yes.” Otherwise, “No” or “Unsure” is the appropriate response.

After individual members have completed the inventory, it is important that the entire board-superintendent team discusses the results together, reaches consensus on the rating of each item, and determines the next steps the team will take in improving its performance.



Planning and Governance

1. A vision statement is in place for the district.

1.1 The vision statement meets the criteria for a well-developed vision statement listed in the supporting materials.	Yes	No	Unsure
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

You can check “Yes” for the above item if you check “Yes” to all the criteria below:

- | | | | |
|--|--------------------------|--------------------------|--------------------------|
| a. Your vision statement is written. | Yes | No | Unsure |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. It lists or describes desired qualities for at least each of the following: students of the district, the community, and the schools in the district. | Yes | No | Unsure |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Staff and community input was solicited in some fashion and was considered. | Yes | No | Unsure |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. All current members of the board and the superintendent have agreed, in a formal adoption or readoption by the board, to be guided by the vision. | Yes | No | Unsure |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

1.2 The board reviews and readopts the vision through formal board action.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
<i>You can check "Yes" for the above item if you check "Yes" to all the criteria below:</i>			
a. The board has formally adopted or readopted its vision statement within the last five years.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
b. The board's annual calendar of activities or another written document clearly specifies when the vision statement will next be considered for review.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>

1.3 The vision is disseminated throughout the district.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
<i>You can check "Yes" for the above item if you check "Yes" to all the criteria below:</i>			
a. The vision statement is clearly posted in the board meeting room or copies are available at each meeting.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
b. The vision statement is available on all campuses and all staff members have been informed about it.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>

2. A comprehensive statement of goals for the district is in place.

2.1 The board adopts or reaffirms a comprehensive list of district goals each year through formal board action.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
<i>You can check "Yes" for the above item if you check "Yes" to all the criteria below:</i>			
a. The board formally adopted or reaffirmed a list of goals within the past 12 months.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
b. Workshop documents from the goal-setting process indicate the board considered a broad range of district issues and student achievement measures before limiting the goals to those included in its list.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
c. Each member of the board can state in general terms the substantive content of current goals.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
d. The board can point to specific, written criteria that will be used to assess whether the district is succeeding in reaching its goals.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>

2.2 Mechanisms for disseminating the goals for the district are clearly identified and in writing. Yes ☐ No ☐ Unsure ☐

You can check “Yes” for the above item if you check “Yes” to all the criteria below:

a. Current goals are either posted in the board room or made available to the audience at board meetings. Yes ☐ No ☐ Unsure ☐

b. The goals are available on all campuses and the district Web site, and all staff members have been informed about them. Yes ☐ No ☐ Unsure ☐

2.3 The board is familiar with administration’s written plans for accomplishing the goals. The plans include time lines for implementation, specific mechanisms for assessing the effectiveness of the plans, and specific times for reporting to the board on progress. Yes ☐ No ☐ Unsure ☐

You can check “Yes” for the above item if you check “Yes” to all the criteria below:

a. The board has looked at copies of, or been formally briefed about, the administration’s plans for accomplishing the current district goals. Yes ☐ No ☐ Unsure ☐

b. The written plans state what results the board will see after implementation and include time lines for implementation, procedures for assessing effectiveness, and a schedule for progress reports to the board. Yes ☐ No ☐ Unsure ☐

3. Board actions reinforce the central importance of the goals to the work of the district.

3.1 Deliberation on major items before the board routinely includes a discussion of the recommended action’s impact on meeting district goals. Yes ☐ No ☐ Unsure ☐

You can check “Yes” for the above item if you check “Yes” to all the criteria below:

a. Board agenda materials routinely summarize the impact agenda items will have on the achievement of current goals. Yes ☐ No ☐ Unsure ☐

b. Board deliberations routinely include an acknowledgement of whether the given agenda item directly or indirectly supports a district goal. Yes ☐ No ☐ Unsure ☐

3.2 The board's superintendent evaluation instrument and process focus first and foremost on the superintendent's success in addressing the board-adopted goals.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
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You can check "Yes" for the above item if you check "Yes" to all the criteria below:

- | | | | |
|---|---------------------------------|--------------------------------|------------------------------------|
| a. Board agenda materials or minutes indicate the board formally adopts written priority performance goals for the superintendent at the beginning of the evaluation cycle. | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> | Unsure
<input type="checkbox"/> |
| b. The majority of the priority performance goals for the superintendent are clearly derived from current or former district goals. | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> | Unsure
<input type="checkbox"/> |
| c. The board's regularly scheduled formative and summative evaluation conferences begin with reports by the superintendent on actions taken in support of the priority performance goals or with summaries of reports provided earlier. | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> | Unsure
<input type="checkbox"/> |

3.3 The board's budget review process specifically identifies how goals are funded in the proposed budget, whether funding is adequate, and whether funding priorities are consistent with board-adopted goals.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
---	---------------------------------	--------------------------------	------------------------------------

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

- | | | | |
|--|---------------------------------|--------------------------------|------------------------------------|
| a. Board agenda materials or minutes indicate that the board annually discusses budget priorities with the superintendent in advance of the superintendent's budget preparation. | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> | Unsure
<input type="checkbox"/> |
| b. Budget review materials used in adopting the current district budget clearly identify the funding associated with each district goal. | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> | Unsure
<input type="checkbox"/> |

4. The board monitors plan implementation and district success in a formal, scheduled manner.

4.1 Time lines in the plans for reporting to the board are incorporated into the board's annual activity calendar and included on appropriate monthly agendas.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
--	---------------------------------	--------------------------------	------------------------------------

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

- | | | | |
|---|---------------------------------|--------------------------------|------------------------------------|
| a. Board agendas or minutes from the past 12 months indicate the board received and formally discussed at least one report of progress on district goals. | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> | Unsure
<input type="checkbox"/> |
| b. The board's calendar for the coming year lists the months in which reports on goal implementation will be provided. | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> | Unsure
<input type="checkbox"/> |

Oversight of Management

5. Goals, performance standards, and/or benchmarks have been established for major aspects of district operations.

- 5.1 The board receives information annually from the superintendent on the goals, standards, or benchmarks the administration uses to assess effectiveness for the major areas of district operations.
- | Yes | No | Unsure |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

- a. Board agenda materials or minutes from the past 12 months indicate the board and superintendent formally discussed goals, standards, or benchmarks the superintendent uses in assessing operational effectiveness in major areas.
- | Yes | No | Unsure |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- b. The board can point to a document or documents outlining the measures used by the administration to assess success in at least three major areas of district operations.
- | Yes | No | Unsure |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- 5.2 The board receives regular, scheduled updates on operations effectiveness as measured against standards or benchmarks.
- | Yes | No | Unsure |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

- a. Board agenda materials or minutes indicate that the board received a report on operations success relative to established standards or benchmarks within the last 12 months.
- | Yes | No | Unsure |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

6. The board is familiar with the broad outlines of the systems the superintendent has put in place to manage district operations.

- 6.1 The board and superintendent have a schedule for periodic updates on major management systems in the district, including presentations on how benchmark data is used to plan improvements.
- | Yes | No | Unsure |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

- a. Board agenda materials or minutes indicate the board received a briefing on at least one major management system within the past 12 months.
- | Yes | No | Unsure |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
- b. The board can point to a document with a schedule for briefings on major management systems.
- | Yes | No | Unsure |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

6.2 The board's evaluation of the superintendent's performance as a manager focuses on the superintendent's establishing appropriate measures and standards of performance for major district operations, monitoring success, and using data for improvement.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
---	--	---------------------------------------	---

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Items on the board's evaluation instrument that assess management skills focus on whether appropriate performance standards are in place for major areas of district operations, whether the standards are being monitored, and whether they are being met.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
--	--	---------------------------------------	---

Board-Superintendent Team Operations

7. The board and superintendent team regularly checks expectations and assesses board-superintendent operations.

7.1 The board and superintendent participate in an annual team-building activity.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
---	--	---------------------------------------	---

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate the board and superintendent participated together in a team-building session or self-assessment discussion during the past 12 months.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
b. Written documents or reports from the team-building session indicate the session included review of actual board practices and behaviors and resulted in agreements about future operations.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
c. Board agenda materials, board minutes, or documents related to the most recent team-building session indicate the board formally discussed continuing education needs as a part of its team-building activity.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>
d. The board can point to written plans for continuing education for its members that include, at a minimum, the topics to be addressed.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Unsure <input type="checkbox"/>

7.2 The board has adopted and annually reaffirms an ethics statement or code of conduct for board members. Yes No Unsure
☐ ☐ ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

- a. The board can point to a code of conduct or ethics statement that has been formally adopted by the board. Yes No Unsure
☐ ☐ ☐
- b. Board agenda materials or minutes indicate the statement has been affirmed by all current members of the board, or the board's calendar of activities includes reaffirmation of the ethics statement or code of conduct as an agenda item within the next six months. Yes No Unsure
☐ ☐ ☐

8. Written operating procedures for the board and superintendent are in place.

8.1 A written annual calendar of board events, outlining major board activities by month, is in place. Yes No Unsure
☐ ☐ ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

- a. All members of the board have copies of a written, 12-month calendar on which major board responsibilities have been scheduled. Yes No Unsure
☐ ☐ ☐
- b. At least 75 percent of the board tasks on the calendar for the past 12 months were performed in the months scheduled or were rescheduled on the calendar for another specific time. Yes No Unsure
☐ ☐ ☐

8.2 Operating procedures are codified in a written board-superintendent procedures document; new board members are oriented to operating procedures within the first 60 days of service. Yes No Unsure
☐ ☐ ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

- a. The board can point to written board operating procedures. Yes No Unsure
☐ ☐ ☐
- b. The operating procedures are stated in terms of observable actions: what the board, trustee, or superintendent is actually expected to do or not do. Yes No Unsure
☐ ☐ ☐
- c. Any members who have joined the board-superintendent team within the last 12 months have copies of all written board operating procedures. Yes No Unsure
☐ ☐ ☐

8.3 An annual review of operating procedures is included on the board activity calendar. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

- a. Board agenda materials, minutes, or other documents indicate the board and superintendent have formally discussed operating procedures within the past 12 months. Yes ☐ No ☐ Unsure ☐
- b. The review of operating procedures usually occurs in the same month each year. Yes ☐ No ☐ Unsure ☐

Advocacy

9. The board is an active advocate for the district within the community.

9.1 The board has an active plan for its generating support for the district, its vision, and its goals with patrons, the business community, and other organizations in the area. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

- a. The plan is written and reviewed each year. Yes ☐ No ☐ Unsure ☐
- b. The plan lists activities the board members themselves or the board as a whole will do to generate support and partnerships within the community. Yes ☐ No ☐ Unsure ☐

9.2 The board reviews board and board member success in generating support for the district annually. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

- a. The board's activity calendar includes a month in which this review takes place. Yes ☐ No ☐ Unsure ☐
- b. Agenda materials, workshop materials, or minutes from the last 12 months indicate that board discussed the success of its plan and its efforts. Yes ☐ No ☐ Unsure ☐

10. The board is an active advocate for the district with other elected officials.

10.1 The board has an active plan for advocating for the district's interest with legislators and other elected public officials. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The plan is written and reviewed at least every two years. Yes ☐ No ☐ Unsure ☐

b. The plan lists activities the board members themselves or the board as a whole will do to support the district's interest before legislators and other elected public officials. Yes ☐ No ☐ Unsure ☐

10.2 Every two years, the board reviews board and board member success in advocating for the district with legislators and other elected officials. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board's activity calendar includes a month in which this review takes place. Yes ☐ No ☐ Unsure ☐

b. Agenda materials, workshop materials, or minutes from the last 24 months indicate that board discussed the success of its plan and its efforts. Yes ☐ No ☐ Unsure ☐





Resources

Board Meetings

Effective Board
Practices -
Inventory

For Board
Candidates

◦ Ethical
Campaigning

For Board Officers

For New Board
Members

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Governance Digest

Leadership Team
Times

Post-Election
Transition
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Superintendent
Evaluation

Vision and Goals

Ethical Campaigning

Once you have made a decision to run for the school board, follow these general practices to ensure you conduct your campaign ethically

- Focus attention on issues and avoid attacking or finding fault in individuals—either opponents or district employees.
- Prepare for campaigning by becoming familiar with the issues in your district.
- Be sure facts used in your campaign are accurate.
- Keep your focus on what you would like to see happen in your district.
- Avoid making promises that you as an individual cannot keep without board support.

These practices will not only demonstrate your leadership to the community, but will also help you establish a positive foundation for working with other school board members and administrators if you do get elected to serve. After all, since school board members have authority only as a corporate body, not as individuals, this cooperation is essential to accomplish any positive results for your district.

TASB and Member Highlights

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- Code Of Ethics
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Ethics for School Board Members

As a member of the Board, I shall promote the best interests of the District as a whole and, to that end, shall adhere to the following ethical standards:

Equity in attitude

- I will be fair, just, and impartial in all my decisions and actions.
- I will accord others the respect I wish for myself.
- I will encourage expressions of different opinions and listen with an open mind to others' ideas.

Trustworthiness in stewardship

- I will be accountable to the public by representing District policies, programs, priorities and progress accurately.
- I will be responsive to the community by seeking its involvement in District affairs and by communicating its priorities and concerns.
- I will work to ensure prudent and accountable use of District resources.
- I will make no personal promise or take private action that may compromise my performance of my responsibilities.

Honor in conduct

- I will tell the truth.
- I will share my views while working for consensus.
- I will respect the majority decision as the decision of the Board.
- I will base my decisions on fact rather than supposition, opinion, or public favor.

Integrity of character

- I will refuse to surrender judgment to any individual or group at the expense of the District as a whole.
- I will consistently uphold all applicable laws, rules, policies, and governance procedures.
- I will keep confidential information that is privileged by law or that will needlessly harm the District if disclosed.

Commitment to service

- I will focus my attention on fulfilling the Board's responsibilities of goal setting, policymaking, and evaluation.
- I will diligently prepare for and attend Board meetings.
- I will seek continuing education that will enhance my ability to fulfill my duties effectively.

Student-centered focus

- I will be continuously guided by what is best for all students of the District.

Questions? Call 800.580.8272, extension 2453 or e-mail board.dev@tasb.org.

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Frequently Asked Questions about Running for School Board

Published online in [TASB School Law eSource](#)

This article addresses common questions that arise for individuals seeking election or re-election to a school board of trustees. For more extensive information on issues related to candidacy and the election process, see TASB Policy BB series; the TASB School Law eSource [Elections](#) page; TASB Board Development Services' [Resources for Board Candidates](#); the Texas Secretary of State [Elections Division](#) website, including [Candidacy Filing](#) outline; and the [Texas Ethics Commission](#) website, including [First Steps for Candidates Running for School Board Trustee](#).

1. What are the eligibility requirements to run for school board trustee?

According to the Texas Election Code, an individual is eligible to be a candidate for, or elected or appointed to, a Texas school board if the individual:

1. is a United States citizen;
2. is 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;
3. has 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;
4. has not been finally convicted of a felony from which the individual has not been pardoned or otherwise released from the resulting disabilities¹ (but see below regarding eligibility to serve);
5. has resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:
 - a. for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;
 - b. for a write-in candidate, the date of the election at which the candidate's name is written in; or
 - c. for an appointee to an office, the date the appointment is made;

¹ See Texas Attorney General Opinion No. KP-0251 (2019) for a discussion of what constitutes release from resulting disabilities. As of September 1, 2021, a person who was convicted of a felony must include in the application for a place on the ballot proof that the person is eligible for public office. Tex. Elec. Code § 141.031(f).

6. is registered to vote in the territory from which the office is elected on the date described at 5. above; and
7. satisfies any other eligibility requirements prescribed by law for the office.

Tex. Elec. Code § 141.001.

The Texas Education Code adds eligibility requirements for a person to *serve* on a school board. A person is ineligible to serve on a school board if the person has been convicted of a felony or solicitation of prostitution under Texas Penal Code section 43.021. Tex. Educ. Code § 11.066. Thus, a person who has been convicted of a felony may not serve on a school board regardless of whether the person has been pardoned or otherwise released from the resulting disabilities.

Additionally, to be elected to a school board, an individual must be a *qualified* voter: 18 years of age or older, a United States citizen, a Texas resident, a registered voter, not determined to be totally or partially mentally incapacitated by an appropriate court, and not finally convicted of a felony. Tex. Educ. Code § 11.061; Tex. Elec. Code § 11.002.

2. For purposes of the eligibility requirements, what does “residence” mean?

As noted above, to be eligible to run for or be appointed school board trustee, an individual must reside within the state for 12 months and within the district or territory from which the office is elected for six months prior to the applicable date. In addition, a candidate for school board trustee representing a single member district must be a resident of that district. The issue of residence can be a source of confusion and controversy when conflicting opinions and information exist about where an individual resides.

The Texas Election Code defines residence as one’s home and fixed place of habitation to which one intends to return after any temporary absence. A person neither loses the person’s residence merely by leaving the person’s home for temporary purposes nor acquires a residence in a place where the person has come for temporary purposes without the intention of making that place the person’s home. A person may not establish a residence at any place the person has not inhabited and may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain. A person also may not establish a residence for the purpose of influencing the outcome of an election. Tex. Elec. Code § 1.015. The Texas Supreme Court described “residence” as an “elastic” term that is “extremely difficult to define.” *Mills v. Bartlett*, 377 S.W.2d 636, 637 (Tex. 1964). Consequently, the determination of an individual’s true residency for purposes of running for or holding public office can only be made by a court. *State v. Fischer*, 769 S.W.2d 619 (Tex. App.—Corpus Christi 1989, writ dismissed w.o.j.), (rehearing of writ of error overruled 1990). Unless a person is displaced from the person’s residence due to a

declared disaster, a person who claims an intent to return to a residence after a temporary absence may establish that intent only if the person has made a reasonable and substantive attempt to effectuate that intent and has a legal right and practical ability to return to the residence. Tex. Elec. Code § 141.001(a-1).

If questions of residency arise, a candidate or trustee should carefully review the requirements to serve on the board and, if necessary, seek the guidance of legal counsel. Likewise, TASB Legal Services recommends that a school district affected by a residency challenge seek the advice of the district's school attorney.

3. May a candidate run for school board trustee if the candidate's spouse or relative is currently employed by the school district?

It depends. The nepotism prohibition generally provides that a public official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds if the individual is related to the public official or another member of the board by blood (*consanguinity*) within the third degree or by marriage (*affinity*) within the second degree. Tex. Gov't Code §§ 573.002, .041.

Unless an exception applies, a candidate's relative may have to resign from employment with the school district before the candidate may accept the office of school board trustee. Under the *continuous employment exception*, the nepotism prohibition does not apply to the employment of a trustee's or candidate's relative if the following conditions are met:

1. The individual is employed in the position immediately before the election or appointment of the trustee to whom the individual is related in a prohibited degree; and
2. That prior employment has been continuous for at least:
 - a. Thirty days if the trustee is appointed; or
 - b. Six months if the trustee is elected.

Tex. Gov't Code § 573.062(a).²

The attorney general has interpreted the continuous employment exception to require employment uninterrupted in time, connected, and unbroken. *See* Tex. Att'y Gen. Op. No. JC-0185 (2000) (applying the continuous employment exception to a "permanent substitute"). Consequently, an employee of a school district who is related to a trustee

² *See* Tex. Att'y Gen. Op. No. DM-0002 (1991) (concluding that the 30-day prior continuous employment requirement applies when an officer is appointed to an elective office); *but see* Tex. Att'y Gen. Op. No. KP-0238 (2019) (interpreting the relevant continuous employment period to be determined by whether the office is elective or appointive. Tex. Att'y Gen. Op. No. KP-0238 (2019)).

within a prohibited degree and who had been continuously employed by the district at the time of the trustee's election is subject to the nepotism prohibition if the employee quits then later seeks re-employment with the district. Tex. Att'y Gen. LO-96-015 (1996); *see also* Tex. Att'y Gen. Op. No. JC-0442 (2001) (concluding that retired teacher had broken employment with the district and did not qualify for the continuous employment exception).

For more extensive information, see the TASB School Law eSource website on [Nepotism](#).

4. May a candidate run for school board trustee if the candidate's spouse or relative is also running or currently serving on the board?

Yes. The nepotism prohibition only applies to the employment relationship; therefore, related board members may run for and serve on a school board together.

5. Are school board members subject to term limits?

Texas law does not impose term limits on school board members. When asked if a school board could establish term limits for its members, the attorney general concluded that a school board's authority to govern and oversee the management of the district, while broad, does not include adopting term limits. Term limits add an additional eligibility requirement for running for office. The authority to regulate who may run for and hold the office of trustee belongs to the legislature. Tex. Att'y Gen. Op. No. KP-0196 (2018).

6. When must a candidate file an application for a place on the school district's ballot? What happens to the application after it is filed?

In a general election, a candidate may file an application for a place on the ballot as early as thirty days before the filing deadline, and not later than 5 p.m. on the 78th day before election day. All candidates, including incumbents, must file a timely application with the school district's filing authority (usually the superintendent's secretary or other designated district employee). Tex. Educ. Code § 11.055; Tex. Elec. Code §§ 1.007(a), 141.040, 144.004, .005.

Once a candidate files an application for a place on the ballot, the district filing authority is responsible for reviewing the application to determine whether it complies with legal requirements as to *form*, *content*, and *procedure*. In other words, the filing authority confirms that the application was filed correctly in a timely manner, that all required information is provided, and that it is properly signed under oath. The authority has five days to review an application and determine whether it is legally sufficient. If an application does not comply with the applicable requirements, the filing authority must

reject the application and immediately deliver to the candidate written notice of the reason for the rejection. A candidate may be able to correct mistakes as to form or content by filing a new application **prior** to the filing deadline. Tex. Elec. Code § 141.032.

7. Is a school board candidate required to appoint a campaign treasurer even if the candidate does not plan to raise or spend campaign funds?

Each candidate **must** appoint a campaign treasurer, which may include the candidate or any other eligible person, by filing a Form CTA with the district filing authority, regardless of whether the candidate intends to accept campaign contributions or make campaign expenditures. The Form CTA must be filed before accepting or expending campaign funds, even if the expenditure comes from personal funds. The campaign treasurer appointment takes effect when the Form CTA is filed and continues in effect until terminated; therefore, an incumbent running for re-election is not required to file a Form CTA if one is on file and has not been terminated. Tex. Elec. Code §§ 252.001, .004, .005, .011, 253.031.

8. When does a person become a candidate for purposes of campaign finance requirements?

Texas Election Code section 251.001 defines *candidate* as “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.” Such affirmative action may include filing a Form CTA or an application for a place on a ballot, publicly announcing intent to run for office, or raising or spending campaign funds.

9. What happens if a candidate does not file a CTA?

There may be civil or criminal penalties associated with the failure to appoint a campaign treasurer or otherwise comply with campaign finance laws. Tex. Elec. Code ch. 253.

For more information on appointing a campaign treasurer and other issues related to campaign finance, see Texas Ethics Commission’s [Frequently Asked Questions for Candidates](#) and [Campaign Finance Guide for Candidates and Officeholders Who File with Local Filing Authorities](#).

10. What should a school board candidate know about campaigning?

A school board candidate, including a current trustee running for re-election, must adhere to certain legal requirements while on school property or at school events, including school board meetings. Specifically, district employees and trustees may not knowingly use public funds, directly or indirectly, for political advertising to advocate for

or against a candidate or measure that will appear on a ballot. Political advertising is defined generally as a communication that advocates a particular outcome in an election. Tex. Elec. Code §§ 251.001(16), 255.003(a); 1 Tex. Admin. Code § 20.1(11)(A). The Texas Ethics Commission interprets this prohibition broadly to apply to the use of any district resources for political advertising. For instance, any use of school district employee time, no matter how minimal, is prohibited, as is any use of school district facilities. *See, e.g.,* Tex. Ethics Comm’n Op. No. 443 (2002) (concluding that Texas Election Code section 255.003 would be violated by using a school employee to place a trustee’s campaign flyers in the teachers’ lounge). Further, Texas Election Code section 255.0031 specifically prohibits an officer or employee of a political subdivision from knowingly using or authorizing the use of an internal mail system for the distribution of political advertising. Tex. Elec. Code § 255.0031(a).

Trustees acting independently, without the use of public funds, have a free speech right to engage in political advocacy, including advocacy for their re-election. In its [*Short Guide to the Prohibition against Using School District Resources for Political Advertising*](#), the Texas Ethics Commission states, “Although you may not use school district resources for political advertising, you are free to campaign for or against a proposition on your own time and with your own resources.” For example, a school board trustee may attend a community meeting and advocate for re-election. When engaging in advocacy using personal time and resources, a trustee need not conceal the trustee’s position on the board or claim to be acting as a private citizen. *See, e.g.,* Op. Tex. Ethics Comm’n No. 321 (1996) (determining that a sitting judge did not violate the law by sending campaign solicitations on letterhead that she purchased herself, but that identified her position).

For more extensive information, see TASB Legal Services’ [*Campaign Speech During Elections*](#). For information regarding political advertising, including requirements and restrictions related to contents, see Texas Ethics Commission’s [*Political Advertising: What You Need to Know*](#).

This document is continually updated at tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/running-for-sch-bd.pdf. For more information on school law topics, visit TASB School Law eSource at schoollawesource.tasb.org.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. Consult with your own attorneys to apply these legal principles to specific fact situations.

Updated February 2022



Campaign Speech During Elections

Published online in [TASB School Law eSource](#)

This article answers frequently asked questions about campaign speech rights of school districts, board members, candidates, community members, employees, and students.

[Applicable Laws](#)

[School District](#)

[Board Members](#)

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[Applicable Laws](#)

1. What laws apply to campaigning, electioneering, and political advertising?

Several statutes apply to campaigning, electioneering, and political advertising. Each statute specifies the persons or entities to which it applies. The statutes do not apply equally to everyone. It is important to read the statute to understand its application to particular circumstances.

- **Texas Election Code**

Political Advertising: Texas Election Code section 255.003(a) prohibits an **officer or employee** of a political subdivision, including a school district, from knowingly spending or authorizing the spending of public funds **for political advertising**.

Political advertising is a communication that supports or opposes a candidate or a measure that:

1. is published in a newspaper or other periodical in return for consideration;
2. is broadcast by radio or television in return for consideration;
3. appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or
4. appears on a website.

1 Tex. Admin. Code § 20.1(11)(A); Tex. Elec. Code § 251.001(16).

Political advertising does not include an individual communication made by email or text message but does include mass emails and text messages involving an expenditure of funds beyond the basic cost of hardware, messaging software, and bandwidth. 1 Tex. Admin. Code § 20.1(11)(B).

The prohibition in Section 255.003(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. Tex. Elec. Code § 255.003(b). *Measure* means a question or proposal submitted in an election for an expression of the voters' will, such as a bond or tax rate proposition. Tex. Elec. Code § 251.001(19).

Section 255.003(b-1) also prohibits an **officer or employee** from spending or authorizing the spending of public funds for a communication describing a measure if the communication contains information that the officer or employee knows is false and is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

A violation of Section 255.003 is a Class A misdemeanor. It is an affirmative defense to prosecution or to the imposition of a civil penalty that a person reasonably relied on a court order or an interpretation of the statute in a written opinion of a court, the attorney general, or the Texas Ethics Commission. Tex. Elec. Code § 255.003(c), (d).

Texas Election Code section 255.0031 prohibits an **officer or employee** of a political subdivision, including a school district, from knowingly using or authorizing the use of an internal mail system for the distribution of political advertising. A violation is a Class A misdemeanor. *Internal mail system* means a system operated by a political subdivision to deliver written documents to officers or employees. Section 255.0031 does not prohibit using the internal mail system to distribute political advertising delivered to the premises through the U.S. Postal Service.

- **Texas Education Code**

Texas Education Code section 11.169 prohibits a **school board** from using state or local funds or other district resources **to electioneer** for or against any candidate, measure, or political party. The Education Code does not define electioneer.

- **Texas Penal Code**

Texas Penal Code section 39.02(a)(2) addresses abuse of official capacity. A **public servant** commits an offense if, with intent to obtain a benefit or to harm or defraud another, the public servant intentionally or knowingly **misuses government property**, services, personnel, or any other thing of value in the public servant's custody or possession as a result of the public servant's office or employment. The severity of the offense depends on the value of the thing misused.

- **Texas Constitution**

Texas Constitution article 3, section 52(a) prohibits school districts (and other political subdivisions) from using public funds for private purposes. The attorney general applies a three-part test to determine if an expenditure of public funds is constitutional: (1) the expenditure's predominant purpose must be to accomplish a public purpose of the public entity; (2) the public entity must retain sufficient control to ensure that the purpose is accomplished; and (3) the public entity must receive a return benefit. Tex. Att'y Gen Op. No. KP-0204 (2018).

- **Local Board Policies**

Local board policies may affect campaign speech in areas such as nonschool use of facilities (TASB Policy GKD) and distribution of nonschool literature (TASB Policy GKDA).

2. Who enforces these laws?

The Texas Ethics Commission (TEC) is responsible for enforcing the Texas Election Code provisions regarding campaigning and political advertising. TEC is authorized to initiate civil enforcement actions in response to a sworn complaint, hold enforcement hearings, issue orders, impose civil penalties, and refer matters for criminal prosecution. In addition, the TEC board may vote to issue an ethics advisory opinion in response to a written request that satisfies legal requirements. Tex. Gov't Code ch. 571.

The election judge for each polling place enforces provisions related to polling places. Tex. Elec. Code § 32.075. The local county or district attorney enforces penal statutes. A court determines whether an expenditure is an unconstitutional gift of public funds. The school board enforces its local policies.

School District

3. May a school district take a position in an election?

No. Texas Election Code section 255.003(a) prohibits school district employees and officials from using public resources for political advertising to advocate for or against a candidate or ballot measure.

TEC interprets this prohibition broadly to prohibit the use of district equipment, supplies, employee time, or students to create or distribute political advertising. Board members and school employees who violate this prohibition could face fines or criminal penalties. See TEC's [Short Guide to the Prohibition against Using School District Resources for Political Advertising](#).

When faced with an alleged violation of Section 255.003, TEC must determine the following:

1. the person involved was an officer or employee of a political subdivision;
2. the person knowingly spent or authorized the spending of public funds (or the use of public resources) for the communication involved; and
3. the communication constituted or contained political advertising.

Tex. Ethics Comm’n Sworn Complaint Order No. SC-32009186 (2021).

In addition to Section 255.003, Texas Education Code section 11.169 prohibits the board from using district resources to electioneer for or against any candidate, measure, or political party.

4. May districts use public funds to communicate anything about an election?

Yes, public funds may be used to disseminate purely factual information. The prohibition in Section 255.003 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. Tex. Elec. Code § 255.003(b). Factual information includes explanatory materials about what is at stake in a bond or tax election, as well as specific information about the election such as the date or polling locations.

In considering a political subdivision’s written communications about a bond election, including a brochure, posters, and social media posts, TEC found the communications were not political advertisements under Section 255.003 because they were entirely informational and did not include any advocacy. For example, the brochure contained ballot language and a detailed description of each bond measure, including the amount, planned uses of the money, and the process by which the political subdivision determined how to use the money. The brochure also described the tax implications of approving the bonds. TEC acknowledged that some of the factual information would affect how voters voted, but there is a difference between advocacy and education. According to TEC, the Texas Election Code does not prohibit political subdivisions from using public funds to enable voters to make informed decisions. Tex. Ethics Comm’n Op. No. 559 (2021).

TEC warns, however, that communications with primarily factual information can violate Section 255.003 if they include persuasive slogans or calls to action, like “Do the Right Thing for Our Kids.” For example, TEC fined a superintendent for violating Section 255.003 by using district funds to pay for a brochure containing factual descriptions of the purpose of a bond election but also advocating a vote for the bonds. Tex. Ethics Comm’n Sworn Complaint Order No. SC-230205 (2003). TEC emphasizes that *no amount* of advocacy is permitted. For examples of phrases that TEC has determined advocate

passage or defeat of a measure, see [Advocating Passage or Defeat of a Measure](#). In addition, an express disclaimer of support or opposition is not determinative. Tex. Ethics Comm’n Op. No. 559 (2021).

When considering whether a communication violates Section 255.003(a), TEC first considers the communication as a whole. Tex. Ethics Comm’n Op. No. 559 (2021). According to TEC, “The critical question in determining whether [an advertisement] constitutes ‘political advertising’ is whether the information supports or opposes a measure. Whether a particular communication supports or opposes a measure is a fact question. A factor in determining whether a particular communication supports or opposes a measure is whether the communication provides information and discussion of the measure without promoting the outcome of the measure.” Tex. Ethics Comm’n Op. No. 538 (2016) (citing Tex. Ethics Comm’n Op. No. 476 (2007)); *see also* Tex. Ethics Comm’n Sworn Complaint Order No. SC-31804181 (2018) (considering “support or oppose” as it applies to candidates and citing ethics advisory opinions and examples). TEC’s order and agreed resolution of sworn complaint SC-3170599 provides a detailed discussion and analysis of a school district’s videos and emails in support of the district’s tax ratification election. Tex. Ethics Comm’n Sworn Complaint Order No. SC-3170599 (2019).

5. May a district create a special logo for its bond election?

The answer to this question depends on the particular facts and circumstances in the district. A district may *not* create a logo containing any advocacy whatsoever; thus, logos that contain slogans should be avoided. A district wanting to create a logo for its bond campaign or election to approve a tax rate must consult its attorney for guidance. [See Question 25 regarding a candidate’s use of the district’s logo in campaign materials.]

6. May a district use photos of school children in its bond materials?

Using photos of school children raises several concerns. If the children are depicted in deteriorating district facilities, this may be considered overly persuasive, and therefore advocacy, depending on how factual the depiction is and the context in which it is presented. Further, there may be privacy concerns related to the use of student photos based on the district’s designation of directory information and a parent’s release of the information. See TASB Policy FL. Finally, the use of stock photos of children who are not district students may be problematic because those photos convey no factual information about the district. For these reasons, TASB Legal Services advises against using photos of children or students in bond materials. A district wanting to do otherwise must consult its attorney for guidance.

7. May a district link from its website to other websites supporting its bond campaign?

No. The attorney general has opined that a court would likely find that the use of public funds to link to a website supporting a candidate or measure is a communication supporting or opposing a candidate or measure in violation of Texas Education Code section 11.169 and Texas Election Code section 255.003(a). Tex. Att’y Gen. Op. No. KP-0177 (2018).

8. How can a district be confident that its communications do not improperly advocate for passage of a measure?

Rely on a written legal opinion of a court, the attorney general, or TEC. A school official or employee has an affirmative defense to prosecution for knowingly using funds to send a communication advocating passage of a measure if the official or employee reasonably relied on an interpretation of Section 255.003 in such a written opinion. Tex. Elec. Code § 255.003(d). On written request by a school district with a measure on a ballot, TEC will prepare an advance written advisory opinion addressing whether proposed school district communications would comply with the law. Tex. Elec. Code § 255.003(e). *See, e.g.,* Tex. Ethics Comm’n Op. No. 564 (2021) (concluding that a city’s written communications regarding a proposition were not political advertising because they were entirely informational and did not include any advocacy). The opinion of a school district’s attorney is not a legal opinion that creates an affirmative defense. Tex. Ethics Comm’n Sworn Complaint Order No. SC-3170599 (2019).

9. May the district hold a press conference to provide factual information about an election or a measure on the ballot?

Yes, and board members may attend. For the reasons previously discussed, a school district press conference cannot be used for political advertising, but it can be used to disseminate factual information about an election or a measure on the ballot. Further, the Texas Open Meetings Act (OMA) specifically states that the attendance of a quorum of the board at a press conference related to school business is not a *meeting* governed by the OMA, so long as any discussion of school business is incidental to the event. Tex. Gov’t Code § 551.001(4).

10. May the district feature board members in a newsletter?

Not if the newsletter uses public funds to support or oppose a candidate or public officer in violation of Section 255.003.

TEC has examined this issue several times and developed a couple of guiding principles:

1. whether a particular communication supports or opposes a candidate or a public officer can only be answered when the communication is viewed as a whole; and

2. self-promotional communications, especially those containing photographs and the name and title of the public officer in an unduly conspicuous way, will constitute political advertising.

Tex. Ethics Comm'n Sworn Complaint Order No. SC-32009186 (2021) (citing ethics advisory opinions); Tex. Ethics Comm'n Sworn Complaint Order No. SC-31804181 (2018) (citing ethics advisory opinions).

TEC rules specifically address when a newsletter of a public officer of a political subdivision is *not* political advertising for purposes of Section 255.003:

1. It contains no more than two pictures of a public officer per page and no more than 20 percent of the page covered by the pictures;
2. It includes no more than eight personally phrased references (the public officer's name, "I," "me," "the board member") on an 8 1/2" x 11" page or larger; and
3. When viewed as a whole and in the proper context, it
 - a. is informational rather than self-promotional;
 - b. does not advocate passage or defeat of a measure; and
 - c. does not support or oppose a candidate, political party, or public officer.

1 Tex. Admin. Code § 26.2.

TEC has identified section 26.2(3) as the most important criteria and has historically taken a broad view of what constitutes self-promotion or promotion of other candidates and officeholders. *See* Tex. Ethics Comm'n Sworn Complaint Order No. SC-31804181 (concluding that a city's mailer that prominently featured photos of city council members and touted their accomplishments constituted political advertising in violation of Section 255.003).

TEC applied these principles to evaluate a school board member's involvement in the publication of a board member spotlight article that was posted to the district's website and Facebook and Twitter accounts. The article consisted of photos of the board member and his answers to 12 questions. TEC focused on several aspects of the article that were indicative of promotion and therefore advertising: proximity to the election, implications about the board member's campaign for reelection, the board member's qualifications, and personally phrased references. Despite the lack of express advocacy (words like "vote" or "elect") and the article's mention of issues facing the district, TEC found the article, when viewed as a whole, to be self-promotional and to support the board member as a candidate for reelection. Thus, the board member was fined for violating Section 255.003. Tex. Ethics Comm'n Sworn Complaint Order No. SC-32009186 (2021).

Board Members

11. May board members use personal time and money to campaign for candidates and causes?

Yes. Public officials who are acting independently, without the use of public funds, have a free speech right to engage in political advocacy, including advocacy for their reelection. In its [Short Guide to the Prohibition Against Using School Resource for Political Advertising](#), TEC states, “Although you may not use political subdivision resources for political advertising, you are free to campaign for or against a proposition on your own time and with your own resources.” For example, a school board member may attend a community meeting and advocate for passage of a bond measure or write a letter to the newspaper editor in support of a voter-approval tax rate election.

When engaging in advocacy using personal time and resources, a trustee need not conceal the trustee’s position or claim to be acting as a private citizen. *See, e.g., Tex. Ethics Comm’n Op. No. 321 (1996)* (determining that a sitting judge did not violate the law by sending campaign solicitations on letterhead that she purchased but that identified her position).

12. May a school board member join a political action committee (PAC) to support a bond election?

Yes. Board members are free to join special purpose PACs organized under Texas Election Code chapter 252. Board members may attend PAC events; however, because bond issues are public business over which the board has supervision or control, OMA requirements may apply if a quorum is present at an event.

13. May a board member send an email from the board member’s personal computer to the private email accounts of friends and family, urging them to vote for a certain candidate in the presidential election?

Yes. As stated, a board member may speak, write, or distribute political advertising, as long as school funds are not used directly or indirectly. This applies to emails campaigning for or against particular measures, such as bond or tax elections, and particular candidates in national, state, and local elections.

14. May the board member send a similar email from a school computer?

TASB advises against this. Emails on a school computer are typically governed by the district’s acceptable use policy. *See* TASB Policy CQ(LOCAL). Such policies often permit limited personal use of the district’s computer equipment and Internet service as long as the personal use does not incur an additional cost to the district. Nevertheless, it may be

difficult to distinguish personal from official use of school equipment. Because so much is at stake when campaign speech is at issue, board members should avoid personal, election-related communications on school district equipment.

15. May a board member send an email from the board member's personal computer, urging members of the school community or school staff to support the board member for reelection or an upcoming bond election?

Maybe, but the board member should consider a few issues. As previously discussed, personal emails campaigning for election or for or against a candidate or measure are permitted. Even emails that might eventually be sent to district email addresses arguably are not an impermissible use of district funds. TEC rules define *political advertising* to exclude an individual communication by email or text message. 1 Tex. Admin. Code § 20.1(11)(B).

Nevertheless, a board member should use care before sending emails to all district staff. Emails can be printed and passed out, thereby becoming fliers; school district employee time spent writing or even reading email could be considered an indirect use of funds; and the Texas Education Code's prohibition on electioneering may prevent board members from sending such communications. Tex. Educ. Code § 11.169.

If a board member wants to send personal emails advocating for a particular outcome in an election, the board member might consider adding a short disclaimer stating that the email is personal, rather than official school district business, and was created using personal equipment and accounts.

16. During a reelection campaign, may a sitting board member use school resources to assist in their campaign?

No. Section 255.003 prohibits the use of public funds in a campaign for election or reelection to the school board. For example, TEC found that a teacher and school secretary violated the law when they distributed a campaign flier for school board candidates that they created in the computer lab and copied on the school's copier, even though they made and distributed the fliers before school and reimbursed the district for the costs. Tex. Ethics Comm'n Sworn Complaint Order No. SC-210101 (2001).

Under Section 255.003, any use of school district employee time is prohibited, as is any use of school district facilities, including the mail system. *See, e.g.,* Tex. Ethics Comm'n Op. No. 443 (2002) (concluding that Section 255.003 would be violated by using a school employee to place a trustee's campaign fliers in the teachers' lounge).

In response to a complaint about a public officer's use of a political subdivision's Facebook page, TEC explained that "[s]elf-promotional communications, especially those containing the name and title of the public officer in an unduly conspicuous way, constitute political advertising" that may violate Section 255.003 if public resources, including a political subdivision's Facebook page or website, are involved. Tex. Ethics Comm'n Sworn Complaint Order No. SC-31712183 (2018).

17. May a board member take an active role in another person's campaign for public office?

Legally yes, but there may be practical concerns if a board member publicly chooses sides in a school board race. While a school board member acting independently, using solely personal time and resources, may participate in the political process like other citizens, school boards often expect board members to refrain from actively campaigning on behalf of other board candidates.

In campaigns for offices unrelated to the school board, board members may be involved as individual citizens in ways that do not involve school district resources or create conflicts of interest with board service. For example, a school board member could support a candidate for city council. The board member could distribute campaign literature using personal time and money. The board member could send emails or post on social media using private accounts and contact lists. The board member could even serve as campaign manager or treasurer. The board member should exercise caution, however, not to leverage their position on the school board to the candidate's advantage. Finally, if the board member having a prominent role in a city council campaign could disadvantage the school board in some way, the board member may need to consider the ethical implications of the potential conflict of interest.

18. May a board member include in campaign materials a photo of the board member taken in a district location or facility that is not open to the public?

Probably not. According to TEC, a public official, including a school board member, may not use a restricted location in a government facility to which the official has access by virtue of the office to create a photo, video, or other communication for political advertising. See Tex. Ethics Comm'n Op. No. 550 (2019) (considering both Texas Election Code section 255.003 and Texas Penal Code section 39.02). [See Question 26 regarding photos taken in public areas.]

19. May the board discuss ballot measures, like a bond or tax rate, in a board meeting that is broadcast on the internet?

According to TEC, Section 255.003 was not intended to inhibit discussion of matters pending before a governmental body. When a governmental body considers whether to place an issue before voters, public officials and members of the public are likely to

voice opinions on the issue. Section 255.003 does not prohibit broadcasting a meeting in accordance with a governmental body's regular practices. As the board is deciding whether to place a measure on the ballot, public resources are not being used *for* political advertising even if an incidental effect would be to broadcast statements supporting or opposing a ballot measure. Tex. Ethics Comm'n Op. No. 456 (2004); *see also In re Turner*, 558 S.W.3d 796, 801 (Tex. App.—Houston [14th Dist.] 2018, no pet.) (applying Tex. Ethics Comm'n Op. No. 456 (2004)).

This does not mean that a board or board member can *arrange* discussion of a matter not pending before the governmental body with the hope that a broadcast of the discussion will influence the election outcome. *See* Tex. Ethics Comm'n Sworn Complaint Order No. SC-32009176 (2021) (concluding that a public official who directed that recorded meeting excerpts related to contested elections be posted online authorized the spending of public funds for political advertising, both to upload the excerpts and through the use of the public entity's website to host the excerpts.)

Candidates (including Incumbents) and Other Citizens

20. May a school district host an open forum opportunity for all school board candidates, like a "Meet the Candidates" event?

According to TEC, a forum at which all candidates, including incumbents, are given the same opportunity to appear and speak is not a forum in support of or opposition to any individual candidate; however, excluding candidates makes the forum a communication in support of those included. Tex. Ethics Comm'n Op. No. 343 (1996). TEC has also opined that Section 255.003(a) prohibits officers and employees from spending public funds to facilitate the distribution of political advertisements. Thus, a district's production of an event deliberately designed to provide a platform for disseminating political advertising is prohibited by Section 255.003. Tex. Ethics Comm'n Op. No. 563 (2021).

Given these authorities and TEC's position that the use of school facilities is an indirect use of public funds, the district should consider allowing another organization to host a candidate forum in order to avoid an inadvertent violation of the law or the appearance of impropriety. The forum could take place away from school property or on school property pursuant to the district's facilities use policy. *See* TASB Policy GKD(LOCAL).

TEC considered several questions arising from candidate debates and forums conducted by third party sponsors in a city-owned building. The sponsors rented city facilities for events open to all candidates and the public. The candidates and their supporters wanted to display or distribute political advertising materials to members of the public present in the rented meeting room, in a corridor outside the room, or in the parking lot of the city facility where the event was held. The city did not prepare or pay for any of the materials, sponsor or conduct the debates, invite or contact candidates, or endorse

or oppose any candidates. No city employees participated on work time in the preparation, display, placement, or distribution of any political advertising materials. TEC reached the following conclusions:

1. A city employee does not violate Section 255.003(a) by allowing members of the public to display or distribute political advertising at a city facility in connection with a candidate debate or forum if the city facility is rented to and paid for by the event sponsor with non-public funds at the city's standard rental rate for the use of the facility.
2. A city employee does not knowingly authorize the spending of public funds for political advertising as prohibited under Section 255.003(a) if members of the public display or distribute political advertising in a city-owned room that is rented to and paid for by the event sponsor using non-public funds to pay the city's standard rental rate for the use of the city-owned room.
3. A city employee does not knowingly authorize the spending of public funds for political advertising if members of the public display or distribute political advertising in a corridor outside the city-owned room rented to and paid for by the event sponsor or in the parking lot of the city facility where the event is being conducted, and the city employee takes no action to prevent the display or distribution of the political advertising. In reaching this conclusion, TEC opined that the legislature did not intend Section 255.003(a) to require an officer or employee of a political subdivision to prevent the display or distribution of political advertising by members of the public in this type of circumstance.

Tex. Ethics Comm'n Op. No. 552 (2020).

21. May a candidate speak to the PTA or booster clubs?

Yes, at the invitation of the club. PTAs and booster clubs are typically organized as separate, private groups. To the extent these groups are independent of the school district, the Texas Election Code prohibition on the use of public funds and other laws, including the First Amendment, may not apply. The groups may, however, have other legal obligations related to their tax-exempt status, which may prevent them from engaging in political advocacy during an election season. PTAs and booster clubs are permitted to invite candidates to a candidate forum or to visit the groups' meetings one by one, but such invitations should be extended to all candidates.

22. May a candidate come to school or school events and visit with staff, students, or parents? If so, may the candidate hand out campaign materials?

Perhaps, depending on local policy and practice. A candidate or other citizen may come on school property and hand out campaign literature only to the extent local school district policy has created a limited public forum for such activity. Some school districts specifically prohibit campaigning on school property or at school events.

On school days or at school events: If school district policy designates a limited public forum for distribution of nonschool literature (including leafleting), the policy will often allow each campus to establish times and locations for distribution. For example, campus rules may designate a specific table or bulletin board where nonschool literature may be displayed or left for students, parents, and staff to pick up voluntarily. Local policy may also provide that nonschool materials must be submitted for administrative review before distribution if they are likely to fall into the hands of children. Unless district policy specifically provides otherwise, campaign materials may be distributed or displayed on the same terms as all other nonschool materials. See TASB Policy GKDA(LOCAL).

At a nonschool-sponsored event held on campus: Although school district policies frequently require that nonschool materials (like campaign fliers) be submitted for administrative review prior to distribution to or near students, most local policies contain an exception for materials distributed during a meeting that is not school sponsored but is held on school property pursuant to a facilities use policy, like TASB Policy GKD(LOCAL). Again, unless district policy specifically provides otherwise, campaign materials may be distributed or displayed on the same terms as all other nonschool materials at after-hours, nonschool-sponsored meetings on school property. See TASB Policy GKDA(LOCAL); *see also* Tex. Ethics Comm’n Op. No. 552 (2020) (considering distribution of political advertising material on city property at third-party sponsored candidate event) [discussed above].

In campus mailboxes: The Texas Election Code specifically prohibits a district officer or employee from knowingly using or authorizing the use of the district’s internal mail system for the distribution of political advertising. Tex. Elec. Code § 255.0031.

23. May a current public official or candidate come to school or a school-related event to visit with school officials or community members if the person is running for election or reelection?

Yes, but the event should not become a campaign opportunity if the person is given access that other candidates would not have. From time to time, elected officials may seek an opportunity to gather information about the school district or share information with members of the school community. Maintaining open communication with elected officials, such as state legislators, serves a public purpose and can be beneficial to school districts. For this reason, a school district may grant an elected official an opportunity to visit a campus, speak at a public event like a school board meeting, or meet directly with staff or parents.

When the elected official is also running for reelection, however, the school district should exercise caution that the event is not treated as a campaign event on behalf of the incumbent. The district should not promote the event or gather an audience for the event unless the gathering is a public forum to which all candidates are invited or the event is unrelated to the public official's political purposes.

Visits by public officials or candidates should be for substantive reasons, not mere photo opportunities. Photography, videography, and media coverage of such events should be in accord with school district policies regarding student privacy.

24. May a candidate post a campaign sign on a school campus or buy advertising in a school publication?

Before election day: Although it is a matter of local policy and practice, most schools do not permit campaign signage to be placed on their campuses unless and until the campus is in use as a polling place. Given TEC's concern that the use of school facilities for campaign speech could be an indirect use of public funds for political advertising, permitting signage at times and places other than polling places on election day may not be advisable.

Paid advertising: Many districts accept paid advertising to be placed on school signage and in a variety of school district media, including event programs, school publications, and online. In order to maintain editorial control over these various publications, TASB recommends that school boards adopt a local policy indicating that advertising is accepted to raise money for the school, not to open a public forum for communication. See TASB Policy GKB(LOCAL).

Because paid advertising at a school district is generally not a public forum, and again in light of TEC's concern that use of school facilities (including signage and publications) could be an indirect use of public funds for political advertising, TASB Legal Services discourages districts from accepting paid political advertising.

25. May a candidate use the district logo in campaign materials?

Probably not. When asked whether a city officeholder could distribute political advertising on city letterhead containing a logo and slogan, TEC assumed that the letterhead was created by city staff to be used for official purposes; that the letterhead, logo, and slogan were paid for with city funds; and that the logo and slogan were the city's intellectual property, and as such, a city resource. Thus, the officeholder could not use the letterhead, logo, and slogan for political advertising. Tex. Ethics Comm'n Op. No. 532 (2015). See TASB Policy CY(LOCAL) regarding use of the district's logo. [See Question 5 regarding creation of a logo for an election.]

26. May a candidate include a photo of the candidate in front of a school district building or sign?

Yes. In concluding that a public official violates Section 255.003 by using restricted areas of government facilities in political advertising (see Question 18), TEC noted that the statute does not prohibit a public official, or by extension a candidate, from using government facilities that are equally accessible to the public for political advertising. Tex. Ethics Comm'n Op. No. 550 (2019).

27. May a parent wear a campaign t-shirt while attending a school district athletic event or picking up a child at school?

Yes. School districts and school employees are subject to restrictions on free speech in order to prevent the use of public funds for political advertising, but parents and community members are free to express themselves with campaign messages on their own clothing or bumper stickers on their cars. Unless a message is disruptive to the conduct of school activities or violates school rules for some other reason (e.g., because it is profane), personal campaign messages displayed by parents and community members should not be restricted.

Employees

28. May school employees advocate for or against candidates or ballot measures?

Not on work time or using district resources, including office supplies and computer equipment. As discussed previously, school district employees may not use public resources for political advertising to advocate for or against a candidate or ballot measure. TEC interprets the prohibition broadly to include any employee time and all school district resources like copy and fax machines, supplies, facilities, email, and computer equipment. See TEC's [Short Guide to the Prohibition against Using School District Resources for Political Advertising](#). School employees who violate this prohibition could face fines or criminal penalties.

29. May school employees advocate for or against candidates or ballot measures on personal time with personal resources?

Yes. School employees retain their First Amendment right to campaign for or against a candidate or election measure in their non-work time, using their personal resources.

30. Is the superintendent ever "off the clock" and free to advocate as a private citizen?

Because superintendents' duties often include appearing as a district representative at after-school community gatherings, superintendents may have more difficulty than other district employees separating their official speech from their private speech. See

Gonzalez v. Johnson, 04-20-00516-CV, 2021 WL 4976562 (Tex. App.—San Antonio Oct. 27, 2021, no pet. h.) (considering the scope of a superintendent’s duties). Advocacy by a superintendent on a school district election matter may appear to others to be an official statement by the district and thus a use of district funds. A superintendent should either speak only about the factual purposes of an election measure so as not to encourage, promote, or imply that listeners should vote for or against the measure, or limit expression of personal viewpoints to times and places that are clearly not associated with the superintendent’s job.

31. May a school employee send an email saying “Vote for Bob” from the employee’s personal computer to the employee’s coworkers at their school email addresses?

For the reasons previously discussed, personal emails campaigning for or against a measure or candidate are permitted. Even emails sent to district email addresses arguably are not an impermissible use of district funds. *See* 1 Tex. Admin. Code § 20.1(11)(B) (exempting email and text messages from the definition of political advertising). Nevertheless, employees should use caution because emails may be printed and passed out, thereby becoming fliers. For employees’ own protection, employees should avoid political advocacy in favor of a particular candidate or measure in ways that involve school equipment.

32. May an employee wear a button that says “Vote for the ISD Bond”?

Not during work hours if the district’s dress code does not permit it. Although school employees maintain their First Amendment rights at school, the school district, as a public employer, has the authority to regulate employee dress with reasonable, viewpoint-neutral guidelines. Many school districts prohibit employees from wearing campaign t-shirts and buttons during work time. This regulation may be based on the Texas Election Code prohibition on using employee time to advocate for a candidate or measure. It may also be based on a concern that employees, who are viewed as representatives of the district while in their instructional and other roles, should not use their influence over students’ political views. As with any dress code regulation, the guidance should be specific enough to give employees a clear understanding of what is expected, and the guidance should be provided to employees before any attempt is made to enforce the dress code.

In enforcing any limits on campaign items or expression, remember that not all the time employees spend on district property is *work time*. Non-work time, like breaks or lunchtime, may offer employees the opportunity for free expression on any topic, including politics, among themselves (but not with students).

33. May a high school employee wear a “Vote for Bob” t-shirt to the high school football game?

Yes, unless the employee is there to work. Legally, the answer depends on whether the employee’s attendance at the football game is considered work time for that employee. As a practical matter, however, even off-duty employees are likely to be viewed as representatives of the district while at a school-sponsored event. As a result, teachers and other employees should exercise good judgment regarding their attire.

34. May an employee (or other person) park in the school parking lot with a bumper sticker that says “Vote for Bob”?

Unless the expression an employee (or other person) has affixed to their personal vehicle as a bumper sticker or other sign is obscene or otherwise in violation of district rules, districts should avoid interfering with this form of personal expression.

35. May a school employee arrive early for work and place fliers for a candidate in the teachers’ lounge or in teachers’ mailboxes?

Political advertising may not be placed in an area of the school that is not part of the campus’ limited public forum. TEC specifically concluded that placement of campaign fliers in a teachers’ lounge that is not accessible to the public would involve “spending” public funds under Section 255.003 because “spending” of public funds includes not only the use of district employees’ work time but also the use of district facilities. This conclusion does not change if all candidates are allowed to place fliers in an area that is not accessible to the public. According to TEC, “there is no language [in section 255.003] to suggest that a political subdivision may use public resources for political advertising if the political subdivision itself does not show a preference for political advertising from a particular source.” Tex. Ethics Comm’n Op. No. 443 (2002).

As discussed previously, special prohibitions apply to the use of school mail systems, like teachers’ mailboxes. An officer or employee of a school district may not knowingly use or authorize the use of the district’s internal mail system for the distribution of political advertising. Tex. Elec. Code § 255.0031.

Students

36. May a student wear a campaign t-shirt to school?

Like employees, students maintain their First Amendment rights while at school. Nevertheless, the district has the authority to regulate student dress with reasonable, viewpoint-neutral guidelines. Some districts prohibit t-shirts with slogans in their dress codes, but many allow them. T-shirts with political messages should be permitted on the

same basis as t-shirts with other messages. As with any dress code regulation, the guidance should be specific enough to give students and parents a clear understanding of what is expected, and the guidance should be provided before any attempt is made to enforce the dress code.

37. May a student hand out fliers for a candidate to other students between classes?

As discussed, political advertising may not be placed in areas of a school that are not part of the campus' limited public forum; however, under local policy and practice, students may have the opportunity to distribute nonschool literature, including campaign materials, to fellow students. See TASB Policy FNAA(LOCAL).

Campaign speech issues can be complex. If you have questions about these issues, consult your school district's attorney or call TASB Legal Services at 800.580.5345. TASB Legal Services provides additional resources on First Amendment rights of board members, employees, and students; student dress and appearance; student protests; legislative advocacy; and other election issues at [TASB School Law eSource](https://www.tasb.org/School-Law-eSource/).

This document is continually updated at [tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/campaign-speech-during-elections.aspx](https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/campaign-speech-during-elections.aspx). For more information on school law topics, visit TASB School Law eSource at [schoollawesource.tasb.org](https://www.schoollawesource.tasb.org).

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Roles and Responsibilities of Individual School Board Members

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Board members are elected to serve as trustees for their school districts. As such, they have the opportunity and responsibility to participate in matters of school business. An independent school district is governed by a board of trustees who, as a body corporate, shall oversee the management of the district. Tex. Educ. Code § 11.051(a).

Trustees, however, must operate as “a body corporate,” which means no single board member may act alone. Tex. Educ. Code § 11.051. So how do the roles and responsibilities of each individual trustee intersect with the role of the board as an entity?

The Limits of Free Speech

Although board members and other public officials do not lose their free speech rights when they enter public office, the U.S. Supreme Court has acknowledged that restrictions on speech based upon the necessities of governmental functions do not violate the First Amendment. See *Asgeirsson v. Abbott*, 773 F. Supp. 2d 684 (W.D. Tex. 2011) (concluding that the Texas Open Meetings Act (OMA) requirement that open meetings take place in public was necessary to provide the governmental function of transparency and therefore did not violate the First Amendment). In other words, school board members have free speech rights, but when they are acting in their official capacity, those rights may be limited to serve the legitimate needs of the public.

On the one hand, the government may not limit public officials’ capacity to discuss their views of local or national policy. The Supreme Court has observed that the interest of the public in hearing all sides of a matter of public concern would not be advanced by extending more free speech protection to citizen-critics than to public officials. Instead, the public benefits by knowing what governmental officials think so the public can judge whether the elected officials are truly the best people to represent them. *Bond v. Floyd*, 385 U.S. 116 (1966).

On the other hand, a board member’s personal right to free speech does not extend to using the advantage of public office to promote personal views. For example, when a judge who had been censured for holding a press conference in his courtroom to address allegations made by a litigant appealed the censure, the Fifth Circuit struck down the censure order “[t]o the extent that [it] censured [the Judge] for the content of his speech, shutting down all communication between the Judge and his constituents;” however, the Fifth Circuit held that the portion of the order that was directed at the judge’s “use of the trappings of judicial office to boost his

message, his decision to hold a press conference in his courtroom, and particularly stepping out from behind the bench, while wearing his judicial robe, to address the cameras” survived strict scrutiny. *Jenevein v. Willing*, 493 F.3d 551, 560 (5th Cir. 2007). In other words, the judge had a right to speak out about the allegations, but not to use the courtroom as a platform.

In the same way, board members’ right to speak out and advocate regarding school business is not unlimited. Sometimes the limits come from legal requirements like the OMA or prohibitions on the use of public funds for political advertising. Tex. Gov’t Code ch. 551; Tex. Elec. Code ch. 255. Other times these limits are self-imposed by a school board in the form of a local policy or board operating procedure adopted in the interest of best school district practices. See TASB Policy BE(LOCAL).

Board Meeting Attendance and Participation

A school board member holds the rights and obligations of the office until replaced by a duly-qualified successor. Tex. Const. art. XVI, § 17. The office changes hands only when another person has been elected (or, in the case of a board member’s resignation, appointed) to the office and has taken the oath of office. In Texas, school board members are not subject to recall by the voters, nor may they be removed by an action of the rest of the school board. Tex. Civ. Prac. & Rem. Code §§ 66.001-.002 (providing for quo warranto action in district court); Tex. Loc. Gov’t Code § 87.015 (providing for removal by petition and trial).

Consequently, a qualified board member is entitled to participate in deliberation and voting, unless there is a conflict of interest that prevents the board member’s participation.

Voting

All board members may vote on all matters, absent a conflict of interest. (See Legal Conflicts of Interest, below.) To vote, a trustee must attend the board meeting in person (unless the meeting is being held by videoconference in accordance with the OMA) and cast a vote in public. Proxy votes, secret ballots, and straw polls are not permissible; nor is voting of any kind in a closed meeting. Tex. Gov’t Code § 551.102; Tex. Att’y. Gen. Op. No. JH-1163 (1978). The board president has the same opportunity to vote and deliberate as any other board member. See TASB Policy BE(LEGAL). See TASB Legal Services’ [FAQ on Voting](#).

A trustee is not obligated to deliberate or cast a vote, even if state law would not prohibit participation. At times, a trustee may feel too involved with a certain situation or with a particular vendor to make an unbiased decision and may abstain. The trustee may also choose to abstain from participation to avoid the appearance of impropriety. Through local policy, most school districts have adopted a local board member code of ethics that can assist trustees in evaluating their circumstances and determining when to abstain. See TASB Policy BBF(LOCAL).

Public officials have argued that restricting their ability to vote based on conflicts of interest would be an unconstitutional restraint on the officials' exercise of free speech. However, these arguments have failed. In *Nevada Comm'n on Ethics v. Carrigan*, the U.S. Supreme Court considered this question when a city council member challenged his censure by the Nevada Commission on Ethics for failing to disclose a business relationship with a vendor and recuse himself from voting on a construction project. The Court agreed to hear the case and directly addressed the question of whether restrictions upon an official's vote are restrictions upon the official's protected speech. The Court opined that a public official casts a vote in trust for the official's constituents, not as an act of personal power. According to the Court, the act of voting is not, in and of itself, symbolic speech. Rather, even though a vote may reflect an official's deeply held personal belief, and even if the official would like the vote to convey that belief, the official's belief does not transform the action of voting into First Amendment speech. *Nevada Comm'n on Ethics v. Carrigan*, 564 U.S. 117 (2011).

Legal Conflicts of Interest

In certain circumstances, a board member may be legally prohibited from participating in deliberation and voting on a matter when there is a conflict of interest. Examples include the following:

- **Nepotism:** When an employee related to a board member is employed pursuant to the "continuous employment" exception, the board member may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the employee if that action applies only to the individual and is not taken regarding a bona fide class or category of employees. Tex. Gov't Code § 573.062(b). See TASB Policy DBE(LEGAL).
- **Substantial interest:** A trustee with a substantial interest in a business or real property must abstain from further participation in the official decision-making process if the board's action on the matter will have a special economic effect on the business entity or real property that is distinguishable from the effect on the public. Tex. Loc. Gov't Code § 171.004(a). However, abstention is *not* required if a majority of board members are required to file, and do file, affidavits of substantial interest in a particular business entity. Tex. Loc. Gov't Code § 171.004(c). See TASB Policy BBFA(LEGAL).
- **Budget items:** The school board must take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a board member has a substantial interest. The member may, however, vote on the budget as a whole if the member has filed the necessary affidavit, abstained from voting on the specific item, and the specific budget item has been otherwise resolved. Tex. Loc. Gov't Code § 171.005. See TASB Policy BBFA(LEGAL).

- **Duty to another entity:** In many cases, state law permits an individual to hold two positions, such as serving simultaneously as a school board member and as a director for a private corporation. Separate laws governing the actions of the individual while serving in the second capacity may affect the individual's ability to participate in school board decision making. Assume, for instance, that a school board member is also on the board of a nonprofit corporation. If the trustee ignores a potential conflict of interest between the school district and the nonprofit, the trustee could be sued for breach of the trustee's fiduciary duty to the nonprofit. Tex. Att'y Gen. Op. No. DM-0256 (1993) (citing *Blocker v. State*, 718 S.W.2d 409 (Tex. App.—Houston [1st Dist.] 1986, writ ref'd n.r.e.)). A trustee should consider the trustee's obligations to both the school district and the other entity before participating in school board matters.

Exclusion from a Meeting

The circumstances under which a board member can be excluded from a board meeting are exceptionally rare.

Open meetings: Like all members of the public, board members are permitted to attend open meetings. Even board members with a conflict of interest on a matter before the board may (but do not have to) attend the portion of an open meeting related to that item, even if they are not participating in the deliberation and vote. If there is a disruption during a meeting involving board members, the presiding officer typically calls a recess until all are able to resume.

Closed meetings: A board member who is prohibited from participation (meaning deliberating and voting) due to a legal conflict of interest may still be able to attend (sitting silently) a closed meeting regarding the matter; however, the attorney general has *strongly suggested* that a public official choose to refrain from attending the portion of a closed meeting that addresses such a matter in order to avoid the appearance of impropriety. Tex. Att'y Gen. Op. No. GA-0334 (2005). In addition, a school board may exclude a particular trustee from a closed meeting if the trustee has taken a legal position adverse to the district on the subject of the closed meeting and disclosure of the deliberation would compromise the district's position as to that matter. In one case, the attorney general ruled it was proper for a school board to exclude from closed session a trustee who had sued the school district. The board could prevent the trustee from hearing the board's consultation with its attorney regarding defense strategy or settlement of the claim. Tex. Att'y Gen. Op. No. JM-1004 (1984). A board should always consult with an attorney before excluding a trustee from any portion of a meeting.

Placing an Item on a Future Agenda

For districts using TASB Policy BE(LOCAL), local policy permits a single board member to request that an item go on the agenda for an upcoming meeting. In planning an agenda, the superintendent and board president must ensure that all trustee requests appear on the present agenda or are scheduled for a future agenda. No item may be removed from an agenda

without the permission of the requesting trustee. The attorney general has noted that a board cannot adopt a procedure that has the net effect of precluding individual board members from placing an item on the agenda. Tex. Att’y Gen. Op. No. DM-0228 (1993).

A board president or superintendent who chooses to delay or deny a board member’s request should consult with the board member about the request. If a board member believes that a requested item is being improperly kept off the board’s agenda, the board member may raise the issue during a board meeting. Because the item does not appear on that board meeting’s agenda, the board is not permitted to discuss the merits of the matter. The board is permitted to vote, however, on whether to place the item on a future agenda. Tex. Gov’t Code § 551.042.

Speaking at a Board Meeting about an Item Not on the Agenda

Because board members have the opportunity to request specific agenda items, speaking during public comment on an item that is not on the agenda may violate the OMA. For example, the Hays County Commissioners Court posted a meeting notice that included an item listed as “Presentation by Commissioner Molenaar” under the heading “Proclamations & Presentations.” When Molenaar spoke, his comments went into some detail about a proposed county transportation plan. A taxpayer organization sued the county for OMA violations. The court of appeals concluded that “presentation” was too vague a description to give the public notice of the subject matter. *Hays County Water Planning P’ship v. Hays County*, 41 S.W.3d 174 (Tex. App.—Austin 2001, pet. denied).

Similarly, after the chair of the Board of Directors of the Brazos Valley Groundwater Conservation District (BVGCD) refused a board member’s request to add an item to a board agenda out of concern that it related to pending litigation, the board member attempted to sign in and make a public comment at the board meeting. When he was not allowed to address the board, he joined the pending lawsuit against the BVGCD, alleging a violation of his First Amendment right to free speech. The district court ruled in favor of the board, and the Fifth Circuit affirmed. The court concluded that, given the board member’s status as a public official, he was governed by the OMA and did not have the same rights as a member of the public when attending a BVGCD meeting. *Stratta v. Roe*, 961 F.3d 340 (5th Cir. 2020).

If a board member or a member of the public asks about a subject that is not on the agenda during a meeting, the board may only:

- **Give factual information:** Make a statement of specific factual information, e.g., “The deadline for submitting bids on that proposal is December 29, 2021.”
- **Give a policy reference:** Recite existing policy in response to the inquiry, e.g., “Complaints by a parent against a district employee should be submitted under the district’s local policy FNG (LOCAL).”

- **Place on a future agenda:** Deliberate about or decide whether to place the subject on the agenda for a later meeting. Tex. Gov't Code § 551.042.

Making Personal Recordings

The OMA permits any person to record all or any part of an open meeting by audio recorder, video camera, or other means of aural or visual reproduction. The board may adopt reasonable rules to maintain order relating to any such recording, such as the location of the recording equipment and the manner in which the recording is conducted. Tex. Gov't Code § 551.023. The same is not true in closed meetings, however. Neither board members nor other individuals may audio record a closed meeting absent authorization by the board. *Zamora v. Edgewood Indep. Sch. Dist.*, 592 S.W.2d 649 (Tex. Civ. App.—Beaumont 1979, writ ref'd. n.r.e.).

Activities Outside of Board Meetings

Persuading Fellow Board Members

Board members are permitted to speak to each other and to the district administration (in person and through electronic communications) about public business outside of board meetings. They may “lobby” each other on relevant matters. Board members must take care, however, not to violate the OMA with these discussions. The Fifth Circuit has concluded that government officials do not have a First Amendment right to discuss public policy and public business among a quorum of their governing body in private, concluding that the OMA is not unconstitutional in its regulation of public business. *See Asgeirsson v. Abbott*, 773 F. Supp. 2d 684 (W.D. Tex.2011), *aff'd*, 696 F.3d 454 (5th Cir. 2012) (finding the OMA was not vague or overbroad with respect to indictment of city council members for emails about public business).

A *meeting* under the OMA happens whenever a quorum deliberates school business. Tex. Gov't Code § 551.001(4). *Deliberation* means a verbal exchange during a meeting between a quorum of a board, or between a quorum of a board and another person, concerning an issue within the jurisdiction of the board or any other public business. Tex. Gov't Code § 551.001(2). According to the Texas Supreme Court, “When a majority of a public decisionmaking [sic] body is considering a pending issue, there can be no ‘informal’ discussion. There is either formal consideration of a matter in compliance with the Open Meetings Act or an illegal meeting.” *Acker v. Tex. Water Comm’n*, 790 S.W.2d 299, 300 (Tex. 1990). An illegal meeting can occur if a quorum deliberates school business outside of a posted meeting, even if the quorum does not meet at one time or place. *Hitt v. Mabry*, 687 S.W.2d 791 (Tex. App.—San Antonio 1985, no writ); Tex. Att’y Gen. LO-95-055 (1995).

A *walking quorum* occurs when members of a governmental body deliberately hold serial meetings of less than a quorum outside of a public meeting and then ratify the decisions made in private at a subsequent public meeting in an attempt to circumvent the OMA. *Esperanza Peace & Justice Ctr. v. City of San Antonio*, 316 F. Supp. 2d 433 (W.D. Tex. 2001). A board member

commits an offense if the member knowingly engages in communications in violation of the OMA, and if the member knew that the communication involved or would involve a quorum and would constitute a deliberation. Tex. Gov't Code § 551.143(a). This offense is a misdemeanor punishable by fine, confinement, or both. Tex. Gov't Code § 551.143(b). *See also* Tex. Att'y Gen. Op. No. GA-0098 (2003) (warning against holding serial, closed, quorumless meetings).

Preserving School District Records

Under the Texas Public Information Act (PIA), a school board member is a *temporary custodian* of school district records to the extent, in the transaction of official business, the board member creates or receives *public information* that the member has not provided to the district's public information officer (i.e., the superintendent). Tex. Gov't Code § 552.003(7). *Public information* is defined broadly to include any district information created or maintained in connection with the transaction of official business and located on any device. Tex. Gov't Code § 552.002(a)-(a-2). As a temporary custodian, a board member may either forward the public information to the district or preserve information as required by the PIA and other laws governing the preservation and retention of local government records, including Texas Government Code chapter 441 and Texas Local Government Code Title 6. Tex. Gov't Code § 552.004(b)-(c). For this reason, board members are well-advised to limit electronic exchanges related to school business to software applications (like district email) that are accessible to and retained by the school district. For more information, see TASB Legal Services' memo [Board Member Responsibilities as Temporary Custodians](#).

Reviewing School District Records

Trustees have a special right of access to existing district records to the extent necessary to do their job. Tex. Att'y Gen. Op. No. JM-0119 (1983).

Requesting records: A board member, acting in an official capacity, may request information and records from the district without the need for a public information request. Information not subject to disclosure as public information may be redacted or withheld, and the district is required to track and periodically report certain information about board member requests for records. Tex. Educ. Code § 11.1512(c)-(f). Of course, trustees should observe good governance practices, requesting only the documents needed to perform their appropriate functions and following established procedures for making document requests. On the other hand, most boards have a local policy that requires a majority vote before the board will commission the creation of a new report. See TASB Policy BBE(LOCAL). See also TASB Legal Services' memo on [Board Member Access to School District Records](#).

Access to closed meeting records: Either a certified agenda or an official audio recording must be kept of the proceedings of each closed meeting, except for a governmental body's private consultation with its attorney. Tex. Gov't Code § 551.103(a). A certified agenda or recording of

a closed meeting is available for public inspection and copying only under a court order. Tex. Gov't Code § 551.104(c). However, current trustees who attended a closed meeting may review the certified agenda or audio recording of that meeting. Tex. Att'y Gen. Op. No. DM-0227 (1993). Current board members may also review the recording or certified agenda of a closed meeting they did *not* attend. Tex. Att'y Gen. Op. No. JC-0120 (1999). Although a board may adopt reasonable procedures for review of closed meeting records, the board may not absolutely prohibit a board member from reviewing the recording or certified agenda. While a board member may review the record, this does not include the authority to obtain a copy of the record. Former board members may not review a recording or certified agenda after they have left office. Tex. Att'y Gen. Op. No. JC-0120 (1999).

Talking to the Public or the Press

Like all citizens, individual board members may voice their opinions to the public or the press. Nevertheless, important practical considerations should guide board members speaking publicly about school business. First, because the board acts only as “a body corporate,” many school boards have a board operating procedure that appoints the board president as a spokesperson; other board members are free to speak to the press or the public but should clarify that their statements reflect their own views, not necessarily the official position of the board. Moreover, board members should not use the press as a vehicle for communicating with each other; such communications undermine good working relationships and the purpose of open meetings.

Public statements may also telegraph bias on contested matters. Generally, a board member is presumed to be impartial absent specific evidence of actual bias. *Nardone v. El Paso Indep. Sch. Dist.*, Tex. Comm'r of Educ. Decision No. 151-R1-798 (Aug. 25, 1998). In some cases, however, board members act in the role of a judge or tribunal by hearing appeals of contested cases. Examples include grievances, employee contract appeals, and other contested matters, many of which require due process of law. The concept of due process calls for the board to serve as an impartial decision maker, which means board members should come to the hearing with an open mind.

Public statements by a board member expressing an opinion on pending matters may be considered evidence of bias or prejudice on the issue. This evidence of bias may be used to call into question the validity of board action. *See, e.g., Valley v. Rapides Par. Sch. Bd.*, 118 F.3d 1047 (5th Cir. 1997) (overturning a superintendent's termination when the record showed that four members of a nine-member school board had made public statements indicating bias against the superintendent).

Finally, disagreement among the board is to be expected from time to time, but most boards encourage individual members to express their views during the debate of a matter and to refrain from criticizing decisions after the fact. For example, many boards commit in their code of ethics to air their disagreements during board deliberations, but to avoid undermining final majority decisions afterwards. See TASB Policy BBF(LOCAL) (“I will respect the majority decision as the

decision of the Board.”). That said, board members have a constitutionally protected right to express dissent. *See City of Corpus Christi v. Bayfront Assoc., Ltd.*, 814 S.W.2d 98 (Tex. App.—Corpus Christi–Edinburg 1991, writ denied) (observing that a city council member who disagreed publicly with a decision of the council could not be “sanctioned” for voicing her disagreement).

For more information, see TASB Legal Services’ [Social Media Guidelines Use by Board Members](#).

Interacting with Staff

A district’s employment policy must provide each employee with the right to present grievances to the board, and the policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of a district, with the exception of communications about a pending appeal under Texas Education Code chapter 21 regarding employment contracts or another appeal or hearing in which *ex parte* communication (i.e., communication with only one party in a pending matter) would be inappropriate pending a final decision by the board. Tex. Educ. Code § 11.1513(i)-(j). See TASB Policy DGBA(LEGAL) and (LOCAL).

That said, local school boards routinely establish guidelines for school board members that emphasize that individual members are not authorized to respond to complaints from individual employees or other citizens. Instead, complaints or concerns should be redirected through the chain of command to an appropriate administrator. Boards set this expectation in board policies, board operating procedures, and often their superintendent contracts.

Board members should avoid asking school employees, other than the superintendent, to perform any tasks or favors for the board member. Not only do such requests disrupt the chain of command, but they also risk the board member being accused of micromanagement or abuse of official capacity.

Visiting Campuses

Each school board is required to establish a policy regarding board members’ visits to district campuses or facilities. Tex. Educ. Code § 11.1512(g). See TASB Policy BBE(LOCAL).

Liability Issues

Preserving Confidential Information

The audio recording or written record of a closed meeting, called a certified agenda, is confidential by law. A person who knowingly discloses a certified agenda or a recording of a closed meeting to a member of the public, without lawful authority, commits a Class B misdemeanor. Tex. Gov’t Code § 551.146. The penalty is a fine not to exceed \$2,000, jail confinement not to exceed 180 days, or both. Tex. Penal Code § 12.22.

Although the unauthorized release of an audio recording or certified agenda from a closed meeting is a criminal offense, there is no comparable statutory prohibition in the OMA specifically preventing other disclosure of the subject or content of closed meeting discussions. The attorney general has stated that the restrictions on the disclosure of the certified agenda or recording do not prohibit board members or other persons who attend a closed meeting from making public statements about the subject matter of a closed meeting. The attorney general's conclusion was based on the fact that (1) school board members and others present during a closed meeting possess constitutional rights to freedom of speech; and (2) in enacting the certified agenda or recording requirement, the legislature apparently intended only to ensure the preservation of the record of closed meeting discussions. Tex. Att'y Gen. Op. No. JM-1071 (1989).

Despite this ruling, there are several compelling reasons for a trustee not to reveal the content of closed meeting deliberations. First, as a *trustee* to the district, a board member owes a fiduciary obligation to the district to put its interests ahead of the board member's own. Disclosure of information discussed in a closed meeting, such as the negotiating position of the district, could harm the district's interests. Consequently, the trustee could be subject to a civil lawsuit for breach of fiduciary duty.

Second, disclosing information discussed in a closed meeting is inconsistent with the board's local policies. Most school districts have adopted a local policy stating that a trustee will not "disclose information that is confidential by law or that will needlessly harm the District if disclosed." Trustees also commit to "consistently uphold all applicable laws, rules, policies, and governance procedures." See TASB Policy BBF(LOCAL). While these ethical standards may not create a separate legal cause of action, they define the policy duties of the trustee.

Third, an individual board member may be sued for *defamation*. Defamation occurs when an individual, acting with actual malice if the target is a public figure or with mere negligence if the target is a private individual, publishes or prints a statement that "tends to impeach [a] person's honesty, integrity, or virtue." *Marshall v. Mahaffey*, 974 S.W.2d 942, 949 (Tex. App.—Beaumont 1998, pet. denied). A school board member can claim official immunity in such suits if the statement was made by the member while performing a discretionary duty in good faith and within the scope of the member's authority. The defense of official immunity will fail, however, if the board member's statements were not made in good faith and within the scope of the board member's authorized duties. A successful plaintiff could recover monetary damages caused by the statement plus exemplary damages. *Kinsey v. Ryan*, No. Civ. A. 398CV-1000-BC, 1998 WL 920329 (N.D. Tex. Dec. 31, 1998) (mem. op.).

Fourth, depending on how confidential information is used, a board member may be subject to criminal liability for *misuse of official information*. The Texas Penal Code specifically prohibits a public official from misusing information that has not been made public and to which the official has access by virtue of the public office. Official information is information to which the public generally does not have access and which is prohibited from disclosure under the PIA. Depending on the circumstances, information discussed in a closed meeting may fall in this

category. A trustee may run afoul of this provision by relying on official information to acquire (or help someone else to acquire) a financial interest in property, a transaction, or an enterprise affected by the information or discloses or uses official information for a non-governmental purpose with intent to benefit from or harm or defraud another. Violation of this provision is a third-felony. Tex. Penal Code § 39.06.

Finally, a board member's disclosure of closed meeting discussions undermines the purpose and integrity of the closed meeting. The closed meeting exceptions represent the legislature's determination of the subject areas that warrant discussion outside the public's view. Disclosing discussions or information about these subjects may inhibit open discussion of issues in future closed meetings. For all these reasons, it is highly inadvisable for board members to disclose information regarding deliberations in closed meetings.

Defamation against Board Members

While the First Amendment may sometimes be called upon to protect speech by public officials, it is more often called upon to protect speech about and against public officials. School board members must have thicker skin than ordinary citizens when it comes to personal attacks. See, e.g., *Greer v. Abraham*, 489 S.W.3d 440 (Tex. 2016) (concluding that a school board member is a public figure justifying a heightened standard requiring proof of "actual malice" to support a defamation claim). Accordingly, public officials must tolerate more significant actions taken in response to their exercise of free speech than an average citizen would before the actions are considered adverse. *Mattox v. City of Forest Park*, 183 F.3d 515 (6th Cir.1999). In Texas, even candidates for school board are considered public officials, subject to the heightened standard of actual malice to support a defamation claim. *Schofield v. Gerda*, No. 02-15-00326-CV, 2017 WL 2180708, at *1 (Tex. App.—Fort Worth May 18, 2017, no pet.).

Not only is it harder for a school board member to claim defamation, but any such claim could be struck down as a "SLAAP," which stands for a Strategic Lawsuit Against Public Participation. A SLAPP is considered a meritless lawsuit aimed at stopping citizens from talking about issues of public concern. In response to a growing number of defamation claims related to online speech, the Texas Legislature passed the Texas Citizens Participation Act (TCPA), more generally known as an anti-SLAPP law, in 2011 to "protect people's right of free speech, petition, or association." Bill Analysis, Tex. H.B. 2973, 82d Leg., R.S. (2011). In 2019, the Texas Legislature went back to the TCPA and substantially amended the law to clarify what parties were subject to the law. Importantly, a government entity, agency, or an official or employee acting in an official capacity *cannot* file a TCPA motion to dismiss. This includes school districts, school boards, and school board members acting in their official capacity. Tex. Civ. Prac. & Rem. Code § 27.003(a).

Censure

Nothing in the U.S. Supreme Court's precedent "suggests the Court intended for the First Amendment to guard against every form of political backlash that might arise out of the everyday squabbles of hardball politics," and "the First Amendment may well prohibit retaliation against

elected officials for speech pursuant to their official duties only when the retaliation interferes with their ability to adequately perform their elected duties.” *Willson v. Yerke*, 604 F. App’x 149, 151 (3rd Cir. 2015) (affirming summary judgment in favor of township and board of supervisors on allegations by former member that chairman and other members insulted and threatened him, directed obscene gestures at him, and changed locks on township garage).

Under most circumstances, conflicts and miscommunications among board members can be addressed by ensuring that board members receive regular continuing education and that local boards collaborate to develop and review sound board operating procedures.

In the event a board member’s actions deliberately violate local policy or board operating procedures, the rest of the board may consider addressing the concerns by taking the following steps:

- A private conversation between the offending member and the board president or other appropriate individual.
- A confidential conversation between the offending member and the board and the district’s school attorney.
- Discussion in closed session between the offending member and the full board.
- If private conversations have not been effective, the board could seek the assistance of the school district’s attorney to express in writing concerns about specific policy violations.
- If all possible private interventions have not been effective, board members may make public statements to distance themselves from the acts or statements of another board member.

While board members each have a protected First Amendment right to express their views on matters of public concern—including views about the acts or statements of a fellow board member—a board that is considering a formal reprimand, censure, or sanction against an individual member of the board should consult its school attorney to carefully consider the costs and benefits of such actions. Public censure of a fellow board member often leads to protracted and expensive litigation with claims and counterclaims of unconstitutional restrictions on protected speech. In *Houston Community College System v. Wilson*, the U.S. Supreme Court reviewed the claim by a community college trustee that the board’s vote to publicly censure the trustee for actions not consistent with the best interests of the college and board violated the First Amendment. The Fifth Circuit Court of Appeals had determined that the trustee’s allegation of censure in retaliation for speaking out on a matter of public concern was sufficient to establish an actionable harm for lower court review of the claimed damages. In reversing the Fifth Circuit’s ruling, the Supreme Court noted that “elected bodies in this country have long exercised the power to censure their members” and that members should expect “a degree of criticism about their public service from their constituents and their peers.” As to the

trustee's claim that the censure constituted an unconstitutional adverse action in response to speech, the Court reasoned that the First Amendment "cannot be used as a weapon to silence other representatives" from seeking to exercise their same rights to speak on matters public policy. The Court cautioned that its holding was limited to a verbal censure of a member of an elected body by other members, not to more extreme forms of punishment like expulsion or exclusion. *Houston Cmty. Coll. Sys. v. Wilson*, 142 S. Ct. 1253, 1259-61 (2022).

Personal Legal Liability

School board service is a voluntary role and should not typically subject board members to personal liability. That said, when board members stray from acting in good faith within the scope of their appropriate role on the board, risks may ensue. Board members can be subjected to two types of liability: civil and criminal. Board members almost always have immunity from liability for civil claims. Civil claims are lawsuits by individuals seeking either monetary damages or injunctive relief from the school district. Board members are immune from liability for discretionary acts done in good faith within the course and scope of their role on the board. *City of Lancaster v. Chambers*, 883 S.W.2d 650 (Tex. 1994); Tex. Educ. Code § 22.0511.

Plaintiffs in state lawsuits must choose to sue either the school district as an entity or an individual person (employee or board member) who allegedly caused the harm. Tex. Civ. Prac. & Rem. Code § 101.106. Generally speaking, unless a plaintiff is claiming that a board member acted separate and apart from the rest of the board—for example, the plaintiff claims the board member made a defamatory statement—suit will be brought against the district, not an individual board member.

If a civil suit, like a defamation claim, is brought against a board member in the member's individual capacity, the board member may be able to rely on the district's director and officer (D&O) insurance to mount a defense, as long as the board member was acting in good faith in the course and scope of the board member role. Tex. Att'y Gen. Op. No. JH-0070 (1973). If, however, the board member was not acting in good faith, the board member's actions may not be covered by the district's insurance. In these rare circumstances, a board member may have a conflict of interest with the school district that would require the individual to rely on personal resources, such as homeowner's insurance or personal assets, to defend the claim. Tex. Att'y Gen. Op. No. GA-0878 (2011). Whether public funds may be spent on a board member's defense must be decided on a case-by-case basis. Tex. Att'y Gen. Op. No. GA-0115 (2003). A school district may not expend public funds to represent the purely personal interests of an individual trustee. Tex. Att'y Gen. Op. Nos. DM-0488 (1998), JM-0968 (1988), JH-0070 (1973).

Board members are also immune from federal claims unless their conduct violates clearly established rights of which reasonable person would have known. *Harlow v. Fitzgerald*, 457 U.S. 800 (1982). As supervisory officials, board members may be considered liable for the acts or omissions of subordinates only if: (1) the board members learned of facts or a pattern of behavior by a subordinate pointing plainly toward the conclusion that the subordinate was

depriving someone of federal rights; (2) the board member demonstrated deliberate indifference toward the individual's rights by failing to take action that was obviously necessary to prevent or stop the deprivation; and (3) such failure caused injury to the individual. *Doe v. Taylor Indep. Sch. Dist.*, 15 F.3d 443 (5th Cir. 1994) (en banc). If board members do not have actual knowledge of a violation of rights, or if the board responds in a way calculated to end or prevent civil rights abuses, board members will not be liable under federal law.

Board members must be cautious to avoid the violation of a variety of state laws that carry criminal penalties. Examples include:

- Open Meetings Act
- Public Information Act
- Nepotism prohibition
- Conflict of interest disclosure laws
- Purchasing laws
- Prohibitions on gifts and bribes

If a board member is accused of a criminal act, the board member must pay the cost of criminal defense. If the board member is found not guilty, the rest of the board may vote to reimburse the board member for the cost of the defense. If, however, the board member is found guilty, the school district may not reimburse the defense costs. Tex. Att'y Gen. Op. No. JC-0294 (2000). A school district also has the authority to pay attorney's fees for a board member who sought legal representation for a criminal investigation that did not result in any criminal charges filed, provided that the board determines, subject to judicial review, that the payment will serve a public interest and not merely the member's private interest. Tex. Att'y Gen. Op. No. KP-0016 (2015).

This document is continually updated at tasb.org/services/legal-services/tasb-school-law-essource/governance/documents/roles-responsibilities-of-individual-school-board-members.pdf. For information on school law topics, visit TASB School Law eSource at schoolawesource.tasb.org.

This document is provided for educational purposes and contains information to facilitate a general understanding of the law. References to judicial or other official proceedings are intended to be a fair and impartial account of public records, which may contain allegations that are not true. This publication is not an exhaustive treatment of the law, nor is it intended to substitute for the advice of an attorney. Consult your own attorney to apply these legal principles to specific fact situations.

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Serving Texas Schools Since 1949

Powers and Duties of the School Board

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Most elected officials equate being elected with representing a voting constituency. In Texas, however, school board trustees are not like other public office holders, such as city council members, state legislators, or county commissioners. Once elected, a school board trustee serves on a body corporate, and the board's "constituency" is the district itself, not a group of voters. The trustees are called upon to serve the needs of the district and its school children, as a whole, not the wishes of a particular block of voters, even in a single-member district. To meet this end, the Texas Legislature has adopted a governance structure unique to the public education environment.

I. Legal Foundations

A. School Board Service

1. Compensation and Continuing Education

In Texas, school board trustees serve without compensation. Tex. Educ. Code § 11.061(d). Trustees are required to attend continuing education annually. Tex. Educ. Code § 11.159; 19 Tex. Admin. Code § 61.1. This training includes local district orientation, introductions to open government laws, updates to the Texas Education Code, team building, training on student academic achievement, and more. For more information on board member training, see TASB Legal Services' [Texas School Board Member Continuing Education](#).

2. Code of Ethics

Most school boards in the state have adopted TASB Policy BBF(LOCAL) as their code of ethics. TASB Policy BBF(LOCAL) lists behavioral standards with which school board trustees agree to comply. These standards include being fair, just, and impartial in all decisions and actions, according others respect, encouraging expressions of different opinions, ensuring prudent and accountable use of district resources, and fulfilling the board's responsibilities of goal setting, policymaking, and evaluation. The board's code of ethics is a system of agreed operating principles and not a legally enforceable code. Occasionally, school board trustees express frustration that the standards are not legally enforceable. In fact, a number of state laws address the powers and duties of public school boards. Together these legal and policy standards define the board's oversight obligations.

B. Trusteeship

Texas law specifically states that independent school districts are governed by a board of *trustees*. Tex. Educ. Code § 11.051(a). The concept of *trusteeship* is one with legal implications. A trustee is any person who holds property, authority, or responsibility for the benefit of another, the *beneficiary*. *Black's Law Dictionary* (11th ed. 2019), trustee. In the case of a school board trustee, the *beneficiaries* are the students in Texas public schools. *River Rd. Neighborhood Ass'n v. S. Tex. Sports*, 720 S.W.2d 551 (Tex. App.—San Antonio 1986, writ dismissed). Texas trust law outlines the *fiduciary* duties of a trustee. See Tex. Prop. Code §§ 113.051-.058, 117.001-.012 (listing duties of a trustee and the Uniform Prudent Investor Act). A fiduciary is a person having a duty, created by his undertaking, to act primarily for another's benefit in matters connected with such undertaking. *Black's Law Dictionary* 289 (11th ed. 2019), fiduciary. School board trustees enjoy broad immunity for actions taken in their official capacity. Tex. Civ. Prac. & Rem. Code § 101.021. Trustees should be aware of their fiduciary role, however. The fiduciary duties of trustees include the duty of good faith, prudent investing, and compliance. Tex. Prop. Code §§ 113.051-.058, 117.001-.012.

1. The Duty of Good Faith

A trustee owes the beneficiary a duty of good faith. Tex. Prop. Code § 113.051. More specifically, this means that the trustee has an “unwavering duty of good faith, fair dealing, loyalty and fidelity over the affairs of the trust and its corpus.” *Ames v. Ames*, 757 S.W.2d 468, 476 (Tex. App.—Beaumont 1988), *aff'd as modified*, 776 S.W.2d 154 (Tex. 1989). The duty of good faith forbids trustees from placing themselves in situations that give rise to a conflict between self-interest and the duty to beneficiaries. *Grizzle v. Tex. Commerce Bank, N.A.*, 38 S.W.3d 265 (Tex. App.—Dallas 2001), *rev'd in part*, 96 S.W.3d 240 (Tex. 2002). For example, a trustee violates the duty of good faith by co-mingling trust funds with corporate or personal funds or lending trust funds to the trustee or an affiliate. *Ames v. Ames*, 757 S.W.2d 468 (Tex. App.—Beaumont 1988), *aff'd as modified*, 776 S.W.2d 154 (Tex. 1989). Similarly, the trustees on a school board must not place themselves in situations where their personal interests conflict with those of the district.

2. The Duty of Prudent Investing

A trustee also owes the beneficiary a duty of prudent investing by exercising “reasonable care, skill, and caution.” Tex. Prop. Code § 117.004(a). This includes making a reasonable effort to verify facts relevant to investment and management decisions. Tex. Prop. Code § 117.004(d). Board members establish salary schedules, hire professionals, purchase real property, and oversee district

investments. Investments must be made in accordance with written policies approved by the board. Tex. Gov't Code § 2256.005(b). These functions represent substantial expenditures and require prudent decision-making.

3. The Duty of Compliance

Finally, a trustee owes the beneficiary a duty of compliance with law and policy. Tex. Prop. Code § 113.051. State and federal law regulate almost every aspect of school district operations. In their oversight role, trustees owe a duty to ensure appropriate steps are being taken to ensure legal compliance.

C. Hiring and Evaluating the Superintendent

Texas law provides that the school board hires and evaluates the superintendent. Tex. Educ. Code § 11.1513(a)(1). This is the only employment relationship for which the board is completely responsible, unless the board also employs an internal auditor. Tex. Educ. Code § 11.170. The board should be fully engaged in the selection process regarding the person who will function as the chief executive officer of the district. Superintendents are specifically entitled to a term contract which may be for a term of up to five years. Tex. Educ. Code § 11.201(b). During the term of the contract, the board is responsible for evaluating the superintendent. Tex. Educ. Code § 21.354; 19 Tex. Admin. Code § 150.1031. The document evaluating the performance of the superintendent is confidential. Tex. Educ. Code § 21.355(a). The board must also establish by policy reasons for nonrenewing the superintendent's contract. Tex. Educ. Code § 21.212(d).

TASB Board Development Services offers [resources](#) on evaluating superintendents.

After completing the superintendent's evaluation, the board and superintendent should conduct a goal setting session. Tex. Educ. Code § 11.1511(b)(2). The board works with the superintendent to set goals and monitor progress toward desired outcomes. The agreed goals become fundamental elements of the superintendent's future evaluation.

II. Oversight of Management

A. Definitions of Management and Micromanagement

1. What is Management?

Management is defined as: (1) the act or art of managing the conducting or supervising of something (as a business); (2) judicious use of means to accomplish an end; or (3) the collective body of those who manage or direct an enterprise. [Merriam-Webster.com](https://www.merriam-webster.com/dictionary/management), Management. In the context of public schools and trustees, a school district is the enterprise.

2. What is Micromanagement?

Micromanagement is the attempt by a board or one or more of its members to deal with administrative matters that are the responsibility of the superintendent acting within overall policy set by the board or in conformance with state or federal law. Am. Ass'n of Sch. Administrators and Nat'l Sch. Bds., *Roles and Relationships: Sch. Bds. and Superintendents* (1994). Under Texas law, the commissioner of education may authorize a special accreditation investigation to be conducted in response to an allegation involving a conflict between board members or between the board and the district if it appears that the conflict involves a violation of a role or duty of the board members or the administration. Tex. Educ. Code § 39.003(a)(6).

3. What is Oversight of Management?

A school board's appropriate role is that of *oversight of management*. Generally speaking, oversight includes setting the district's vision and goals and establishing policy, then evaluating the results of the administration's efforts to accomplish district goals within the framework of board policy. The legal structure of a school district is designed to provide appropriate give and take between the board and the superintendent, while allowing the superintendent the necessary freedom to execute the duties assigned by law and board policy.

B. Roles of the Board and the Superintendent

An independent school district is governed by a board of trustees who, as a body corporate, oversee the management of the district. Tex. Educ. Code § 11.051(a). Below is a list of some of the specific powers and duties assigned by law to the school board and the superintendent in the Texas Education Code, and a more detailed chart is attached. In addition to these specific duties, the Texas Education Code further requires school boards to provide for numerous public notices, reports, hearings, and meetings.

1. Duties of the School Board

Governance:

- The board of trustees serves as a body corporate and has the exclusive power and duty to govern and oversee the management of the public schools of the district.
- The board must ensure that the superintendent implements and monitors plans, procedures, programs, and systems to achieve appropriate, clearly defined, and desired results in the major areas of district operations.

- The board must adopt a vision statement and comprehensive goals for the district and the superintendent and monitor progress toward those goals.
- The board may adopt the policies necessary to carry out its powers and duties. In addition, state and federal law include over 100 provisions requiring the board to adopt policy on particular issues.
- The board must comply with the requirements of the Texas Open Meetings Act (OMA) for all school board meetings.
- The board must conduct elections in accordance with law.

Student Achievement:

- The board of trustees of an independent school district or the governing body of an open-enrollment charter school shall provide oversight regarding student academic achievement and strategic leadership for maximizing student performance.
- The board of trustees must establish performance goals for the academic and fiscal performance indicators outlined in law and any locally adopted performance indicators.
- The board of trustees must ensure that the superintendent is accountable for achieving performance results, recognizes performance accomplishments, and takes action as necessary to meet performance goals.
- The board must publish an annual educational performance report.

Financial:

- The board must adopt an annual budget for the district as well as a tax rate for each fiscal year.
- The board must monitor district finances and ensure that accounts are audited annually.
- The board must publish an end of year financial report for distribution in the community.

Community Engagement:

- The board of trustees must seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community.
- The board must adopt a policy to establish a district—and campus—level planning and decision-making process.

- The board must establish a Student Health Advisory Council and cooperate in the establishment of at least one parent-teacher organization at each school.
- The board must adopt a process through which district personnel, students or parents, and members of the public may obtain a hearing regarding a complaint. For more information about the board's role in resolving grievances, see below at V.

Tex. Educ. Code §§ 11.051, .151, .1511; .1515; 26.001(e); 28.004(a).

2. Duties of the Superintendent

- The superintendent must provide joint leadership with the board to ensure the team's responsibilities are carried out.
- The superintendent must manage the day-to-day operations of the district, including implementing and monitoring plans, procedures, programs, and systems to achieve clearly defined and desired results in major areas of district operations.
- The superintendent must prepare recommendations for policies to be adopted by the board of trustees and implement the adopted policies.
- The superintendent must organize the district's central administration, and consult with district level committees.
- The superintendent must administer and prepare the budget.
- The superintendent must provide leadership for the attainment, and if necessary, improvement of student performance in the district.
- The superintendent must oversee compliance with facilities standards.
- The superintendent must assume administrative responsibility and leadership for the organization of education programs, services, facilities, and staff appraisal.
- The superintendent must initiate the termination or suspension of an employee or the non-renewal of an employee's contract. For more information on the board's role in personnel, see below at VI.
- The superintendent must ensure adoption of the student code of conduct and other student disciplinary rules and procedures as necessary. For more information on the board's role in student discipline, see below at VII.
- The superintendent must submit reports as required by state or federal law, rule, or regulation.
- The superintendent must carry out any other contractual duties assigned to the superintendent by the board.

Tex. Educ. Code § 11.201(d).

3. Collaboration between the Board and Superintendent

The Texas Education Code specifies that the school board and superintendent have to work together to:

- Advocate for the high achievement of all district students;
- Create and support connections with community organizations;
- Provide educational leadership for the district;
- Establish district-wide policies and annual goals that are tied directly to the districts vision statement and long-range educational plan;
- Support the professional development of principals, teachers, and other staff; and
- Periodically evaluate board and superintendent leadership, governance, and teamwork.

Tex. Educ. Code § 11.1512; *House Comm. on Public Educ., Bill Analysis*, Tex. H.B. 2563, 80th Leg., R.S. (2007). TASB Policy BAA(LEGAL).

III. Board's Role in Purchasing and Construction

Texas law specifically authorizes the school board to adopt rules and procedures for the acquisition of goods and services. Tex. Educ. Code § 44.031(d); Tex. Gov't Code § 2269.051. The board's role in adopting such rules and procedures is to set objectives for the district, determine the policies that will govern the district, approve the plans to implement those policies, and provide the funding necessary to carry out the plans. The management and execution of the purchasing program requires planning and cooperation between board members and district staff.

A. Delegation

The board of trustees also has the power to delegate certain powers and responsibilities to designated persons. As with any official board action, delegation, if permitted, should occur at a lawfully called meeting by majority vote and be reflected in the minutes. *See Webster v. Tex. & Pac. Motor Transp. Co.*, 166 S.W.2d 75 (Tex. 1942) (recognizing well-established rule that a political subdivision must act as a body at a properly called meeting of which all the members have notice or are given an opportunity to attend); *Fielding v. Anderson*, 911 S.W.2d 858 (Tex. App.—Eastland 1995, writ denied) (discussing OMA mandate that decisions made by governmental bodies must be made by the body as a whole); Tex. Gov't Code § 551.021.

In the context of procurement, a school board has statutory authority to delegate some legal responsibilities related to purchasing to a designated person, representative, or committee. For purchases of goods and services under Texas Education Code Chapter 44, Subchapter B, other than construction services, the board of trustees may delegate its authority regarding actions the law requires of the *school district*. The board, however, may not delegate the authority to act when the law requires the action to be taken by the *board of trustees* of a school district. Tex. Educ. Code § 44.0312.

For example, the procurement laws state that a school district may receive bids or proposals by electronic transmission if the board of trustees of the school district adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time. Tex. Educ. Code § 44.0313(a). Typically, the superintendent and administrative staff develop purchasing procedures as administrative regulations that are not adopted by the board. However, because the statute states that the *board*, not the *district*, must adopt rules related to accepting electronic bids and proposals, the authority to adopt these rules is not delegable. The district, therefore, cannot accept electronic bids and proposals until the board adopts appropriate rules, and it cannot delegate this specific rulemaking authority to the superintendent. Delegation of purchasing authority is typically found in board policy CH(LOCAL).

B. Delegation for Construction Projects

State laws related to public contracting for construction services are found in Texas Government Code chapter 2269. Unlike Texas Education Code chapter 44, where the board may only delegate duties of the *district*, but not those of the *board of trustees*, Chapter 2269 does not make this distinction. The ability to delegate under Chapter 2269 is broader. The board of trustees may delegate its authority regarding any action authorized or required by Chapter 2269 to a designated representative, committee, or other person. If the board makes a delegation, it must provide notice of the delegation, the limits of the delegation, and the name or title of each person who has been given delegated authority either by rule or in the request for bids, proposals, or qualifications. Tex. Gov't. Code § 2269.053. If the district fails to provide notice, a ranking, selection, or evaluation of bids, proposals, or qualifications for construction services other than by the board of trustees in an open public meeting is advisory only. Tex. Educ. Code § 44.0312(a).

IV. Board's Role in Grievances

The right to redress grievances is grounded in the Texas Constitution. Tex. Const. art. I, § 27. In addition, the employment policy adopted by the board must provide each employee with the right to present grievances to the board. Moreover, the policy may

not restrict the ability of an employee to communicate directly with a board member regarding a matter relating to the operation of the district. The policy may, however, prohibit an employee from communicating with a board member about a grievance or hearing if the other party is not present. Tex. Educ. Code § 11.1513(i)-(j).

School boards typically rely on TASB Policy Codes DGBA (for complaints by personnel), FNG (for complaints by students and parents), and GF (for all others) to establish internal processes for grievances.

What is the board's duty in deciding grievances? The board's obligation regarding grievances is to "stop, look, and listen." In other words, grievants do not have a right to a specific outcome of a grievance. *Prof'l Ass'n of Coll. Educators v. El Paso County Cmty. Dist.*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.).

V. Board's Role in Personnel

A. Hiring

The board has three primary roles relating to the hiring of district personnel: (1) adopting an employment policy for the district; (2) determining which positions will be hired by the board and which will be hired by the superintendent; and (3) for those positions hired by the board, voting on the superintendent's recommendations.

The Texas Education Code requires the board to adopt a policy providing for the employment and duties of district personnel. The policy must:

- provide that the superintendent has sole authority to make recommendations to the board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent;
- require notice to be provided of vacant positions; and
- designate positions and criteria for continuing or term contracts.

In addition, the policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. Tex. Educ. Code §§ 11.1513, 21.102.

B. Compensation

The board's primary role in compensation is the adoption of the annual operating budget, which includes salary schedules. Boards do not determine the compensation of individual employees, with the notable exception of the superintendent. The board also plays a significant role in establishing employee benefits through its policy making function. The law provides that the board may adopt policies providing for:

- reasonable limits on an employee's use of state personal leave, although the board may not regulate the reasons for which leave may be taken;
- local leave, and may determine the conditions under which such leave may be taken;
- a maximum length of temporary disability leave, over the 180-day minimum; and
- placing educators on temporary disability leave on an involuntary basis.

In addition, the board must place an employee on assault leave upon request, although the board may change assault leave status after investigation, and the board must hear grievances concerning the alleged denial of leave rights.

C. Appraisals

Board policy establishes the school district's system for employee appraisals. Each district selects its own appraisal method from two options: the state system or a locally-developed system. Tex. Educ. Code § 21.352(a); 19 Tex. Admin. Code § 150.1001(a).

D. Firing

The school board is involved in employment separations because of its role in the nonrenewal and termination of Chapter 21 contracts and because of the grievance rights of all employees. While many details are determined by local policy and practice, the law mandates the following roles for the board:

- determine terminations of probationary contract employees in the "best interests" of the district;
- adopt a policy setting forth grounds for nonrenewal of term contract employees;
- propose nonrenewal of term contract employees;
- adopt a policy regarding procedures for nonrenewal hearings;
- make final decisions on proposed nonrenewals of term contract employees;
- propose good cause termination of contract employees;
- determine whether good cause exists to terminate contract employees;
- decide whether to accept mid-year resignations of contract employees; and
- decide whether to file complaints with the State Board for Educator Certification (SBEC) against contract employees who resign mid-year without board approval.

See TASB Policy DF(LEGAL) series.

VI. Board's Role in Student Discipline

The school board must adopt the district's student code of conduct with the advice of its district-level committee. The board must also approve any subsequent changes or amendments. Tex. Educ. Code § 37.001(a), (c). Each school district's student code of conduct must establish the reasons for which a student may be removed from class, including any locally adopted reasons for a student to be suspended or placed in a disciplinary alternative education program (DAEP). The code must also determine the available discipline management techniques, including corporal punishment.

Texas Education Code section 37.009 permits a student to appeal a DAEP placement to the board or the board's designee. Tex. Educ. Code § 37.009(a). Section 37.009 also states that the decision of the board or designee regarding the appeal is final and cannot be appealed further. Section 37.009 has a similar provision regarding the finality of the board or designee's decision to place a student in DAEP beyond 60 days or the next grading period. Tex. Educ. Code § 37.009. Read alone, the statutes would seem to indicate that, if an administrator is serving as the board's designee, the decision of the administrator could not be appealed to the board. However, because Texas Constitution article I, section 27 extends citizens the right to petition a governmental body for redress of their grievances, and because permitting internal appeals may reduce parents' and students' frustration and head off litigation, TASB Legal Services generally recommends that appeals regarding DAEP placements ultimately be heard by the board.

Reasons for student expulsion are established by state and federal law, not the local student code of conduct. However, before a student may be expelled, the board or its designee must provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution. Tex. Educ. Code § 37.009(f).

VII. Role of the Individual Trustee

Unless authorized by the school board, a member of the board may not, individually, act on behalf of the board. Tex. Educ. Code § 11.051(a-1). For the most part, the role of an individual board member is limited to preparing for, attending, and participating in properly called meetings conducted in accordance with the Texas Open Meetings Act. There is one instance, however, when a single board member can assert a right as an individual, without a majority vote of the board of trustees: A member of the board of trustees of the district, when acting in the member's official capacity, has an inherent right of access to information, documents, and records maintained by the district. Tex. Educ. Code § 11.1512(c). For more information, see TASB Legal Services' memo [Board Members' Access to School District Records](#).

Statutory Powers and Duties of the School Board and the Superintendent

SHARED RESPONSIBILITIES	
<p>The board and the superintendent work together to:</p> <ul style="list-style-type: none"> • Advocate for the high achievement of all students; • Create and support connections with community organizations to provide community-wide support for high student achievement; • Provide educational leadership, including development of district vision statement and long-range educational plan; • Establish district policy and annual goals tied to the vision statement and educational plan; • Support professional development of principals, teachers, and staff; and • Periodically evaluate board and superintendent leadership and teamwork. Tex. Educ. Code § 11.1512(b). 	
COMPLEMENTARY ROLES	
School Board	Superintendent
<p>OVERSIGHT</p> <ul style="list-style-type: none"> • Govern and oversee the management of the public schools in the district. Tex. Educ. Code §§ 11.051(a)(1), .151(b). • Adopt a vision statement and goals for the district and superintendent, and monitor goal progress. Tex. Educ. Code § 11.1511(b)(2). • Ensure that the superintendent implements and monitors plans, procedures, programs, and systems to achieve appropriate, clearly defined, and desired results in major areas of operations. Tex. Educ. Code § 11.051(a)(2). • Conduct elections as required by law. Tex. Educ. Code § 11.1511(b)(12). • Comply with the Texas Open Meetings Act. Tex. Gov't Code § 551.021. • Implement the Local Government Records Act. Tex. Loc. Gov't Code § 203.021. • Change the name of the school district by resolution. Tex. Educ. Code § 11.160(a). 	<p>MANAGEMENT</p> <ul style="list-style-type: none"> • Assume responsibility and leadership for the planning, organization, operation, supervision, and evaluation of the district's education programs, services and facilities. Tex. Educ. Code § 11.201(d)(1). • Manage day-to-day district operations. Tex. Educ. Code § 11.201(d)(5). • Oversee compliance with the standards for school facilities. Tex. Educ. Code § 11.201(d)(3). • Recommend policies to the board. Tex. Educ. Code § 11.201(d)(7). • Ensure the implementation of board policy. Tex. Educ. Code § 11.1512(a). • Develop administrative regulations to implement policies established by the Board. Tex. Educ. Code § 11.201(d)(8). • Have an opportunity to make an oral or written recommendation to the board on any item of board business. Tex. Educ. Code § 11.051(a-1).
<p>FINANCIAL</p> <ul style="list-style-type: none"> • Issue bonds. Tex. Educ. Code § 11.1511(c)(1). • Levy and collect taxes. Tex. Educ. Code § 11.1511(c)(2). • Collect annual ad valorem taxes for the purpose of: <ul style="list-style-type: none"> ○ Paying the principal and interest on 	<p>FINANCIAL</p> <ul style="list-style-type: none"> • Prepare, submit to the Board, and administer the budget. Tex. Educ. Code § 11.201(d)(6).

<p>bonds; Tex. Educ. Code § 11.1511(c)(1); and</p> <ul style="list-style-type: none"> ○ Maintenance and operation of the district. Tex. Educ. Code § 11.1511(c)(2). • Enter into contracts. Tex. Educ. Code § 11.1511(c)(4). • Enter into contracts with entities that will provide educational services for the district. Tex. Educ. Code § 11.157(a). • Sue and be sued. Tex. Educ. Code § 11.151(a). • Adopt an annual budget for the district. Tex. Educ. Code § 11.1511(b)(7). • Adopt a tax rate each fiscal year. Tex. Educ. Code § 11.1511(b)(8). • Monitor district finances, and ensure that district fiscal accounts are audited annually. Tex. Educ. Code § 11.1511(b)(9)-(10). • Publish an end-of-year financial report. Tex. Educ. Code § 11.1511(b)(11). 	
<p>PROPERTY</p> <ul style="list-style-type: none"> • Acquire, hold, and sell real and personal property, including bequests, donations, and other funds. Tex. Educ. Code § 11.151(a). • Hold and sell minerals in land. Tex. Educ. Code § 11.153(a). • Hold all rights and titles to the school property of the district, and dispose of property that is no longer necessary. Tex. Educ. Code § 11.151(c). • Hold and sell property held in trust for public school purposes. Tex. Educ. Code § 11.154; <i>see also</i> Tex. Educ. Code § 11.156. • Exercise eminent domain. Tex. Educ. Code § 11.155. • Authorize the donation of real property formerly used as a school campus to a municipality, county, state agency, or nonprofit organization. Tex. Educ. Code § 11.1541(a). • Offer unused district facilities to local charter schools. Tex. Educ. Code § 11.1542. • Adopt rules, if desired, to keep school campuses open for recreational activities and tutoring after school hours. Tex. Educ. Code § 11.165. 	

<p>STUDENT ACHIEVEMENT</p> <ul style="list-style-type: none"> • Provide oversight regarding student academic achievement and strategic leadership for maximizing student performance. Tex. Educ. Code § 11.1515. • Establish performance goals concerning the district's academic performance. Tex. Educ. Code § 11.1511(b)(3). • Ensure that the superintendent: <ul style="list-style-type: none"> ○ Is accountable for performance results; ○ Recognizes performance accomplishments; and ○ Takes action necessary to meet performance goals. Tex. Educ. Code § 11.1511(b)(4). • Ensure that improvement plans for the district and for each campus are developed, reviewed, and revised annually. Tex. Educ. Code § 11.251(a). • Provide for the selection, requisition, and distribution of instructional materials. 19 Tex. Admin. Code § 66.104(a). • Establish policies on student admissions and attendance, grade advancement, and grading. Tex. Educ. Code §§ 25.001, 28.021, .0216. • Publish an annual educational performance report. Tex. Educ. Code § 11.1511(b)(6). 	<p>STUDENT ACHIEVEMENT</p> <ul style="list-style-type: none"> • Provide leadership for the attainment and improvement of student performance. Tex. Educ. Code § 11.201(d)(9). • Develop, evaluate, and revise annually a district improvement plan to guide staff in improvement of student achievement. Tex. Educ. Code § 11.252(a).
<p>STUDENT DISCIPLINE</p> <ul style="list-style-type: none"> • With the advice of the district-level site-based decision making committee, adopt a Student Code of Conduct. Tex. Educ. Code § 37.001(a). • Determine discipline management techniques and determine conditions for removal, suspension, expulsion, or removal to a disciplinary alternative education program. Tex. Educ. Code § 37.001(a). • Adopt rules, if desired, requiring students to wear school uniforms, so long as the board designates a source of funding to provide uniforms to economically disadvantaged students. Tex. Educ. Code § 11.162(a)-(b). 	
<p>COMMUNITY ENGAGEMENT</p> <ul style="list-style-type: none"> • Adopt a process for hearing complaints of district personnel, students, parents, and 	

<p>members of the public. Tex. Educ. Code § 11.1511(b)(13).</p> <ul style="list-style-type: none"> • Establish a procedure for regular meetings of district and campus planning and decision-making committees. Periodically meet with, or assign a designee to meet with, each district committee. Establish a procedure for staff to nominate their district committee representatives. Tex. Educ. Code § 11.251(a)-(b), (e). • Cooperate in the establishment of at least one parent-teacher organization at each school. Tex. Educ. Code § 26.001(e). • Establish relationships with other public entities to make use of community resources and to serve the needs of students. Tex. Educ. Code § 11.1511(b)(1). 	
<p>HEALTH AND SAFETY</p> <ul style="list-style-type: none"> • Establish a Student Health Advisory Council. Tex. Educ. Code § 28.004(a). • Prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. Tex. Educ. Code § 38.006(b). • Establish a local school wellness policy for schools in the district. 42 U.S.C. § 1758b. • Adopt a policy regarding the action to be taken by the administration of a school campus when a visitor is identified as a sex offender. Tex. Educ. Code § 38.022(d). • Adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes. Tex. Educ. Code § 11.1514. 	
<p>PERSONNEL</p> <ul style="list-style-type: none"> • Adopt a policy providing for the employment of district personnel. Tex. Educ. Code § 11.1513(a). The policy may: <ul style="list-style-type: none"> ○ Specify the terms of employment; ○ Delegate to the superintendent the authority to determine the terms of employment; or ○ Include a provision allowing current district employees to transfer to another school or position in the district. Tex. Educ. Code § 11.1513(c). 	<p>PERSONNEL</p> <ul style="list-style-type: none"> • Organize the district's central administration. Tex. Educ. Code § 11.201(d)(10). • Assume authority for the assignment, supervision, and evaluation of all district personnel. Tex. Educ. Code § 11.201(d)(2). • Make recommendations to the board regarding selection of personnel (though a principal must approve each staff appointment to his campus). Tex. Educ. Code § 11.1513(a)(2)-(3). • Initiate the termination, suspension, or

<ul style="list-style-type: none">• Accept or reject the superintendent’s recommendations regarding selection of personnel, so long as the acceptance or rejection is documented in accord with Texas Government Code sections 551.021, 551.103, 551.125, and 551.127. Tex. Educ. Code § 11.1513(b).• Determine district compensation plan and adopt policy governing employee leave. Tex. Educ. Code § 22.003(a).• Make decisions relation to termination or nonrenewal of district employees. Tex. Educ. Code § 11.1511(b)(14).	nonrenewal of an employee. Tex. Educ. Code § 11.201(d)(4).
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This document is continually updated at tasb.org/services/legal-services/tasb-school-law-esource/governance/documents/powers-and-duties-of-the-school-board.pdf. For more information on school law topics, visit TASB School Law eSource at schoollawesource.tasb.org.

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Board Officers and the Law

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School board members may have questions about board officers: who is eligible to become a board officer, how are they elected, and what are their duties and responsibilities. In Texas, each school district board of trustees must appoint a member to be president of the board and a board secretary, who may, but is not required to be, a board member. Tex. Educ. Code § 11.061(c). A board of trustees may choose to appoint additional officers and to assign specific duties and responsibilities to its officers by adopting local policy or other board action. Similarly, state law requires that some duties be performed specifically by a designated officer (typically the board president), while other duties may be locally assigned. The following paragraphs discuss the areas of board service in which officers are most likely to have assigned responsibilities. This article should be read in conjunction with the relevant policies in your district's local policy manual, as indicated by the TASB Policy codes listed below.

1. Preparing Board Meeting Agendas [TASB Policy BE]

- **Agenda preparation:** The Open Meetings Act (OMA) does not mandate a process for notice preparation, so local policy governs this important procedure. Most policies provide that the superintendent in consultation with the board president will prepare the agenda.
- **Requests from board members:** Local policy should also provide a means by which other board members may place items on a board's agenda. A typical policy provides that the request should be made in writing to the superintendent or board president in advance of the 72-hour deadline for posting. A school board may adopt a policy describing how board members request agenda items, but such a policy may not have the effect of preventing individual board members from placing items of concern on upcoming agendas.
- **Managing the board's calendar:** The board president should work with the superintendent to ensure that major board business is scheduled for the board's consideration in a timely manner. These items sometimes include adopting the budget and tax rate, proposing nonrenewal and termination of contracts, calling for elections, announcing training credits, and conducting the superintendent evaluation. By local policy, the board president is normally given authority to call special or emergency meetings and to appoint special committees.

2. Board Committees [TASB Policy BDB]

- **Appointing committees:** Policy BDB(LOCAL) typically grants the board president the authority to appoint members to special board committees created by the board to fulfill specific assignments.
- **Board committees and OMA:** Whether meetings of board committees involving less than a quorum of the board must be posted under the OMA depends on the function of the committee. A board committee that is purely advisory is probably not subject to the OMA. On the other hand, a committee with authority to make final decisions or to supervise or control some aspect of public business is likely to be subject to the OMA and must post its meetings. Therefore, the board and its officers should be specific about a committee's charge in order to clarify whether the OMA will apply to committee meetings. *See Willmann v. City of San Antonio*, 123 S.W.3d 469 (Tex. App.—San Antonio 2003, pet. denied) (concluding that a committee, convening a group that was one-member short of a quorum of the City Council, was subject to OMA if the City Council merely rubber-stamped the committee's decisions).

3. Closed Meeting Procedure [TASB Policy BEC]

- **Authority for closed meetings:** Before conducting a closed meeting, a quorum of the board must first convene in an open meeting for which notice has been provided and the presiding officer must: (1) announce publicly that a closed meeting will be held; and (2) identify the OMA section that authorizes the closed meeting. Tex. Gov't Code § 551.101. Although it is not necessary for the presiding officer to state the actual section number of the statute that authorizes the closed meeting, the presiding officer must give enough information about the subject matter of the closed meeting to enable the public to identify the board's authority for the meeting. *Lone Star Greyhound Park, Inc. v. Texas Racing Comm'n*, 863 S.W.2d 742 (Tex. App.—Austin 1993, writ denied).
- **Certification of closed session record:** The board must either keep a certified agenda or make a tape recording of the proceedings of each closed meeting. The presiding officer must certify that a certified agenda is a true and correct record of the proceedings. Tex. Gov't Code § 551.103(a)-(b).
- **Closed meeting date and time:** The certified agenda must include a statement of the subject matter of each deliberation, a record of any further action taken, and an announcement by the presiding officer at the beginning and the end of the meeting indicating the date and time. A recording made to satisfy this requirement must also include announcements by the presiding officer at the beginning and the end of the meeting indicating the date and time. Tex. Gov't Code § 551.103(c)-(d).

4. Meeting Procedures

- **Minutes [TASB Policy BE]: School boards are required by law to keep minutes or make a recording of all open meetings:** At a minimum, the meeting minutes must state the subject matter of deliberation and indicate each vote, decision, or other action taken, including the board's acceptance or rejection of the superintendent's recommendation regarding personnel. Tex. Gov't Code § 551.021. Like all board members, the board president should carefully review the minutes of the prior meeting for completeness, accuracy, and proper wording. Do not ignore this task or rely solely on administrative staff. The minutes are the official record of the board's actions and may be used as evidence in court to document actions taken by the board. Board meeting minutes must also reflect a board member's attendance or absence from a meeting. Tex. Educ. Code § 11.0621. By local policy, the board president and secretary will sign the minutes after approval by the full board. See TASB Policy BE(LEGAL) for a discussion of the requirements regarding meeting minutes.
- **Presiding at meetings [TASB Policy BDAA]:** The president presides at all general and special meetings. While guiding the conduct of the meeting, the presiding officer must be familiar with Robert's Rules of Order or other operating procedures adopted by the board. If the president is not present at a meeting, local policy typically authorizes the vice president to act in the capacity of presiding officer.
- **Voting [TASB Policy BE]:** The board president has the same legal right to vote and discuss as any other board member.
- **Calling the budget meeting [TASB Policy BDAA]:** The board president shall call the board's meeting to discuss and adopt the budget and publish the notice of the meeting. Tex. Educ. Code § 44.004(a)-(b).
- **Calling the meeting with juvenile authorities [TASB Policy FODA]:** The board president shall call the meeting of the board or the board's designee to meet with the juvenile board for the county or the juvenile board's designee. Tex. Educ. Code § 37.013.

5. Public Comments [TASB Policy BED]

- **Purpose of *public comment*:** As of September 1, 2019, the OMA requires school districts to allow the public to comment on agenda items at all board meetings. Tex. Gov't Code § 551.007(b). For more information, see TASB Legal Services' [Open Meetings Act - Public Comment](#). Board members are permitted but not required to communicate directly with specific members of the audience during other portions of the meeting on topics that are on the agenda; however, the audience members have no legal right to initiate comments or questions to the board except during the public comment portion of the meeting.

- **Basic ground rules:** Most boards adopt some basic rules for public comments to streamline the process. The presiding officer may be called upon to enforce these rules. Under the U.S. Constitution, a board may set reasonable restrictions on when, where, and how it will receive citizens' comments, but it may not restrict comments based on whether the board agrees or disagrees with the content of the speaker's comments. *Cox v. Louisiana*, 379 U.S. 559 (1965); *Dayan v. Bd. of Regents of Univ. Sys. of Ga.*, 491 F. Supp. 138 (M.D. Ga. 1979), *aff'd*, 620 F.2d 107 (5th Cir. 1980). Thus, a board can place time limits on how long a citizen can speak during the public participation portion of the meeting as long as the restrictions are not based on the content of the speech. Tex. Gov't Code § 551.007(c). School boards may also implement a signup procedure and rules for audience participation of their meetings.
- **Response to public comment:** The presiding officer should make members of the audience aware that the board is not authorized to discuss or act on their comments or complaints if the topic is not on the agenda. Tex. Gov't Code § 551.042. At any time during a meeting, if a member of the public or the board inquires about a subject for which public notice has not been given, the board may only:
 - **Give factual information:** Make a statement of specific factual information, e.g., "The deadline for submitting bids on that proposal was March 2, 2019."
 - **State existing policy:** Recite existing policy in response to the inquiry, e.g., "Complaints by a parent against a district employee should be submitted under the district's local policy FNG(LOCAL)."
 - **Discuss whether to place the item on future agenda:** Deliberate about or decide whether to place the subject on the agenda for a later meeting.

Tex. Gov't Code § 551.042.

If the subject of the public comment *is* on the agenda for that meeting, the board is permitted, but not required, to respond substantively to the comments.

- **Public criticism:** A school district may not prohibit public criticism of the board, including criticism of any act, omission, policy, procedure, program or service. Tex. Gov't Code § 551.007(e). Many trustees express concern about allowing criticism of district staff during public comment. If the criticism is false or constitutes a personal attack, can the board or the presiding officer be held liable? What if the comments name an individual employee or student? As surprising as it may seem, allowing a speaker to make his or her uncensored presentation often presents less legal risk than attempting to stop the speaker.
- **Naming names:** In some districts, the presiding officer will ask a speaker to stop upon the first indication that the speaker has a complaint involving a named school employee, board member, or student. The presiding officer will then direct the speaker to the applicable local grievance procedure. A decision from the Fifth Circuit Court of Appeals, the federal court of appeals with jurisdiction over Texas, has upheld this approach as facially constitutional in limited circumstances:

After instructional aide Julie Fairchild was fired from Liberty ISD, she filed a grievance to complain that she was dismissed for voicing concerns about the performance of Jessica Barrier Lanier, the lead special education teacher in her classroom. On the same night Fairchild's grievance appeared on the school board's agenda, Fairchild appeared in public comment. The presiding officer permitted her to speak, but admonished her not to mention any other employee by name, as that aspect of her grievance was to be heard in closed session in accordance with the OMA. Fairchild made both her presentation in public comment and her grievance in closed session, and the board denied her complaints. Fairchild sued, claiming in part that the board violated her First Amendment rights by limiting the scope of her public comment. The Fifth Circuit rejected Fairchild's argument. In light of the fact that public comment is a limited public forum and in light of the OMA's exceptions for complaints involving employees and students, the court held that excluding this aspect of Fairchild's complaint from public comment was not viewpoint discrimination. *Fairchild v. Liberty Indep. Sch. Dist.*, 597 F.3d 747 (5th Cir. 2010).

- **When should a presiding officer stop a speaker?** Based on *Fairchild*, boards with similar public comment policies may be tempted to stop speakers with complaints that name employees or students. Certainly a presiding officer may consider stopping a speaker when the speaker has a pending grievance on the identical issue, especially if the complaint would normally be heard in closed session. However, circumstances differ significantly from case to case, and even the situation in *Fairchild* could be considered differently now in light of changes in state law regarding public comment. To be safe, consult your school attorney before limiting what a citizen can say in public comment.
- **No liability for defamation:** Slander is a defamatory statement communicated to a third party without legal excuse. A statement is defamatory if the words tend to injure a person's reputation, exposing the person to public hatred, contempt, ridicule, or financial injury. *Campbell v. Salazar*, 960 S.W.2d 719 (Tex. App.—El Paso 1997, pet. denied) (citing Tex. Civ. Prac. & Rem. Code § 73.001). The school district itself has immunity from claims of slander. Tex. Civ. Prac. & Rem. Code § 101.051. Unless an individual board member repeats defamatory statements to a third party, only the original speaker can be held responsible for defamatory statements made in public comment.

6. Grievances [TASB Policies DBGA, FNG, and GF]

- **Presiding at a Level Three hearing:** The board president presides over the hearing during which the grievant and the administration address the board: A representative of each side makes opening statements on their respective position then questions witnesses, provides rebuttal, and introduces supporting documents. Each side then provides summary statements. Remember that a grievance hearing is an opportunity for a board president to ensure each side a fair opportunity to present to the board.

Tips on Staying in Control: The board president should keep a tight rein on grievance proceedings.

- Prepare by reading all applicable legal and local policies before the meeting begins.
- Do not allow the grievant to stray from the facts stated and remedies sought in the original written complaint form.
- Set and enforce fair time limits. Announce the time limits before proceeding with the complaint.
- Treat the witnesses and attorneys even-handedly and with courtesy.

7. Motions [TASB Policy BE]

State the decision clearly: Generally speaking, for a school board to take action, a motion must be passed by a majority of votes at a meeting at which a quorum of the board is present. Any board member may articulate a motion, but the board president is often tasked with this role. In order to convey the board's action accurately, motions should state the proposed decision with clarity and specificity. Simple, accurately worded motions will ensure that the meeting minutes comply with the OMA's requirement to state the subject of each deliberation and indicate each vote, order, decision, or other action taken. Tex. Gov't Code § 551.021.

8. Delegation of Authority and Binding Action [TASB Policy BBE, BDAA]

- **No independent authority:** Absent action on the part of the board, no board member acting alone, not even the board president, is authorized to take binding action on behalf of the board. *Thermo Prods. Co. v. Chilton Indep. Sch. Dist.*, 647 S.W.2d 726 (Tex. App.—Waco 1983, writ ref'd n.r.e.). For example, in a termination case involving Houston ISD, the Houston Court of Appeals concluded that a notice letter sent by the board president without specific board authorization was ineffective. *Goodie v. Indep. Sch. Dist.*, 57 S.W.3d 646 (Tex. App.—Houston [14th Dist.] 2001, pet. denied).
- **Actual authority:** In most districts, TASB Policy BBE(LOCAL) states, "Except for appropriate duties and functions of the Board President [as listed in TASB Policy BDAA], an individual member may act on behalf of the Board only with express authorization or the Board."
- **Signing contracts:** State statutes and rules are largely silent as to who in the district signs contracts on behalf of the board. No statute specifies, for example, who should sign employment contracts. Before a contract may be signed, the contract must be authorized by a majority vote of the board in a proper public meeting. Once that has happened, signing the contract is merely a ministerial function that the board normally may delegate to any appropriate person, including the superintendent or the board president.

- **Only the board president can act:** Occasionally, a statute will specify which school official should sign on behalf of the district.
 - When the board has authorized a sale or lease of minerals, the board president has to be the person to execute the lease or sell or exchange the minerals in accordance with the terms authorized by the board. Tex. Educ. Code § 11.153. See TASB Policy CDB(LEGAL).
 - When the district borrows money for current maintenance expenses, the board president or vice-president must sign the notes, as authorized by the board. Tex. Educ. Code § 45.108(c). See TASB Policy CCF(LEGAL).
 - The board president must submit the district's annual financial statement to the media for publication not more than 150 days after the end of the fiscal year end. Tex. Loc. Gov't Code § 140.006(a), (d). See TASB Policy CFA(LEGAL).

9. Working with Your School Attorney [TASB Policy BDD]

- **District is the client:** A school district's attorney represents the district as an entity, not any single person. Under most circumstances, the board acting as a body corporate employs the district's attorney. Consequently, the attorney owes his or her allegiance to the district, not any individual board member, board officer, or employee, including the superintendent. Tex. Disciplinary R. Prof'l Conduct 1.12.
- **Board president's role:** Although the board president may in fact have frequent contact with the district's attorney, the board president should remember that the attorney's first obligation is to the district (as represented by the board of trustees).

For example, if the board president discloses relevant information to the board's attorney, the attorney will not be able to keep the information secret from the rest of the board. This is because, in advising the school district, the attorney's primary obligation is to the board, not one individual.

- **Limited access to attorney:** To control the flow of information and the cost of legal services, most districts choose to limit who has access to the district's attorney. Both the district and the attorney need a clear understanding of who is authorized to call the attorney and under what conditions. This information is often explicitly stated in the district's representation agreement with the attorney. The information may also be included in a board policy or procedure.
- **How wide a circle?** In almost all districts, the superintendent and the board president are the primary contacts for the school district's attorney. Depending on factors like the size and complexity of the school administration, other people—like business managers, campus principals, and assistant superintendents—may also need access to the attorney.

- **TASB Legal Services:** A district's membership in TASB gives the decision-makers of the district access to legal advice from the attorneys in TASB's Legal Services. Those decision-makers generally include each of the seven trustees, the superintendent, and any administrator that the superintendent has authorized to call TASB for legal advice.

10. Elections [TASB Policy BBB]

- **Canvassing votes:** The board shall canvass the returns at the time set by the presiding officer as required by law. Two members of the board constitute a quorum for purposes of canvassing an election. Tex. Elec. Code § 67.004.
- **Preside over casting lots:** In trustee elections, the board's presiding officer shall supervise the casting of lots if tying candidates agree to cast lots to resolve the tie. Tex. Elec. Code § 2.002(f). See TASB Policy BBB(LEGAL).
- **Issue certificate of election:** After the completion of a canvass, the presiding officer shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass. The presiding officer does not have to be the board president. A certificate of election must contain:
 1. The candidate's name;
 2. The office to which the candidate is elected;
 3. A statement of election to an unexpired term, if applicable;
 4. The date of the election;
 5. The signature of the officer preparing the certificate; and
 6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

Tex. Elec. Code §§ 67.016, .017(a)-(b).

- **Officer's statement:** Newly elected and appointed trustees, before taking the oath or affirmation of office and entering upon the duties of office, shall sign the required officer's statement. The statement shall be retained with the official records of the office. Tex. Const. art. XVI, § 1(b). See TASB Policy BBB(LEGAL).
- **Oath of office:** After the officer's statement has been signed and certificates of election have been issued, but before entering upon the duties of the office, a new trustee shall take the oath or affirmation of office and shall file it with the president of the board. Tex. Const. art. XVI, § 1(a); Tex. Educ. Code § 11.061(a). See TASB Policy BBB(LEGAL).

11. Electing Board Officers [TASB Policy BDAA]

- **Officer elections:** The law requires the board to reorganize by electing a president and secretary at the first meeting after an election and qualification of trustees. In addition, the board may also decide to reorganize at other times. Tex. Atty. Gen. Op. MW-0531 (1982).
- **Conducting an election without officers:** Districts sometimes have questions about how to conduct officer elections when the president and vice president are no longer on the board due to the election. Some districts have adopted a policy addressing this situation. If not, any board member may conduct an election to appoint a president pro tem (temporary president). Typically, either the secretary or the most veteran board member would serve in this role. The president pro tem then conducts the election of the president and relinquishes the temporary position to the president, who conducts the election for remaining officers.
- **Nominations:** Trustees may nominate more than one candidate for an office. The presiding officer should ensure that all those who wish to make a nomination have had a chance before declaring nominations closed. Unlike a motion, note that a nomination does not require a second in order to be effective. According to Robert's Rules of Order, a motion to close nominations is not necessary in a meeting to elect new officers because of the size of the school board. However, if such a motion occurs, it requires a second and a two-thirds approval vote in order to cease nominations.
- **Voting methods:** Some local policies may require a certain method of voting for board officers. If not, any member may move to adopt a method or the president may ask consent of the board to use a particular method. Robert's Rules describes two methods that are appropriate for school boards. In the *Viva Voce* method, if there is more than one nominee, candidates are voted on in the order nominated. If the first nominee does not receive a majority of "yes" votes, then the second name is announced, and so on, until one candidate receives a majority. In a *Roll Call* election, members are called upon one at a time to announce the nominee of their choice. If there is more than one nominee, voting continues until one nominee receives a majority.
- **Closed session:** Board members may wish to discuss the qualifications, experience, or willingness of the officer nominees before voting. An exception to the OMA allows the board to deliberate the appointment of a public officer in a closed meeting. Tex. Gov't Code § 551.074. Therefore, the board may choose to go into closed session to discuss the merits of nominees for board officer positions prior to returning to open session to vote.

To open nominations from the floor, the trustee who is acting as meeting chair states: "Nominations are now in order for the office of President."

After hearing a nomination, restate the nomination: "Mr. A is nominated for the office of president."

Ask if there are other nominations: "Are there any further nominations for the office of president?"

Restate each nomination until it appears that there are no more. To be certain, ask: "Are there further nominations for president?" Pause to allow any additional nominations. If not state: "Nominations are closed."

12. Board Training [TASB Policy BBD]

- **Required training:** Each board member must complete any training required by the State Board of Education. Tex. Educ. Code § 11.159(b). For more information, see TASB Legal Services' [Texas School Board Member Continuing Education](#).
- **President's leadership training:** The board president shall receive continuing education annually that relates to the leadership duties of a board president. 19 Tex. Admin. Code § 61.1(b)(3)(C).
- **Annual compliance statement:** At the last regular meeting of the board of trustees before an election of trustees, the current board president must announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board. The announcement must state that completing the required continuing education is a basic obligation and expectation of any sitting board member under SBOE rule. The president must cause the minutes of the local board to reflect the announcement. 19 Tex. Admin. Code § 61.1(j).

This document is continually updated, and references to online resources are hyperlinked, at tasb.org/services/legal-services/tasb-school-law-esource/governance/documents/board-officers-and-the-law.pdf. For more information on this and other school law topics, visit TASB School Law eSource at schoolawesource.tasb.org.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. Consult with your own attorneys to apply these legal principles to specific fact situations.

Updated January 2021

ARE YOU VOTEReady?

Find out what you need to vote,
including which forms of ID are approved
to bring to the polls.



BRING 1 OF THE 7 APPROVED FORMS OF ID WITH YOU TO THE POLLS.



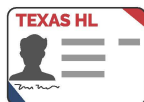
Texas Election
ID Certificate*



Texas Personal
ID Card*



Texas Driver
License*



Texas Handgun
License*



U.S. Citizenship
Certificate with Photo



U.S. Military
ID Card*



U.S. Passport*
(Book or Card)

DO NOT POSSESS AND CANNOT REASONABLY OBTAIN ONE OF THESE PHOTO IDS?

You can still vote. Simply fill out a Reasonable Impediment Declaration and show a copy or original of one of the following approved IDs:

- Certified Domestic Birth Certificate or Court Admissible Birth Document
- Current Utility Bill
- Bank Statement
- Government Check
- Paycheck
- Government document with your name and an address including your Voter Registration Certificate

And if you're eligible to vote by mail,

learn about the requirements and how to identify yourself on your ballot by mail materials.

Find out more about voting in Texas at

VOTETEXAS.GOV

POWERED BY THE TEXAS SECRETARY OF STATE

or call 1-800-252-VOTE (8683)

*For voters aged 18 – 69 years, photo ID can be expired for up to four years. For voters aged 70 and older, photo ID can be expired for any length of time if otherwise valid.

NOTICE OF DRAWING FOR A PLACE ON BALLOT

Notice is hereby given of a drawing to determine the order in which the names of candidates are to be

printed on the ballot for the election to be held on May 4, 20 24 in
 (month) (day)

Fort Stockton, Texas. The drawing will be held at 4:30 (a.m.)(p.m.)
 (name of political subdivision) (hour)

on February 26, 20 24, at 101 W. Division St in the Fort Stockton ISD Board Room,
 (date) (address, including room number, if applicable)

Fort Stockton, Texas.
 (city)


 Officer Conducting Drawing

AVISO DEL SORTEO PARA UN LUGAR EN LA BOLETA

Por lo presente se da aviso que habrá un sorteo para determinar la orden en que aparecerán los

nombres de los candidatos en la boleta para la elección que se celebrará el

4 Mayo, 20 24 en Fort Stockton ISD, Fort Stockton, Texas. El
 (día) (mes) (nombre de la subdivisión política)

sorteo tendrá lugar a las 4:30 (a.m.)(p.m.) el 26 de febrero, 20 24
 (hora) (fecha)

a Sala de Juntas de Fort Stockton ISD ubicada en 101 W. Division St. Fort Stockton, Texas.
 (dirección, incluyendo el número del cuarto, si aplicable) (ciudad)

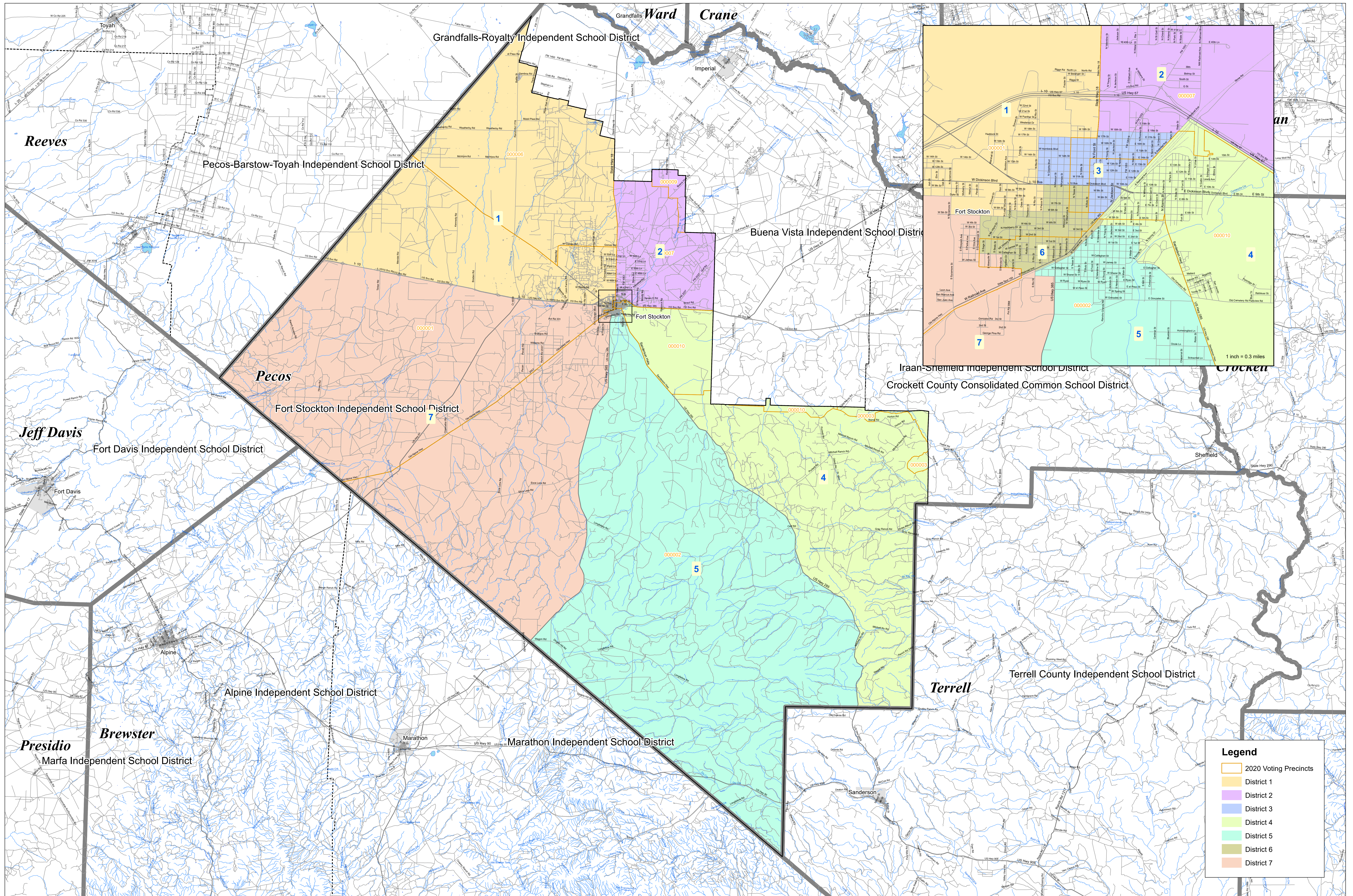

 Oficial Manejando el Sorteo



RESOURCE INFORMATION PAGE

- **Fort Stockton Independent School District**
 - Ember Renteria, Election Clerk
 - Phone: (432) 336-4000, ext. 2
 - Email: ember.renteria@fsisd.net or elections@fsisd.net
- **Pecos County**
 - Sophia Franco, County Election Administrator
 - Phone: (432) 336-7555
 - Email: sophia.franco@co.pecos.tx.us
 - <https://www.co.pecos.tx.us/>
- **Texas Ethics Commission** – The Texas Ethics Commission oversees political advertising and financial disclosure and provides assistance with forms CTA, CFCP, COH, ACTA, and COHUC.
 - Phone: (512) 463-5800
 - Website: <http://www.ethics.state.tx.us/>
- **Texas Secretary of State** – The Secretary of State Elections Division provides assistance and advice on election laws. Assistance is also provided to the general public on voter registration and other election issues.
 - Phone: 800-252-VOTE (8683)
 - Website: <http://www.sos.texas.gov/>
 - Email: elections@sos.state.tx.us
- **Texas Association of School Boards** – The Texas Association of School Boards (TASB) is a voluntary, nonprofit, statewide educational association that serves and represents local Texas school boards.
 - Phone: (512) 467-0222
 - Website: <https://www.tasb.org/home.aspx>
 - Email: tasb@tasb.org



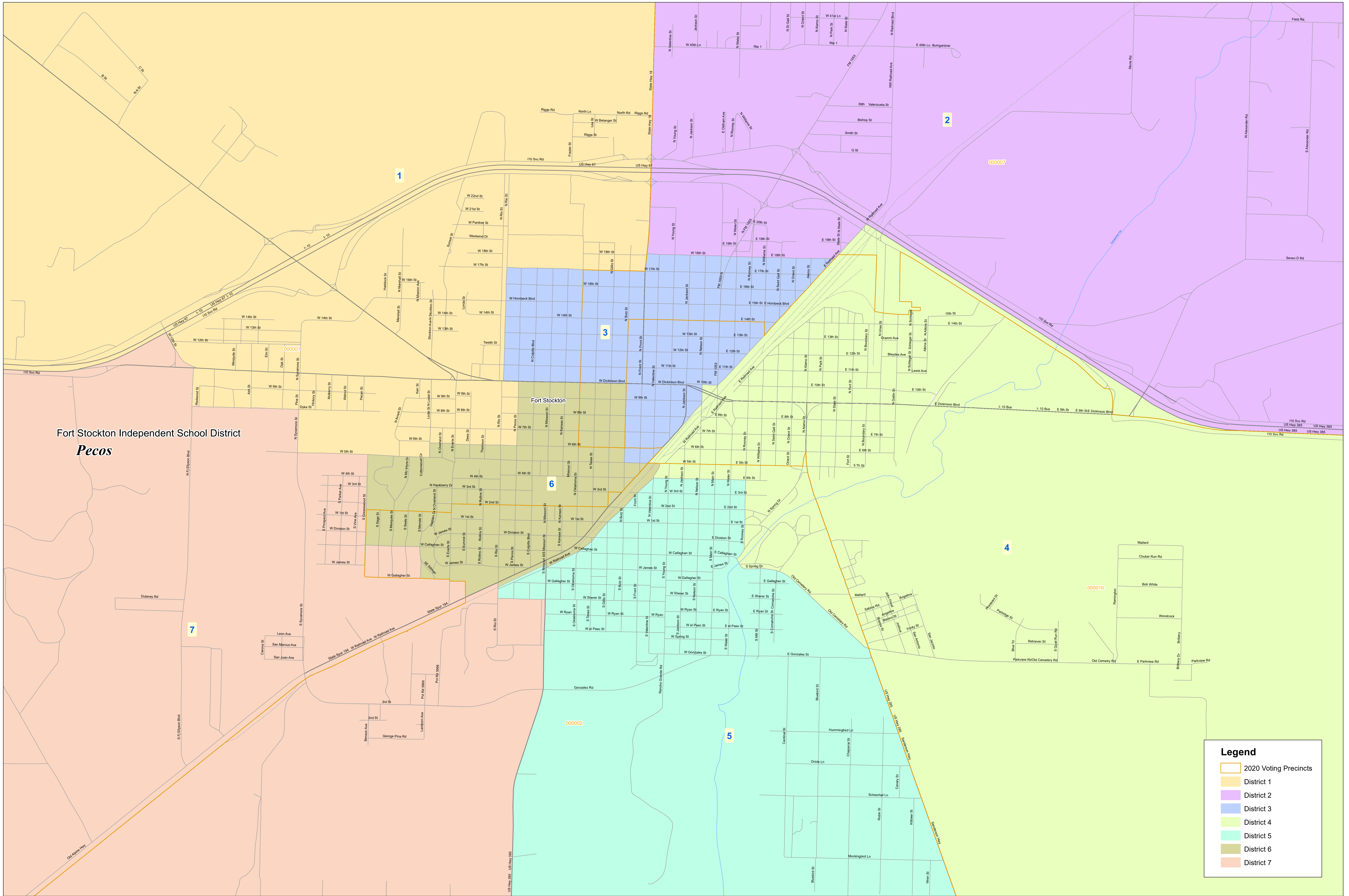


Fort Stockton ISD, Texas Adopted Map

Data Source:
2020 TIGER/LINE GEOGRAPHY
2020 CENSUS (PL 94-171) SUMMARY FILE

0 2 4 8 12 16 Miles





Fort Stockton ISD, Texas Adopted Map

Data Source:
2020 TIGER/LINE GEOGRAPHY
2020 CENSUS (PL 94-171) SUMMARY FILE