



CITY OF  
**LAGO VISTA**  
TEXAS

**GENERAL ELECTION**

**MAYOR**  
**COUNCIL MEMBER PLACE 1,**  
**COUNCIL MEMBER PLACE 3,**  
**COUNCIL MEMBER PLACE 5**

**NOVEMBER 4, 2025**



## **CANDIDATE PACKET**

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# **1. Letter from the City Secretary / City of Lago Vista Information**

Mayor  
Kevin Sullivan



Mayor Pro-Tem  
Rob Durbin

Council Members  
Shane Saum  
Adam Benefield  
Norma Owen  
Paul Roberts  
Paul Prince

Dear Prospective Candidate:

Thank you for your interest in serving the citizenry of the City of Lago Vista by becoming a candidate for a position on the City Council. The 2025 General Election will be held on Tuesday, November 4, 2025, to elect persons for the offices of Mayor, Council Member Place 1, Council Member Place 3, and Council Member Place 5. The term of office for the four positions is two (2) years, from November 2025 to November 2027.

Your candidacy entails the obligation to comply with certain applicable state statutes and local ordinances. To assist you in your endeavor to secure a position as a member of the Lago Vista City Council, a Candidate Packet has been prepared for you. Contained in this packet, you will find detailed information concerning requirements for candidates, applications and all necessary forms and pertinent instructions for completion of the forms. The first day for filing a completed application for a place on the General Election Ballot is Saturday, July 19, 2025. The last day for filing a completed application is Monday, August 18, 2025, with a **deadline of 5:00 p.m.** **PLEASE NOTE:** Applications can be filed with the City Secretary during normal business hours, Monday – Thursday, 7 a.m. to 6 p.m.

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

Forms and information for the 2025 City of Lago Vista General Election are enclosed and can be found at [https://www.lagovistatexas.gov/span\\_city\\_span\\_departments/city\\_secretary/election/index.php](https://www.lagovistatexas.gov/span_city_span_departments/city_secretary/election/index.php). For general questions regarding elections, please contact the Secretary of State at 1-800-252-8683, or online at <https://www.sos.state.tx.us/>. For questions concerning campaign contributions, expenditures and reporting, please contact the Texas Ethics Commission at 512-463-5800, or online at <https://www.ethics.state.tx.us/>.

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

Again, the City of Lago Vista appreciates your interest in municipal government and hope the upcoming election will be a positive and rewarding experience for you and your supporters. Please feel free to contact me if I can be of assistance at [city.secretary@lagovistatexas.gov](mailto:city.secretary@lagovistatexas.gov) or (512) 267-1155 x115.

Best regards,

Susie Quinn  
Interim City Secretary

# HOME RULE CHARTER



Amended 2021

**HOME RULE  
CHARTER OF THE  
CITY OF LAGO VISTA, TEXAS  
[AS AMENDED NOVEMBER 2021]**

**PREAMBLE**

We, the people of Lago Vista, Texas, do hereby establish this Home Rule Charter to grant full authority and power of local government to the City of Lago Vista, Texas, and to reserve powers to the people as provided in this Charter. The City of Lago Vista shall have all the authority and powers of local government that are not inconsistent with state law, subject to the powers reserved to the people herein. The purpose of this charter is to establish and maintain an effective system of home rule government resulting in an overall better environment for the health, safety, and welfare of the residents of the City.

**ARTICLE I  
INCORPORATION, FORM OF GOVERNMENT  
AND BOUNDARIES**

**Section 1.01 Incorporation.** The inhabitants of the territory and geographic area shown on the official map of the City of Lago Vista, Texas as being within the boundaries of the City hereby incorporate the City of Lago Vista as a Texas home-rule municipal corporation. Such territory and area is and shall continue to be a body politic and corporate, in perpetuity, under the name of the "City of Lago Vista", hereinafter the "City", with such powers, privileges, rights, duties, and immunities as herein provided.

**Section 1.02 Form of Government.** The municipal government shall be a Council-Manager form of government. All powers of the City will be vested in an elected City Council, hereafter known as the Council, subject to the limitations of state law and this Charter. The Council shall enact local legislation, adopt budgets, determine City policies and appoint a City Manager. The City Manager shall be responsible to the Council for the management and administration of the City government.

**Section 1.03 Boundaries.** The boundaries of the City are hereby established as above provided, with the intent that such boundaries are as were provided and intended by the original incorporation of the City of Lago Vista, Texas, in August 1984, as modified and amended by subsequent annexations and dis-annexations. The corporate limits of the City shall be as now and as hereafter established, extended and modified.

**Section 1.04 Annexation and Dis-annexation.**

- a. Annexation by City Council. The Council shall have the power, by ordinance, to annex property, to fix the boundaries of the City and to provide for the alteration or extension of said boundaries, pursuant to the laws of the State of Texas, now or as may be amended.

- b. Dis-annexation. The City Council may, by ordinance, dis-annex any territory within the corporate boundaries of the City if the City Council determines that the territory is not necessary or sustainable for City purposes.

(Rev. November 6, 2018)

(Rev. November 2, 2021)

## ARTICLE II POWERS OF THE CITY

**Section 2.01 General.** The City is a home-rule city. Accordingly, the City shall have full and complete power of local self-government and all authority and powers, both defined and implied, that are not inconsistent with state law. The City shall further have all other and additional authority and powers now or hereafter granted to home-rule cities by state law.

The City may:

- a. Use a corporate seal;
- b. Contract and be contracted with;
- c. Sue and be sued; provided that such power shall not be construed as a waiver of governmental immunity;
- d. Co-operate with other government entities;
- e. Acquire any property, whether real, personal or mixed, by purchase, gift, devise, lease, or condemnation, inside or outside the City limits;
- f. Sell, lease, mortgage and control such property as its interests may require;
- g. Construct, own, lease and operate public utilities;
- h. Establish rates and otherwise regulate public utilities and service providers, and entities using the public streets and rights-of-way, to the fullest extent not inconsistent with state law;
- i. Assess, levy and collect taxes;
- j. Borrow money on the faith and credit of the City by the issuance of bonds, certificates of obligation, warrants or notes of the City, or by lease-purchase;
- k. Appropriate money;
- l. Pass and enforce ordinances and provide penalties for ordinance violations;
- m. Preserve and promote the health, safety, and welfare of local citizens; and
- n. Exercise all municipal powers, functions, rights, privileges and immunities of every name and nature except those prohibited by state or federal law.

**Section 2.02 General Powers Adopted.** The enumeration of powers in this Charter is not exclusive. The City shall have all powers incident to local self-government, both direct and

implied, that it would be possible to individually and specifically list in this Charter. The enumeration of special powers herein or in any state law making a grant of power and authority to a home-rule city shall not be held or construed to preclude the City from exercising all other powers of local government not inconsistent with the Constitution, the laws of the State of Texas, and the reservations to the people contained in this Charter. The purpose of this Charter is to enlarge upon the power extended by the general and special laws to cities, and to secure to the City, all the powers of local government possible to be conferred on the city under the Texas Constitution.

**Section 2.03 Eminent Domain.** The City shall have full power and right to exercise the power of eminent domain for any public purpose or as necessary or desirable to carry out any power conferred by this Charter or state or federal law. The City shall have and possess the power of condemnation for any public purpose even though such power of eminent domain is not otherwise specifically enumerated in this Charter or in state law. The City may exercise the power of eminent domain in any manner authorized or permitted by state law and, in those instances in which state law does not authorize, permit or establish the procedures, method of establishing value, or other requirements for condemnation and the exercise of the power of eminent domain, the City Council shall by ordinance establish the process, rules and procedures for valuing the property and the property interests to be condemned.

The City shall not, however, use the power of eminent domain to acquire land that is owned by a property owners association and that is dedicated and used as parkland, for use as a City park.

**Section 2.04 Zoning.** For the purpose of promoting the public health, safety, and general welfare and protecting and preserving places and areas of historical, cultural or architectural importance, the Council shall have full power and authority to regulate and control the use of land, to zone and re-zone land within the City and to adopt ordinances, rules, and regulations governing the same to the fullest extent not inconsistent with state law.

**Section 2.05 Rights Reserved.** All suits, taxes, penalties, fines, forfeitures, and all other rights, claims and demands, of every kind and character, which have accrued under the laws in favor of the City, heretofore in force governing the same, shall belong to and vest in the City and shall not abate by reason of the adoption of this Charter, and shall be prosecuted and collected for the use and benefit of the City and shall not be in any manner affected by the taking effect of this Charter; but, as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect. The budget and all ordinances, rules and regulations of the City shall be and remain in effect, subject to the terms of this Charter and the future discretion and vote of the Council. All present commissions, boards, officers and employees of the City shall continue in office subject to the provisions of this Charter, including, but not limited to, the provisions governing election and removal, and the authority conferred on the City Manager and the Council by this Charter.

**Section 2.06 Streets and Public Property.** The City shall have exclusive dominion, control, and jurisdiction, in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, public ways, and public property within the corporate limits of the City. With respect to all such facilities and public property, the City shall have the power to acquire establish, maintain,

alter, abandon, or vacate the same; to regulate, establish, or change the grade thereof; to control and regulate the use thereof; and to abate and remove in a summary manner any encroachment. The City may develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the City by laying out, opening, narrowing, widening, straightening, extending, and establishing building lines along the same; by purchasing, condemning, and taking property thereof; by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; by constructing, reconstructing, altering, repairing and realigning curbs, gutters, drains, and sidewalks, culverts and other appurtenances and incidentals in connection with such development and improvements; and may make or cause to be made any one or more of the kinds or classes of development and improvement authorized hereinabove, or in any combination or parts thereof.

### ARTICLE III THE CITY COUNCIL

**Section 3.01 Number, Selection, and Term of Office.** The City Council shall be the legislative and governing body of the City and have control of all the City finances, property, functions, services, affairs and programs subject only to the terms and provisions of this Charter. The City Council shall consist of a Mayor and six (6) Council Members. When used in this Charter or any other City document "Councilperson", "Councilmember" or "Council Member" includes the Mayor unless the context indicates otherwise.

The Mayor shall be elected from the City at Large. The Council Members shall be elected from the City at Large, by Place. Each seat on the Council, except for the position of Mayor, will be numbered, and the place numbers shall be Place 1 through Place 6. The Council Member occupying a particular seat will be identified by the Place number assigned to that council seat. The Mayor and the three Council Members occupying places 1, 3, & 5 shall be elected in odd numbered years and the three Council Members occupying Places 2, 4, & 6, shall be elected in even numbered years. The candidate who receives the largest number of votes for a particular office shall be declared elected for that office. Elections shall be held in the manner provided in Article V of this Charter.

The terms of office for all members shall be two (2) years. Office terms shall commence at the first regular Council meeting after a member of the Council has been declared elected. The Council shall, at the first regular City Council meeting following the taking of office of all new members after each scheduled general City election, elect from among its membership a Mayor Pro-Tem. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights and duties conferred upon the Mayor.

**Section 3.02 Qualifications.** All candidates for City elective office shall:

- a. Meet all the requirements for the office prescribed by state law;
- b. Be a registered voter residing in the City for at least one (1) year prior to the date of the election;
- c. Be at least 21 years of age by the date of the election;

- d. Hold no other elected public office if elected;
- e. Not be a City employee;
- f. Not be in financial arrears to the City for any reason; and
- g. Not file for more than one (1) office per election.

(Rev. November 3, 2015)

**Section 3.03 Judge of Election Qualifications.** The City Secretary shall be the judge of the qualifications of all candidates for elected office.

(Rev. November 2, 2021)

**Section 3.04 Application for City Office.** Each candidate for an elective City office shall make application to have his/her name listed on the ballot in accordance with state law.

**Section 3.05 Compensation.** Members of the Council and the Mayor shall serve without pay or compensation provided however, that the Council may, at some future date, determine by ordinance, a compensation package. Council Members and the Mayor shall be entitled to reimbursement for reasonable expenses incurred in the performance of their official duties as approved by the Council.

### **Section 3.06 Mayor.**

- a. The Mayor shall be recognized as the head of the City for legal and ceremonial purposes and by the Governor of the State of Texas for all purposes of military law.
- b. The Mayor shall work closely with the Council to obtain legislation in the public interest and with the City Manager to ensure that the same is enforced, preside at all meetings of the Council and provide the leadership necessary to ensure good government.
- c. The Mayor may call special meetings of the Council and any board or commission and set the agenda therefore.
- d. The Mayor shall participate in discussion and vote on all matters coming before the Council but shall have no power to veto.
- e. The Mayor may meet with and obtain information from the City Manager.
- f. The Mayor may consult with and advise the City Manager with respect to any city business or issue.
- g. The Mayor may require any item or items to be included on or deleted from the agenda for a Council meeting. Agenda items which have been specifically requested by two (2) or more Council Members may not be deleted.
- h. The Mayor shall have signatory authority for all legal contracts and commitments of the City but may not bind or obligate the City in any way without prior authorization from the City Council.

- i. The Mayor shall sign all approved ordinances and resolutions.
- j. The Mayor may recommend appointees for boards and commissions.

The Mayor, in time of declared emergency, may govern the City by proclamation and direct the City Manager so as to maintain order and enforce all laws. The Mayor shall have such additional powers as are granted to the office by state law, or by ordinance, not inconsistent with this Charter.

(Rev. November 6, 2018)

**Section 3.07 Vacancies.** An office of council member may become vacant by reason of the death, resignation, disability, recall, removal or forfeiture provided by law. The Council, at the first regular Council meeting after the vacancy occurs, shall declare the office vacant and initiate action to fill the vacancy in accordance with Section 3.09 of this Charter.

**Section 3.08 Removal from Office.** The City Council may remove any member of the Council from office for any of the following reasons:

- a. Failure to maintain the qualifications for office required by Section 3.02 of this Charter;
- b. Willful violation of any provision of this Charter, or any provision of the Code of Ethics adopted under Section 11.05 that provides for removal or termination of employment;
- c. Conviction of a felony or a crime involving moral turpitude;
- d. Failure to attend three consecutive regularly scheduled Council meetings without being excused by the Council.

Removal proceedings shall be initiated when a sworn or notarized written complaint charging a member of the Council with an act or omission that constitutes a reason for removal is presented to the Mayor or, if the complaint is against the Mayor, to the Mayor Pro-Tem. The person receiving the complaint shall file it with the City Secretary, who shall provide a copy to the member complained against and all other Council Members. Upon the receipt of a complaint the Mayor, or the Mayor Pro-Tem as appropriate, shall cause the complaint to be initially considered by the City Council for the sole purpose of the Council deciding if the complaint alleges a violation that is grounds for removal and that should be considered in Executive Session. If a majority of the Council finds the complaint alleges a violation that is grounds for removal it shall set a time and date for a hearing in Executive Session on the complaint.

If the Council Member complained against does not resign, the remaining members of the City Council shall conduct a hearing in executive session to take evidence on the complaint, unless a written request to conduct the meeting in public is made by the member complained against. The member complained against shall have a right to representation at the hearing and to question and cross-examine all witnesses but may not vote on the question of removal. Based on the evidence presented at the hearing, the City Council shall, in public session, make a decision whether the member should be removed from office and issue an order setting out its decision. If it determines

by a majority vote of four (4) members that removal is warranted, it shall declare a vacancy to be filled no sooner than the next regular meeting in accordance with Section 3.09. The Council may schedule and reschedule any such hearing for any reason, including convenience to enable attendance by all members of the council. The decision of the City Council shall be final and binding so long as it is made in good faith and, may in the discretion of the Council, include a lesser penalty of censure and/or a fine as provided in the Ethics Ordinance.

**Section 3.09 Filling Vacancies.** Within thirty (30) days of declaring a vacancy, the Council, by a majority vote of the remaining members of the Council, shall appoint to the vacancy a person possessing the qualifications specified in this Charter. If two or more vacancies exist and there is more than 180 days before a general City election, the remaining members of the City Council shall, within thirty (30) days of the occurrence of the multiple vacancies, call a special election to fill the vacancies for the remainder of the unexpired terms. If there are less than 180 days before the next general City election, or if no uniform election date at which members of the Council may be elected will occur prior to the next general city election, a majority of the remaining members of the Council shall appoint qualified persons to fill the vacancies until the general election. All persons holding office by appointment shall serve only until an election is held to fill that position and the person elected to that position is seated. If no qualified candidate files for election to the office of Mayor or a Council place for any special or general election, the Council shall appoint a qualified person to fill the position until the next general election.

If at any time there are no members of the City Council able to serve, or if a quorum of the Council is not able to serve, the following individuals together with the members of the City Council, if any, remaining and able to serve, shall immediately call an election to fill the City Council vacancies and act as a temporary City Council to conduct City business that is deemed urgent and that should not be postponed until after elections are held: The Chairperson of the Planning and Zoning Commission; and the Chairperson of the Board of Adjustment; and those individuals shall select from any standing City Council Committee that Committee's Chairperson. The temporary City Council shall total five (5).

(Rev. November 3, 2015)

**Section 3.10 Dual Office Holding.** Neither the Mayor nor any other member of the Council shall hold another City office or City employment during the term of their office. Former members of the Council shall not receive any compensation from the City or hold any compensated appointive City office within one (1) year after their elective office terminates.

**Section 3.11 Council Meetings.** The Council shall fix the time and dates for regular meetings by resolution and define by ordinance the manner in which meetings are conducted. The Council shall meet at a regular time at least once a month. Special and called meetings shall be held as determined by the Council or called by the Mayor. Notice of all meetings shall be in accordance with state law.

**Section 3.12 Quorums.** Three (3) members of the Council and the Mayor, or the Mayor Pro-Tem and three council members during the absence of the Mayor, shall constitute a quorum for the purpose of transaction of business. No action of the Council, except as provided in Section 3.09, shall be valid or binding unless adopted in an open meeting with a quorum present, provided

that less than a quorum may adjourn any meeting or canvass an election, and no action or motion shall be passed, approved, adopted, taken or consented to except by a majority vote of the members of Council present and voting; provided that not less than three (3) affirmative votes shall be required to pass, approve, adopt, take action or consent to any ordinance, resolution, action, matter, issue, or motion.

**Section 3.13 Rules of Procedure.** The Council shall establish by ordinance its procedures for conducting Council meetings. Such ordinance shall provide the citizens, or their representatives, a reasonable opportunity to comment on any matter on the agenda of any regular or special meeting of the Council prior to the Council voting on the matter, and citizen communications shall be an agenda item for all meetings for that purpose. In addition to agenda items, any issue over which the city has jurisdiction may be addressed during citizen communications. All persons present at Council meetings or any public hearing and requesting in writing to be heard may address the Council on the subject of the hearing. The City Secretary shall maintain and record all minutes of all proceedings of the Council, except for Executive Sessions, and make these minutes available to citizens of the City for a reproduction fee.

**Section 3.14 Voting.** Members of the Council present shall vote and have their votes recorded in the minutes upon every action requiring a vote. Only in the event the vote involves a member's conduct or conflict of interest shall that member abstain, and the reasons for the abstention shall be noted in the minutes. The rules set forth in Section 11.05 shall control conflict-of-interest issues unless a more restrictive provision is established by state law.

**Section 3.15 Ordinances in General.** The Council shall have the power to adopt, waive, suspend, repeal or amend any ordinance, and provide for the enforcement and punishment of ordinance violations in any manner, not inconsistent with state law. All expenditures of City funds and creation of City indebtedness shall be by ordinance. All such actions shall state, "Be it ordained by the Council of the City of Lago Vista".

An ordinance must be enacted whenever the purpose is to regulate persons, property or both; whenever there is imposed a penalty, fine, forfeiture, or tax; whenever the purpose is to set a rate to be paid by consumers; whenever an ordinance is required by state law or this Charter; or when an ordinance is amended.

(Rev. November 2, 2021)

**Section 3.16 Procedure to Enact Legislation.** Every ordinance shall be introduced in written or printed form and shall have a clearly summarized and fully descriptive title and caption. The reading aloud of the descriptive caption of the ordinance shall suffice as a reading of the ordinance in its entirety, provided that a written or printed copy thereof has been furnished to each member of the Council prior to such meeting, or at such meeting without objection by a member of the Council. A majority of the members of the Council present and voting may require an ordinance to be read in its entirety. All ordinances to be enacted by the Council shall be considered and the descriptive caption of such ordinance read in open meeting of the Council at a minimum of one (1) Council meeting. Any Council Member may by request made on the record at the meeting require a second reading. The affirmative vote of the majority of the members of the Council

present and voting, except as otherwise required by statute or this Charter, shall be necessary to adopt any ordinance.

The vote upon the passage of all ordinances and resolutions shall be recorded in a book kept for that purpose by the City Secretary. Every ordinance enacted shall be authenticated by the signature of the Mayor or, in the absence of the Mayor, by the Mayor Pro-Tem and the City Secretary, and shall be systematically recorded and indexed in an ordinance book in a manner approved by the Council. It shall be necessary to record only the caption, subject matter and assigned ordinance number or title of ordinances in the minutes of the Council meetings.

(Rev. November 2, 2021)

**Section 3.17 Publication and Posting of Ordinances and Other Documents.** Except as otherwise required by state law or this Charter, the City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture and every ordinance relating to the budget, franchises, taxes, or public utilities and public service providers and the setting of the rates, fees and charges thereof. This shall be done by causing the ordinance in full or its caption, including the penalty if any, to be published at least one (1) time in a newspaper of general circulation within the City and posted on the City's website until such ordinance becomes codified into the City's Code of Ordinances. The provisions of this section shall not apply to the correction, amendment, revision or codification of the ordinances of the City in book or pamphlet form. The City Secretary shall also ensure that all Resolutions, Proclamations, and Official Notices be posted on the City's website.

(Rev. November 3, 2015)

**Section 3.18 Emergency Meetings and Ordinances.** The Council may adopt ordinances and take other action to protect life, property or the public peace at an emergency meeting held in compliance with state law. An emergency ordinance shall be plainly designated as such and shall contain a declaration stating that an emergency exists and describing it in clear and specific terms. The emergency ordinance shall be effective for a maximum period of sixty (60) days from enactment, except as noted below. It may be renewed or re-adopted if necessary by the procedures required for the enactment of a new ordinance. An emergency ordinance may not:

- a. Levy taxes, grant, renew, or extend a franchise;
- b. Regulate rates charged by public utilities;
- c. Authorize the borrowing of money, except as authorized by state law or provided for in Sections 8.06 or 8.10 of this Charter.

Emergency ordinances authorizing the borrowing of money in compliance with state law and Section 8.06 shall not be subject to expiration in sixty (60) days.

**Section 3.19 Adoption of Code.** The City shall adopt by ordinance a Code of Ordinances. All amendments to the Code of Ordinances shall be codified and maintained by the City Secretary. The City may adopt any standard code, regulations and or standards for buildings, plumbing, electrical, air conditioning and heating, and other trades and construction, and establish appropriate penalties for their violation. Copies of adopted codes, trade regulations and standards

and technical regulations shall be referenced and linked on the City website and made public in a form to allow any competent individual to obtain a copy or view those adopted codes, trade regulations and standards and technical regulations whether by purchase or internet.

(Rev. November 2, 2021)

**Section 3.20 Resolutions and Minute Orders.** The Council may act by written resolution regarding any subject or matter relating to or dealing with any public purpose or business except as provided in Section 3.15 of this Charter. The enacting clause of every written resolution shall be "Be it resolved by the Council of the City of Lago Vista". The Council may further give instructions to the City Manager, approve bids and contracts, and take other actions regarding the day-to-day business of the City by resolution adopted by motion and vote recorded in the minutes of the Council meeting.

**Section 3.21 Investigative Body.** The Council shall have the power to inquire into the conduct of any City office, department or agency, inquire into the conduct or qualifications of any officer or employee of the City appointed or confirmed by the Council and make investigations as to municipal affairs. For those purposes the Council may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence material to a specific inquiry. The Council shall establish by ordinance the procedures applicable to the investigations authorized herein and shall set penalties for failure to comply therewith.

**Section 3.22 Authority as the Governing Body.** The City Council shall have and exercise all the powers and authority of the City, not inconsistent with this Charter, for the benefit of the City and its residents. The Council shall have the power to ordain, alter, waive, amend or repeal and enforce ordinances, resolutions, rules, orders, and regulations, for any public purpose, that are not in conflict with this Charter or state law. The Council shall have the power and authority to provide for any public purpose, including but not limited to recreation, the regulation and control of public property, municipal finances, the preservation of the public peace and good order, the security and protection of the public health, safety and welfare, the promotion of trade, commerce and economic development, the quality of life within and beautification of the City, and any other service, program or activity beneficial to the City and its citizens. The City shall have full and complete power of local self-government to the fullest extent not in conflict with this Charter or state law, including all such authorities and privileges that are now or hereafter provided to cities by state law, and such power and authority both expressed and implied as necessary to accomplish and enforce any such duty, program or public purpose.

**Section 3.23 Prohibitions.** The Council shall have powers only as a body meeting with a quorum present and no member shall have power to act individually, except where that power may be conferred upon the member in this Charter or by the Council. The individual Council members shall have the right to meet with the Mayor to inquire about any matter or issue and with the City Manager or department head to obtain information deemed necessary to make informed decisions regarding the business of the City. No member of the Council shall give orders directly to the City Manager, and no Council Member shall give orders directly to any other City employee.

(Rev. November 6, 2018)

## ARTICLE IV

### ADMINISTRATIVE SERVICES

**Section 4.01 City Manager.** The Council shall appoint a City Manager who shall be chosen primarily on the basis of his/her executive and administrative training, experience and ability. The affirmative vote of five (5) members, or more, of the Council shall be required to appoint a person as City Manager or change the City Manager's compensation package. Within six (6) months after employment, the City Manager shall reside within the City limits, unless the Council approves an outside residence. The City Manager shall receive compensation as determined by the Council. The compensation shall be agreed upon prior to employment and the Council may contract with the City Manager to establish the terms of employment. The Council shall reserve the right to raise or lower the compensation at its sole discretion by the vote of five (5) members or more. The City Manager may be removed or suspended at the sole discretion of the Council by an affirmative vote of five (5) members or more of the Council.

The City Manager is the chief executive and administrative officer of the City, responsible to the Council for the efficient administration of all the City's affairs placed in the Manager's charge by or under this Charter. The City Manager shall:

- a. Implement the general policies established by the Council and faithfully enforce all applicable state laws and City ordinances;
- b. Appoint, supervise and/or give direction to all departments, offices, and agencies of the City and hire, suspend or remove any employee of the City except for department heads which require Council approval for employment or removal;
- c. Sign all legal contracts and commitments of the City, but may not bind or obligate the City in any way without prior authorization from the City Council;
- d. Prepare all agendas in conjunction with the Mayor and attend all meetings of the Council except when excused by the Council. He/she shall have the right to take part in all discussions but shall not have a vote;
- e. Prepare and submit the proposed annual budget and administer the approved City budget in accordance with this Charter;
- f. Prepare and present to the Council a complete annual report of the financial and administrative activities of the City for the preceding year. This report shall be due one hundred twenty (120) days after the end of the fiscal year;
- g. Make reports as the City Council may require concerning the operations of City departments, offices, and agencies subject to the City Manager's supervision;
- h. Prepare and submit to the Council monthly financial reports and keep the Council advised on the financial condition and future needs of the City;
- i. Provide staff support services for the Mayor and Council Members, consistent with the intent and requirements of this Charter;
- j. Ensure that all terms and conditions imposed in favor of the City, or its inhabitants, in any public utility franchise or other franchise or contract are faithfully kept and performed. Upon knowledge of any violation thereof, he/she

- shall call same to the attention of the City Attorney, whose duty it shall be to advise the City Manager and the City Council of such steps as may be necessary to enforce the same;
- k. Perform other duties as are specified in this Charter, or duties not inconsistent with this Charter as required by the City Council.

The City Manager shall designate by letter filed with the City Secretary, a qualified administrative officer of the City, subject to approval by the Council, to perform the duties of the City Manager in his/her absence or disability from his/her duties. No member of the Council shall act as City Manager. No member of the Council shall, during the time for which he or she is elected, or for one year thereafter, be appointed City Manager.

The Council, except as provided for in Section 3.06 of this Charter, shall direct and supervise the City Manager only by majority vote. Except for the purposes of inquiries and investigations under this charter, the City Council or its members shall deal with employees who are subject to the supervision of the City Manager solely through the City Manager. Neither the Council nor its members shall give orders to or in any way exercise the influence of their office on such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

(Rev. November 3, 2015)

(Rev. November 6, 2018)

(Rev. November 2, 2021)

**Section 4.02 City Secretary.** The City Manager, subject to approval by the Council, shall appoint a City Secretary. The City Manager shall employ such assistant City Secretaries as the Council authorizes. Except as otherwise required by state law or ordinance, the City Secretary shall:

- a. Keep an accurate register of all laws, resolutions and ordinances of the City, and attend all meetings of the Council unless excused by the City Manager;
- b. Keep the corporate seal;
- c. Take charge of and preserve the books, pages, documents, files, contracts, and other records of the City;
- d. Prepare all notices required under any state law or regulation or any ordinance of the City;
- e. Keep a register of bonds and bills issued by the City and all evidence of debt due and payable to the City, noting the relevant particulars and facts as they occur;
- f. Perform all other duties required by law, ordinance, resolution, or order of the City Manager.

**Section 4.03 Municipal Court.** A municipal court, designated as the Municipal Court of the City of Lago Vista, is hereby established. The court shall have jurisdiction over all matters, offenses and issues as now or hereafter provided by state law, and all other matters, offenses and issues as provided by ordinance not inconsistent with state law. The Municipal Judge and any Associate Municipal Judges deemed necessary shall be nominated by the City Manager, and appointed by

the Council. Compensation for the Municipal Judge and any Associate Judges shall be set by the City Council. A Court Clerk and such deputies as deemed necessary by the City Council shall be appointed pursuant to City Ordinance and State law. The Court Clerk and any deputies shall have the power to administer oaths and affidavits, make certificates, affix the court seal and perform any and all duties authorized by state law or ordinance, or directed by the city manager. All costs, fees, special expenses and fines imposed by the Municipal Court shall be paid into the City Treasury for the use and benefit of the City unless otherwise required by state law.

(Rev. November 2, 2021)

**Section 4.04 City Attorney.** The City Manager shall appoint a City Attorney subject to approval by the Council. The City Manager may also appoint other attorneys to assist the City Attorney as may be deemed necessary and approved by the Council. The City Attorney and any appointed associates shall be duly licensed to practice law in the State of Texas. The City Attorney shall be the legal advisor for the Council and all offices and departments of the City. The City attorney and any approved associate attorneys may represent the City in litigation and legal proceedings that may arise.

**Section 4.05 City Police.** A Police Department headed by a Chief of Police shall be established to maintain order within the City and to protect citizens from threats or violence and their property from damage or loss. The Chief of Police shall be appointed by the City Manager subject to approval by the Council. The Chief of Police must be a licensed peace officer in the State of Texas and have verifiable experience which qualifies him/her for the position. This experience may have been gained in the service of police agencies outside the State of Texas either from another state or with a Federal agency. The Chief of Police shall be responsible for the operation of the Police Department and shall enforce state law and all the ordinances of the City. He/she shall perform such other associated duties as the City Manager may require and shall, upon approval of such documents by the City Manager, establish and maintain written procedures relating to police administration, policies and procedures.

**Section 4.06 Human Resources.** The City shall be an equal opportunity employer and the service of each officer and employee shall be "at will". The administration of human resources of the City shall be governed by written rules and regulations to be known as "Personnel Policies". The City Manager or his/her designee shall prepare such policies and recommend their adoption to the City Council. Such policies shall not be inconsistent with this Charter and will become effective when approved by the Council by ordinance. All policies so adopted and not inconsistent with this Charter shall have the force and effect of law. No person related, within the second degree by affinity or within the third degree by consanguinity, to the Mayor or to any member of the Council or to the City Manager shall be employed or appointed to any office, position or clerkship of the City. This prohibition shall not apply however, to any person who shall have been employed by the City at least six (6) months prior to and at the time of the election or appointment of the officer related in the prohibited degree.

**Section 4.07 Other and Additional Departments.** There shall be such administrative departments as are required to be maintained by this Charter, and as are established by ordinance, all of which shall be under the control and direction of the City Manager except as herein provided.

Other and additional departments may be recommended by the City Manager but shall be established by ordinance.

## ARTICLE V NOMINATIONS AND ELECTIONS

**Section 5.01 City Elections.** Beginning with the general City election to be held in 2016 and for each successive general City election, the general City election shall be held annually on the uniform election date in November in accordance with the election laws of the State of Texas. All terms of office for all members shall be as set forth in Section 3.01. The Council shall fix the places for holding such election, and the City Secretary shall give notice of the election in the manner required by the laws of the State of Texas. The Council may, by ordinance, call special elections as required or authorized by state law or this Charter. The Council shall fix the time and places for such special elections, direct the City Secretary to give notice thereof and provide all means for holding same. A certified list of registered voters residing within the City shall be obtained by the City Secretary for each election. All City elections shall be held in accordance with state law, this Charter, and the ordinances, resolutions and orders adopted by the Council for the conduct of elections. The Council shall provide for the election, appoint election judges and other officials and shall determine and provide for their compensation and for all other expenses of holding municipal elections. In the absence of state law providing regulations for the conduct of any election, or any related action or procedure, the council shall provide such regulations by ordinance.

(Rev. November 6, 2018)

(Rev. November 2, 2021)

Candidates shall follow these rules:

- a. No candidate for office, including incumbents, may withdraw their candidacy and refile in the same election; and
- b. No candidate may file for more than one office or position number per election; and
- c. Incumbents seeking re-election must file for the same position that he or she presently holds; and
- d. An elected Councilmember, filing for office of Mayor, shall file for election fifteen (15) days on or before the filing deadline; and
- e. An elected Councilmember, filing for office of Mayor, shall resign from the office presently held on or before the canvassing date.

(Rev. November 3, 2015)

**Section 5.02 Official Ballots.** The name of each candidate for office, except those who may have withdrawn, died, or become ineligible prior to the preparation of the ballot, shall be printed on the official ballots without party designation or symbol. In elections for members of the Council, the order of the names of the candidates on the ballot shall be in accordance with state law and

shall be determined by lot in a drawing to be held under the supervision of the City Secretary. Early voting shall be governed by state law. The ballot for all propositions and measures shall be established by ordinance. Each proposition shall be presented for voting by ballot title, which may differ from the measure's legal title, and a clear, concise statement objectively describing the substance of the measure. The content and form of the ballot shall be determined by ordinance. Procedures for write-in votes shall be governed by state law.

**Section 5.03 Canvassing.** The election judges and officials appointed by the Council shall determine, record and report the results of any general or special City election in accordance with state law. In accordance with said laws, the Council shall, after an election, meet, canvass, and officially declare the results of the election as to candidates and questions. Unless provided otherwise by state law, elections shall be canvassed not less than three or more than eight days after the date of the election. The returns of every municipal election shall be recorded in the minutes of the Council.

**Section 5.04 Election.** Candidates for the Council shall file for a specific office, designated by Place number or Mayor, and the Mayor and the Council Member for each Place shall be elected by plurality vote. In the event no candidate for an office receives a plurality of the votes cast for that office in the general or special election, the Council shall, upon completion of the official canvass, order a run-off election among the candidates who tied for the highest number of votes. The run-off election shall be held on the third Saturday following the canvass of the vote in the general or special election.

## ARTICLE VI

### INITIATIVE, REFERENDUM, AND RECALL

**Section 6.01 Power of Initiative.** The people of the City reserve the power of direct legislation by initiative, and in the exercise of such power, may propose any ordinance not in conflict with this Charter or state law, except an ordinance appropriating money or repealing an ordinance appropriating money, levying taxes, zoning land, annexing land, or setting rates, fees or charges. Any initiated ordinance may be submitted to the Council by a petition signed by qualified voters of the City equal in number to at least ten (10) percent of the number of registered voters who resided in the City at the time of the last general City election. When such a circulated petition has been certified as sufficient by the City Secretary, the Council shall proceed in compliance with this article.

**Section 6.02 Power of Referendum.** The people reserve the power to approve or reject at the polls any legislation enacted by the Council which is a proper subject for the initiative process under this Charter, except for the limitations specified in this Article and in Section 8.10. An ordinance enacted for the immediate preservation of the public peace, health or safety is not subject to referendum if it contains a statement declaring a specific emergency and the requirement for immediate and urgent action. Referendum petitions shall be signed by qualified voters of the City equal in number to at least fifteen (15) percent of the number of registered voters who resided in the City on the date of the last general City election. When such a petition

has been certified as sufficient by the City Secretary, the Council shall proceed in accordance with the requirements of this article.

**Section 6.03 Petition Requirements for Ordinances.** Initiative petitions shall contain the full text of the proposed legislation in the form of an ordinance including a descriptive caption. Referendum petitions shall contain the full text of the disputed ordinance. All petitions shall be prepared, submitted, circulated and certified in accordance with the requirements of this article.

**Section 6.04 Commencement of Proceedings.** Any five (5) qualified voters of the City may commence an initiative, referendum or recall proceeding by filing with the city secretary a statement signed by them, together with the complete form of a petition proposed to be circulated, including signature pages and the full text of the initiative ordinance, the ordinance reconsidered, or the grounds for the recall, as applicable. Any ordinance set forth in the petition shall be complete and in proper form including the caption.

The City Secretary shall place the time and date on the petition and documents when filed and may refer the same to the City Manager for subsequent forwarding to the City Attorney for review and recommendation for compliance with this charter if deemed appropriate; provided that neither the City Secretary nor the circulators of the petition shall be bound by any recommendation made by the City Attorney. The City Secretary shall examine the filing for sufficiency as to form and, if certified, place the time and date of the certification for circulation on such petition and documents. The City Secretary shall provide a certified copy of such filing as certified for circulation to the person presenting same and file a copy of the certified documents and petition in the archives of the city.

The circulated petition must be returned and re-filed with the City Secretary within forty-five (45) days after the date the petition is certified for circulation. Signatures obtained prior to the date of such certification shall be invalid and a petition returned after the expiration of forty-five (45) days shall not be considered.

**Section 6.05 Initiative Petition.** When the Council receives an initiative, petition certified by the City Secretary to be sufficient, the Council shall either:

- a. Adopt the initiated ordinance without amendment within thirty (30) days after the date of the certification to the Council; or
- b. Submit the initiated ordinance without amendment to a vote of the qualified voters of the City. The election on the proposed ordinance shall be held on the next available uniform election date authorized by state law that is forty-five (45) days or more after the expiration of the thirty (30) days provided in (a) above. The called special election may coincide with a general City election should such City election fall within that specified period; or
- c. At an election, submit to a vote of the qualified voters of the City the initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the Council. The election on the proposed ordinance shall be held on the next available uniform election date authorized by state law that is forty-five days or more after the thirty days provided in (b) above. The called election may

coincide with a general City election should such City election fall within the specified period. If an initiative ordinance and an alternate ordinance proposed by the Council are submitted at an election and either of such ordinances receives a majority vote, only the ordinance receiving the highest number of votes shall be adopted.

No ordinance on the same subject as an initiated ordinance which has been defeated at any election may be re-initiated by voters within two (2) years from the date of such election. Special elections on any initiated ordinance shall not be held more frequently than once every twelve (12) months.

**Section 6.06 Referendum Petition.** When the Council receives a referendum petition certified by the City Secretary as sufficient, the Council shall either:

- a. Cancel the ordinance specified in the petition if it has not gone into effect; or
- b. Repeal the referred ordinance within thirty (30) days if it has gone into effect; or
- c. Submit the referred ordinance to the voters at an election. The election on the referred ordinance shall be held on the next available uniform election date authorized by state law that is forty-five (45) days or more after the expiration of the thirty (30) days provided in (b) above. The called election may coincide with a general City election should such general City election fall within that specified period.
- d. No ordinance on the same subject as the referenced ordinance which has been defeated at any election may be re-submitted to the voters within two (2) years from the date of such election. Special elections on any referred ordinance shall not be held more frequently than every twelve (12) months.

**Section 6.07 Ballot Form and Results of Election.** The ballot used in voting upon an initiated or referred ordinance shall comply with Section 5.02(d) and set forth on separate lines the words, "For the Ordinance" and "Against the Ordinance". A referred ordinance, an initiated ordinance and any alternative ordinance proposed by the Council, which are submitted at the same election shall be appropriately identified as the initiated or referred ordinance and as the ordinance proposed by the Council. Any number of ordinances may be voted upon at the same election in accordance with the provisions of this Article. A referred ordinance which is not approved by a majority of the votes cast shall be deemed thereupon repealed. An ordinance submitted and receiving an affirmative majority of the votes cast shall thereupon be effective as an ordinance of the City. An ordinance so adopted may not be repealed or amended by the Council prior to the expiration of two (2) years after the election at which it was adopted.

**Section 6.08 Power of Recall.** The people of the City reserve the power to recall the Mayor or any other member of the Council and may exercise such power by filing with the City Secretary a valid petition demanding the removal of the Mayor or a Council Member(s). Such petition shall be signed by qualified voters of the City equal in number to at least ten (10) percent of the number of registered voters who resided in the City at the time of the last general City election. The petition shall be signed and verified as required by Section 6.12 and shall contain a specific

statement of the grounds for which the removal is sought. One of the signers of each petition shall make an affidavit that the statements therein made are true. A separate petition is required for each elected official to be recalled. The recall petition process shall begin with the filing of a written notice of intent with the City Secretary. This notice shall be signed by five (5) qualified voters of the City and shall state the name of the elected official to be recalled. The filing date of this notice shall be the formal beginning of the recall process. All petition signatures shall be collected and the petition filed with the City Secretary in accordance with the requirements specified in Section 6.12.

(Rev. November 2, 2021)

**Section 6.09 Recall Election.** Within fifteen (15) business days after the date of the filing of the papers constituting the recall petition, the City Secretary shall certify the signatures and petition as sufficient or insufficient, and, if sufficient, present such certified petition to the Council at the next regular meeting for which the required notice may be given.

The Council member(s) whose removal is sought may, after such recall petition has been presented to the Council, request in writing to the Council at the next regular meeting that a public hearing be held to permit that officer, and a representative of the petitioners, to present facts pertinent to the charges specified in the recall petition. In this event, the Council shall order such public hearing to be held not less than five (5) business days nor more than fifteen (15) business days after receiving such request for public hearing.

If the officer whose removal is sought does not resign, then it shall be the duty of the Council to order an election. The election shall be held on the next authorized uniform election date for which notice may be given as required by state law. Said called election may coincide with a general City election should such a City election fall within the specified period.

**Section 6.10 Results of Recall Election.** If an equal number or a majority of the votes cast at a recall election shall be against removal of the Mayor or Council Member(s) named on the ballot, he/she shall continue in office. If a majority of the votes cast at such election be for the removal of the Mayor or Council Member(s) named on the ballot, the Council shall immediately declare the office vacant and such vacancy shall be filled in accordance with the provisions of Section 3.9. A Mayor or Council Member thus removed shall not be a candidate to succeed himself/herself in an election called to fill the vacancy thereby created.

**Section 6.11 Limitations on Recall.** No recall petition may be filed against any officer of the City within six (6) months after his/her election or appointment, or within the three (3) months preceding the expiration of his/her term of office, or more than once during any two (2) year term of office.

(Rev. November 2, 2021)

**Section 6.12 Petition Form and Certification.** Petitions for initiative, referendum and recall shall:

- a. Be written;
- b. Be signed in ink or indelible pencil by qualified voters as the person's name appears on the most recent official list of registered voters;
- c. Include each person's residence address including street and number and printed name;
- d. Include the date each signature is affixed. Signatures need not be affixed to only one paper. However, one of the signers of each separate petition shall make an affidavit that they, and they only, personally circulated such petition and that each signature appended thereto was made in their presence and is the genuine signature of the person whose name it purports to be. No signature shall have been placed on the petition prior to the date certified for circulation under Section 6.04 nor more than forty-five (45) days after that date. Identical copies of the petition may be circulated, filed as one petition, and the signatures of the several petitions aggregated, provided that in every instance a complete petition is circulated and all signatures are made on a complete petition.
- e. Within fifteen (15) business days after a petition is filed, the City Secretary shall examine the petition and certify the petition as sufficient or insufficient and submit the results to the Council at the next regular meeting for which notice may be given. The certification shall clearly state the number of persons found on the petition who are qualified to vote and the number of persons found on the petition who are not qualified to vote. If the certificate of the City Secretary shall show a petition to be insufficient, the City Secretary shall notify the person(s) filing the petition, and it may be amended within ten (10) working days from the date of such notice by filing additional papers signed and submitted as provided for in the original petition. Within ten (10) working days after such additional papers are filed, the City Secretary shall examine the said papers and certify as to their sufficiency. If the petition is still found to be insufficient, the City Secretary shall return the petition to the person filing same, provided, however, that upon finding the total petition to be insufficient, no new petition covering the same subject matter shall be filed until one year shall have elapsed from the date of filing of the original petition.

## ARTICLE VII BOARDS AND COMMISSIONS

**Section 7.01 Establishing Boards and Commissions.** The Council shall have authority to establish, by ordinance, such boards and commissions as it may deem necessary for the conduct of the business and affairs of the City. Except as otherwise provided by state law, each such board and commission shall be advisory and the composition, authority, functions, and responsibilities thereof and the qualifications and procedures for the appointment and removal of their members

shall be set forth in the enabling ordinance. All existing boards and commissions heretofore established shall be continued in accordance with the ordinance or resolution pursuant to which each has been created until the Council shall by ordinance repeal or amend the ordinance or resolution. The Council shall make appointments to boards and commissions unless otherwise provided by ordinance. The term of each appointee shall be as described in the enabling ordinance.

**Section 7.02 Qualifications and Terms of Office.** In addition to any qualifications prescribed by ordinance, each appointee to City boards and commissions shall:

- a. Be a registered voter of the City;
- b. Be a resident of the City and have resided therein for at least twelve (12) consecutive months preceding his/her appointment; and
- c. Not be in financial arrears to the City for any reason.

The above provisions shall not preclude the Council from waiving the voter and residency requirements for less than a quorum of the members of a board or commission that has advisory powers only, when it is deemed to be in the best interests of the City. The waiver shall apply only to the number of members specified in the ordinance establishing the board or commission, which number shall be less than a majority of the members of the board or commission.

**Section 7.03 Planning and Zoning Commission.** A Planning and Zoning Commission is established to perform such duties and functions as are required or authorized by state law, this Charter and the enabling ordinance. The number of members and additional duties of the Planning and Zoning Commission shall be provided by ordinance.

**Section 7.04 Board of Adjustment.** A Board of Adjustment is established to perform such duties and functions as required or authorized by state law, this Charter, and the enabling ordinance.

(Rev. November 3, 2015)

(Rev. November 6, 2018)

## **ARTICLE VIII** **FINANCIAL PROCEDURES**

**Section 8.01 Fiscal Year.** The fiscal year of the City shall begin on the first day of October of each year and end on the thirtieth day of September of the following year.

**Section 8.02 Submission of Budget.** The City Manager, prior to August first of each year, shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying budget message.

**Section 8.03 Budget Message.** The City Manager's budget message shall outline the Capital Improvement Program and the proposed financial policies for the ensuing fiscal year, with

explanations of any substantive change from the previous year in expenditures and any major changes of policy, along with a complete statement regarding the financial conditions of the City.

**Section 8.04 Budget.** The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year. It shall contain all items and contents required by State law. The total of proposed expenditures shall not exceed the total of estimated income plus any accumulated surplus. The budget shall indicate at least:

- a. An estimate of all revenue from taxes and other sources, including the present and proposed tax rate and the estimated property evaluation for the ensuing year;
- b. A carefully itemized list of proposed expenses by office, department and agency for the budget year, as compared to actual expenses of the last ended fiscal year and the present year-to-date;
- c. A description of all outstanding bond indebtedness, showing amount, purchaser, date of issue, rate of interest and maturity date, as well as any other current indebtedness of the City;
- d. A statement proposing any capital expenditures deemed necessary to undertake during the ensuing budget year and recommended provisions for financing.

**Section 8.05 City Council Action on Budget.** At the Council meeting when the proposed budget is submitted, the Council shall call a public hearing for a set time, date and place. Notice of such public hearing shall be published in a newspaper of general circulation in the city and such notice shall include the date, time, place and subject thereof. The notice shall be published at least ten (10) days before the date of the public hearing, and, at the hearing, interested citizens may express their opinions concerning items of expenditure, giving their reasons for wishing to increase or decrease any item of expense. After the public hearing, the Council may adopt the proposed budget with or without amendment. In amending the proposed budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income plus any accumulated surplus. The Council shall adopt the budget by ordinance. If it fails to adopt the budget by September 30th, the budget proposed by the City Manager shall go into effect until such time as the Council adopts a budget.

**Section 8.06 Amendments after Adoption.** If during the fiscal year, the City Manager certifies there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such available funds. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. The Council shall have the power to borrow money on the credit of the City and to issue certificates of obligation, time warrants, notes or other evidence of debt in order to cover any emergency. If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report to the Council without delay, indicating the estimated amount of the shortfall, any remedial action taken and recommend any other steps to be taken. The Council shall then take such action as it deems necessary to prevent or minimize

any deficit, and for that purpose it may by ordinance reduce one or more appropriations. At any time during the fiscal year, the Council may, by ordinance, transfer part or all of the unencumbered appropriation balance from one department to the appropriation for other departments or purposes: The City Manager may transfer part or all of any unencumbered balances among programs within a department and shall report such transfers to the Council in writing in a timely manner.

**Section 8.07 Lapse of Appropriations.** Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; but the appropriation shall expire if three (3) years pass without any disbursement from or encumbrance of the appropriation.

**Section 8.08 Capital Improvement Program.** The City Manager shall prepare and submit to the Council a five (5) year Capital Improvement Program ("CIP") at the same time each year as he/she submits the proposed budget. The CIP shall specify Year 1 as and in conjunction with the proposed annual operating budget and carry plans forward through the subsequent years. The following budget year, Year 2 of the CIP (with or without amendment) becomes Year 1 and the plan is extended out another year to maintain the five-year horizon. The Capital Improvement Program shall include:

- a. A clear general summary of its contents;
- b. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) years next ensuing, with appropriate supporting information as to the necessity for each;
- c. Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- d. The method of financing proposed for each capital project expenditure;
- e. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and
- f. Any capital improvements contemplated in any proposed annexation or the Annexation Plan.

The CIP shall be revised and extended each year with regard to capital improvements pending or in process of construction or acquisition.

**Section 8.09 Public Records.** Copies of the budget, capital improvements program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the City.

**Section 8.10 Bonds and Other Financial Obligations.** The Council shall have the power to borrow money on the credit of the City and to issue bonds, certificates of obligation, warrants, notes or other evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by state law or this Charter. Notwithstanding any other provision

of this Charter to the contrary, ordinances authorizing the issuance of bonds, certificates of obligation, warrants, notes or other evidences of indebtedness, or ordinances authorizing the levy of taxes or the pledge of revenues to secure payment of indebtedness, shall require two (2) readings. Any petition protesting issuance of bonds or certificates of obligation shall comply with applicable State law and any election held shall be conducted in the manner for bond elections under Chapter 1251, Government Code. The issuance of bonds, certificates of obligation, warrants, notes or other evidences of indebtedness shall be subject only to the following limitations:

- a. No general obligation bonds, other than refunding bonds, shall be issued except as approved by a majority vote of the citizens voting at an election held for such purpose;
- b. No indebtedness or obligation shall be issued except in compliance with the requirements of state law;
- c. No form of indebtedness other than general obligation bonds approved by public vote may be issued without a public hearing being held;
- d. Prior to the required public hearing notice of such hearing shall be published once a week for three consecutive weeks in a newspaper of general circulation in the City;
- e. The published notice shall clearly summarize the relevant statutory provisions providing for a petition and election; give the time, date and place at which the public hearing will be held, and the time, date and place at which the issuance of the indebtedness is planned to be authorized; and the manner and funding source proposed for the payment of the debt obligations; and
- f. The authorization for bonds authorized but not issued shall expire ten years after the date of authorization.

(Rev. November 2, 2021)

**Section 8.11 Issuance of Tax Obligations; Petition and Election.** Regardless of any other sources for payment of bonds, certificates of obligation, warrants, notes or other evidences of indebtedness, if any such obligation pledges ad valorem taxes, the debt instruments may not be issued unless the City publishes notice of its intention to issue these debt instruments. The notice shall be published as required by state law, and if not required by state law it shall comply with this section. The notice must be published once a week for two consecutive weeks in a newspaper, as defined by Subchapter C, Chapter 2051, Government Code, as amended, that is of general circulation within the City, with the date of the first publication to be before the 14th day before the date tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates. The notice shall state the:

- a. Time and place tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates or obligations;
- b. Maximum amount and purpose of the certificates or other obligations to be authorized; and

- c. Manner in which the debt instruments will be paid for, whether by taxes, revenues, or a combination of the two.

Unless provided otherwise by state law, if before the date tentatively set for the authorization of the obligations, the City Secretary receives a petition, signed by qualified voters equal in number to at least five (5) percent of the number of registered voters in the City at the time of the last general city election, protesting the issuance of the debt instruments, the City may not authorize the issuance of the obligations unless the issuance is approved at an election ordered, held and conducted in the manner provided for bond elections under Texas law.

(Rev. November 2, 2021)

**Section 8.12 Issuance of Revenue and General Obligation Bonds.** The City shall have power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing public utilities, recreational facilities, or facilities for any other self-liquidating municipal function not now or hereafter prohibited by state law, and to issue revenue bonds to evidence the obligation thereby created. Such bonds, when issued, shall be a charge upon and payable solely from the properties acquired or interest therein and the income there from, and shall never be debt of the City. The Council shall have authority to provide for the terms and form of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds and the acquisition and operation of any such property or interest.

**Section 8.13 Compliance with State law.** The City shall have the power to borrow money on the credit of the city and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by state law, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All bonds shall be issued in conformity with the state law.

**Section 8.14 Interest and Sinking Fund.** The Council shall levy an annual tax sufficient to pay the debt service and maintain the required interest and sinking fund on all outstanding general obligation bonds of the City, and all other bonds as required by state law or bond covenant. The interest and sinking fund for each such bond issue shall be deposited in a separate account and shall not be diverted to or used for any other purpose during the time that any such bond is outstanding, other than to pay the interest and principal on such bonds. The interest and sinking fund maintained for the redemption of any debt may be invested in any interest-bearing bond of the United States of America, the State of Texas, or any other investment authorized by law.

**Section 8.15 Independent Audit.** At the close of each fiscal year and at such other times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, the auditor shall make a public report to the Council and the audited financial statement shall be filed with the City Secretary.

**Section 8.16 Purchasing and Contracts.** All sales of City property, purchases made, and contracts executed by the City shall be made in accordance with the applicable state law

governing competitive bids. If state law does not govern and regulate purchasing and competitive bidding by home-rule cities, the Council shall provide such regulations by ordinance.

## ARTICLE IX TAXATION

**Section 9.01 Powers of Taxation.** The Council shall have the power to levy all types of taxes that are not inconsistent with state law, including, but not limited to, motel/hotel occupancy taxes, occupational taxes, use taxes, alcohol taxes, and ad valorem taxes on all real, personal and mixed property within the City that is not exempt from taxation.

**Section 9.02 Procedures.** The procedures, limitations and requirements for the levy, assessment and collection of any tax or lien therefore shall be as established by state law; provided that, if not established by state law, such procedures, limitations and requirements shall be established by ordinance.

**Section 9.03 Tax Lien and Liability.** All taxable property within the City on the first day of January each year shall stand charged with a special lien in favor of the City for ad valorem taxes, and the owner of such property on that date shall be personally liable therefore, until the tax and all related penalties and interest on that property are paid. All such taxes, penalties and interest may, if not voluntarily paid, be collected by the City as authorized by state law, or by the City withholding the payment of any debt or obligation owed to such owner or person by the City; by reducing the amount of any debt owed to such owner or person by the City by an amount equal to the unpaid taxes, penalties and interest; or otherwise by counter-claim and offset in any legal proceeding.

**Section 9.04 Collection of Taxes.** The City may contract with the Travis County Tax Assessor-Collector or any other qualified entity to collect taxes for the City. The Council may create a city office or a department with the duties of tax collection. If created, the city manager shall appoint an individual as City Tax Collector to collect taxes and to perform such other duties as assigned. The Tax Collector shall give a fidelity bond, the cost to be borne by the City. The amount of such bond shall be set by the Council but shall not be less than the amount of tax collections under his or her control at any one time. All taxes due the City shall be payable at such place as authorized by state law or the City Council. All taxes due the City shall be due and payable when and as provided by state law or ordinance. Ad valorem taxes may be paid at any time after the tax rolls for the year have been completed and approved. If the due date for ad valorem taxes is not set by state law or ordinance, the due date shall be the 1st day of February following the levy, and all such taxes not paid on or before the due date shall be deemed delinquent and shall be subject to such penalty and interest as provided by law. The City Council may provide further by ordinance that all delinquent taxes due the City may be paid in installments. Failure to levy and assess taxes shall not relieve the persons, firm, corporation or property so omitted from obligation to pay such current or past-due taxes, and all such persons, entities and property shall be and remain liable for the taxes that would have been assessed for any prior or current year had the property been rendered or the taxes levied and assessed.

## ARTICLE X

### FRANCHISES AND PUBLIC UTILITIES

**Section 10.01 Public Services and Utilities.** The City shall have the full power and authority to:

- a. Buy, own, construct, lease, maintain and operate within and without the limits of the City a system or systems of gas, electricity, telephone, sewage, sanitation, water, parks, airports, swimming pools, race tracks, transportation, communications, golf courses, cemeteries, cable television, or any other public service or utility;
- b. Purchase, manufacture, produce, sell or provide its own electricity, gas, water or any other product, good, article or commodity that may be required or desired by the public for municipal purposes, and contract with any person, entity or utility to accomplish any such purpose;
- c. Distribute and/or sell any utility, commodity or service, and mortgage, encumber and operate any public utility or public service system;
- d. Regulate and control the distribution of utilities and services within the City and establish standards of service and quality of products;
- e. Establish and enforce rates to be paid by consumers and users of any utility or service provided within the City, and, if provided by the City, outside of the City.

These powers shall be vested in the Council and the Council may exercise the power of eminent domain to acquire all or part of the property of any public utility or public service provider within the City whenever found by the Council to be in the public interest for carrying out the objectives of providing utilities or services within the City. Any such eminent domain or condemnation proceeding shall be according to the procedures and the methods of establishing the value of the property and facilities as provided by state law, and if such procedures or methods are not so provided by state law as reasonably provided by ordinance.

**Section 10.02 Franchises.** The Council shall have the power and authority to grant franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the City. No individual, organization, entity, political subdivision, corporation, public utility, or any provider of public service shall provide any service within the City requiring the use or occupancy of any street, public right-of-way or property without first being granted a franchise or permit to use such City facilities. The franchise ordinance or permit shall fully describe the terms of the agreement and, regardless of the title given, shall be subject to the terms of this Article. The terms of such agreements shall be explicit so as to protect the interests of the citizens and shall include but not be limited to the terms prescribed in this Charter. No franchise ordinance or permit shall be granted prior to a public hearing for which ten (10) days-notice is given.

**Section 10.03 Franchise Limitations.** No exclusive franchise shall ever be granted, unless specifically provided for by state law, and franchises shall be transferable only upon authorization

of the Council expressed by ordinance. A franchise may not be transferred except to a person, firm or entity taking all or substantially all of the franchise's business in the City. The expiration date of all franchises shall be specified, and the term thereof may be extended or renewed only by ordinance.

**Section 10.04 Franchises for Public Utilities.** The Council shall have the power to grant, amend, renew or extend by ordinance, or to deny, the franchise of all public utilities of every character serving the City, including, but not limited to, persons or entities providing electricity, gas, water, sewage, or telephone service, or any similar commodity or utility to the public. The effective period of public utility franchises may be set by the Council but shall not exceed twenty (20) years unless such extended term is specifically approved by a majority of the qualified voters at an election held for that purpose.

**Section 10.05 Franchises for Public Services.** The Council shall have the power to grant, amend, renew or extend by ordinance, or deny, the franchise of all providers of public services to the City. Public services include, but are not limited to, ambulance services, cable television services, transportation services, sanitation services, and any other service or business using the public streets or property within the City to provide service. The effective period of public service franchises may be set by the Council but shall not exceed ten (10) years.

**Section 10.06 Regulation of Franchises.** All grants of franchises as authorized in this Charter shall be subject to the right of the Council to:

- a. Determine, fix and regulate the charges, rates or compensation to be charged by the person or entity granted a franchise;
- b. Repeal the franchise by ordinance at any time upon the failure or refusal of the franchisee to comply with the terms of the franchise, this Charter, or any applicable City ordinance or state law, or any valid rule of any regulatory body;
- c. Establish standards and quality of products or service;
- d. Require such expansion, extension and improvement of plants and facilities as are necessary to provide adequate service to all the public and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency;
- e. Prescribe the method of accounting and reporting to the City so that the franchisee will accurately reflect the expenses, receipts, profits and property values used in rendering its service to the public. It shall be deemed sufficient compliance with this requirement if the franchisee keeps its accounts in accordance with the uniform system established by an applicable federal or state agency for such service;
- f. Examine and audit at any time the accounts and other records of any franchisee and to require annual and other reports prescribed in the franchise ordinance;
- g. Require such compensation, regulatory, rental and franchise fees as may not be prohibited by law;

- h. Impose such regulations and restrictions as may be deemed desirable or conducive to the health, safety, welfare and accommodation of the public;
- i. Require every franchise holder to allow other franchise holders to use its facilities if the Council considers such joint use to be in the public interest. In the event of joint use, reasonable terms of use may be imposed by, and a reasonable rental paid to the owner for the use of the facility. If the franchise holders are unable to agree on terms and/or rentals for the joint use of facilities, the Council shall, after notice and hearing, set reasonable terms and fix a reasonable rental application to such joint use;
- j. Require the franchisee to restore at its expense all public or private property to a condition equal to or better than that before being damaged or destroyed by the franchisee.

**Section 10.07 Penalty Authorized.** The Council shall have the power and authority to review any franchise at any time and to assess a penalty against the franchisee for its failure to comply with the franchise, this Charter, the ordinances of the City or the laws of the State. If in the opinion of Council, the requirements of the franchise, Charter, ordinances or state law are not being complied with, the Council shall so notify the franchisee in writing stating the provisions the franchisee has failed to comply with and setting a time for a hearing and deadline for correction of the noncompliance. The Council may assess and enforce a reasonable penalty based upon the facts, issues and circumstances determined at the hearing if noncompliance is found. If the franchisee does not correct the noncompliance within a reasonable time established by the Council for correction, the Council may repeal or cancel the franchise.

**Section 10.08 Franchise Value not to be Allowed.** In determining the just compensation to be paid by the City for any public utility or public service property or facilities which the City may acquire by condemnation or otherwise, no value shall be assigned to any franchise granted by the City.

**Section 10.09 Extensions.** Unless provided otherwise in the franchise or limited by a certificate of convenience and necessity held by the franchisee, franchisees shall be required to extend services to all parts and portions of the City. All extensions of any public utility lines, conduit, pipe or systems shall become a part of the aggregate property of the public utility and shall be subject to all the obligations and rights prescribed in this Chapter and the franchise. The right to use and maintain any such extension shall terminate with the franchise.

**Section 10.10 Other Conditions.** All franchises heretofore granted are recognized as contracts between the City and the franchisee and the contractual rights as contained therein shall not be impaired by the provisions of this Charter except:

- a. The power of the City to exercise the right of eminent domain to acquire the property and assets of the utility is reserved;
- b. The general power of the City to regulate the rates and services of a utility including the right to require adequate and reasonable extension of plant and

- service and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency shall be enforced;
- c. The Council shall review each franchise at its first renewal date subsequent to the adoption of this Charter and shall cause the franchise, if renewed, to meet the provisions of this Charter; and no rights shall be vested in the franchisee with regard to any renewal based upon the terms, conditions or limitations expressed in any such existing franchise.

**Section 10.11 Election Required.** No City owned electric utility, gas, water, sewer, cable television, or telecommunications system, park, swimming pool, or other utility shall ever be sold or leased without authorization by a majority vote of the qualified voters of the City voting at an election held for such purpose.

**Section 10.12 Contracts Concerning City Property.** The Council shall have the power to grant, amend, renew or extend contracts as follows:

- a. When not detrimental to the public interest and there will be no inconvenience or expense to the public, the Council may grant a license to occupy a small area of property for any purpose for which licenses are commonly used by Texas cities;
- b. For the operation and management of City owned facilities such as swimming pools, civic centers, parks, golf courses, water and wastewater treatment plants and any other such property; provided that no such contract shall be let except upon opportunity for competitive bids and proposals, not to exceed a term of five (5) years unless approved at an election held for such purpose.

## ARTICLE XI GENERAL PROVISIONS

**Section 11.01 Oath of Office.** All officers of the City shall, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed by the state constitution. The oath shall be administered by a person authorized by state law to administer oaths.

**Section 11.02 Bonds for City Employees.** The Council may require good and sufficient bond or equivalent be given by appointed officers or employees handling funds of the city, and may require bond of other officers or employees in its discretion. The expense of any such bond shall be paid by the City.

**Section 11.03 Public Records.** All public records of the City shall be open to inspection and copying by the public, subject to rules, regulations and exceptions provided by state law and the Council. However, records permitted to be closed to the public by state law shall not be considered public records for the purposes of this section. The Council may, by ordinance, provide for the accurate and permanent copying or reproduction of public records by microfilm or other photographic process.

**Section 11.04 Conflicts of Interest and Standards of Conduct.** No City official or employee, either elected, appointed or employed, shall have any personal financial interest, direct, indirect or otherwise in any City contract or transaction or by reason of ownership or stock in any corporation or contract with the City; provided, however, that the provision of this section shall only be applicable when the stock owned by the officer or employee exceeds one percent of the total capital stock of the corporation. Willful violation of this section by the person or corporation contracting with the City shall render the contract void. Furthermore, breach of this section shall constitute malfeasance in office, resulting in forfeiture of office or position, by any officer or employee that has an interest in any such contract and participates in the award of any the contract. The Council shall by ordinance establish rules, procedures and methods of enforcement and penalties relative to conflict of interest and equal treatment.

**Section 11.05 Ethics Policy and Code of Conduct.** The Council shall adopt and from time to time modify and amend an ordinance providing an ethics policy and code of conduct applicable to the officers, employees, boards and commission members of the City. The ethics policy and code of conduct may provide penalties for violations, up to and including removal from office, on the concurrence of the Council or the City Manager, as applicable.

**Section 11.06 Acceptance of Gifts.** No officer or employee of the City shall accept directly or indirectly, any gift, favor, privilege or employment from any utility, corporation, person or entity having a franchise or contract with, or doing business with, or seeking to do business with the City. This section shall not be interpreted to include any pen, pencil, calendar, cap or similarly valued item distributed by any such company for advertising purposes.

**Section 11.07 Notice of Claim Against City.** Except as provided for by the state constitution or a statute in conflict herewith, the City shall not be liable for any damages, attorney fees, costs of court, or other monies regarding any matter whatsoever, unless notice shall have first been given the City in compliance with this section, as follows:

- a. Before the City shall be liable for any damage, claim or suit, attorney fees or costs of court, arising out of or for any personal injury or damage to property, or violation of any statutory right or duty, the person who is injured or whose property has been damaged, or someone on his or her behalf, shall give the City Manager or the City Secretary notice in writing duly certified within ninety (90) days after the date of the alleged damage, injury, or violation of statutory duty or right, stating specifically in such notice when, where, and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage. In case of injuries resulting in death, the person or persons claiming damage shall within ninety (90) days after the death of the injured person give notice as required above.
- b. Before the City shall be liable for any damages, attorney fees, court costs, or monies whatsoever, whether arising out of an action authorized by statute for declaratory judgment or similar relief, or for equitable remedy, or for any damage, claim or suit arising out of contract, the person who seeks such remedy, relief or

damage, or someone on his or her behalf, shall give the City Manager or the City Secretary notice in writing not less than thirty (30) days prior to the filing of such claim, suit or cause of action, stating specifically the allegations of and basis for such claim, suit or request for remedy, the facts, contract provisions or circumstances supporting the same, the specific remedy or damages sought, the names of all City officers and employees complained of, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage; and upon request of the City Manager or the City Council meet, confer and negotiate with the City for the purpose of reaching an acceptable compromise and settlement.

**Section 11.08 Exemption from Execution and Garnishment.** All property and assets of the City shall be exempt from execution and shall not be liable for sale or appropriation by writ of execution. All funds of the City, possessed by any person, firm, or corporation or other entity, shall be exempt from execution and not be liable to garnishment, attachment, or sequestration, on account of any debt the City may owe or funds or property it may have on hand owing to any person. The City and its officers and agents shall not be required to answer a writ of garnishment of City property on any account whatever. The City shall not be obligated to recognize any withholding or assignment of wages or funds by its employees, agents, or contractors except as required by state law.

**Section 11.09 Power to Settle Claims.** The Council shall have the sole authority to compromise and settle any and all claims and all suits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.

**Section 11.10 Bribery Prohibited.** No person who seeks appointment, employment, or promotion with respect to any City office or employment shall, directly or indirectly, give or pay any money or other thing of value, or render any service, or offer to so give, pay or render, any valuable thing to any person for or in connection with his/her proposed or actual appointment, hiring or promotion.

**Section 11.11 Political Activities of City Officers and Employees.** No City officer or employee, who receives wages or a salary from the City, shall in any manner solicit or assist in soliciting any assessment, subscription or contribution for any political purpose whatever from any City officer or employee, nor shall such person receive any contribution to the campaign fund of any other candidate for City office, or participate in the management of the campaign fund of any other candidate for City office. No member of, or candidate for, the council shall in any manner request or solicit any salaried officer or employee of the City to make a political contribution to any candidate for an elective office.

Any person who by himself or with others violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of \$500. Any person convicted under this Section shall be ineligible to hold any City office or position for a period of five (5) years after conviction; and shall immediately forfeit his City office, employment or position.

**Section 11.12 Separability.** It is hereby declared that the sections, paragraphs, sentences, clauses and phrases of this Charter are severable and, if any word, phrase, sentence, paragraph or section of this charter should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this Charter, since the same would have been enacted without the incorporation of any such invalid word, phrase, clause, sentence, paragraph or section. If any provision of this Charter shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect any other provision or application of this Charter which can be given effect without the invalid provision, and to the fullest extent possible this Charter shall be construed and read in a manner to give effect to the original intent and meaning of this Charter as modified only by the deletion of such invalid word, phrase, clause, provision or section, and to this end the provisions of this Charter are declared to be severable.

**Section 11.13 Charter Amendment.** Amendments to this Charter must be formulated and submitted to the voters of the City in the manner prescribed by state law.

**Section 11.14 Charter Review.** The Council shall appoint a Citizens Review Committee comprised of residents of the City to periodically review the Charter after its adoption. Charter reviews shall be conducted at least every four (4) years. The Council shall appoint a minimum of three (3) members and no more than six (6) members to serve for a twelve (12) month term, and such term may be extended by the Council. The Committee shall inquire into the operations of the City government as related to the Charter and review the Charter to determine if amendments should be recommended. Public hearings may be held, and the Committee shall have the power to compel the attendance of City officers or employees and may require the submission of the City records necessary to review. The Charter Review Committee shall make a written report of its findings and recommendations to the Council, including any proposed amendments.

**Section 11.15 Construction of Charter.** The powers and authority granted in this Charter shall be liberally construed as general grants of power, and the limitations on the powers of the Council and City government specifically set forth in this charter shall be liberally construed in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power which would be competent for the people of the City to expressly grant to the City under the Constitution of Texas shall be construed to have been granted to the City by this Charter. Consistent with the intent of this Charter that the City have full power of self-government, the listing or inclusion of specific powers and authority in this Charter shall never be interpreted or construed as a limitation of the City's powers, or as excluding any power or authority not specifically listed. And, to that end, when this Charter refers to grants or limitations on the powers of the City as provided by state law, the term "state law" shall include "federal law" unless the context clearly shows otherwise.

**Section 11.16 Reservation of Defenses.** Nothing contained in this Charter or in any ordinance or contract of the City shall be construed to mean the City waives any rights, privileges, defenses or immunities provided under common law, or state or federal law. No such right, privilege, defense or immunity may be waived except by the City Council acting in a public meeting to settle or compromise a claim, dispute or lawsuit.

**Section 11.17 Applicability of General Laws.** In addition to the powers conferred by the Constitution of the State of Texas and statutes applicable to home-rule cities, as now or hereafter enacted, and by this Charter and the ordinances enacted pursuant hereto, the City shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of City, town or village, not contrary to the provisions of said home-rule statutes and this Charter. However, no limitation or restriction applicable to general law cities shall extend to the City, and the exercise of any such powers by the City shall be optional in the discretion of the City Council.

**Section 11.18 Submission of Charter to Voters.** The Charter Commission, in preparing this Charter, concludes that it is impractical to segregate each subject so as to permit a vote of "yes" or "no" on the same, because the Charter is so constructed that in order to enable it to work and function it is necessary that it be adopted in its entirety. For this reason, the Charter Commission directs that said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City at an election to be held for that purpose on November 02, 2004. Not less than thirty (30) days prior to an election, the Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City as appears from the latest certified list of registered voters.

If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Lago Vista. After the returns have been canvassed, the same shall be declared adopted; and the City Secretary shall file an official copy of the Charter with the records of the City. This Charter shall take effect immediately following adoption by the voters and shall be fully operable within one (1) year after adoption.

The City Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

**Editor's note-**This charter was originally adopted by the voters of the city at an election held November 2, 2004 and has been subsequently amended at elections held on November 3, 2015, on November 6, 2018 and on November 2, 2021.

# **RULES OF PROCEDURE**

## **FOR THE CITY COUNCIL, COMMISSIONS, BOARDS, AND ADVISORY COMMITTEES OF THE CITY OF LAGO VISTA, TEXAS**



Adopted: 2021

Amended April 2024

Sources Include: Robert's Rules of Order, Rosenberg's Rules of Order, National Association of Parliamentarians, and the Texas Cities of Bellaire, Huntsville, Kerrville, Killeen, Murphy, West University Place, and Weatherford.

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## ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW

### 1.1 Authority.

Article III, Section 13 of the City Charter of the City of Lago Vista, Texas grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and by authority of said provision.

### 1.2 Applicability.

The rules of procedure adopted by the City Council are applicable not only to the City Council, but also to the commissions, boards, and Commissions of the City of Lago Vista, in accordance with the Charter. Whenever these Rules use the term “Commissions” that term shall mean “committees, boards, and commissions” unless otherwise indicated.

Open meeting requirements of the City Council do not apply to city Commissions without rulemaking or independent regulatory authority, nor to quasi-judicial or ad hoc Commissions except as required under state law.

Processes for disciplinary action will be similar for the City Council and the regulatory Commissions but will vary for the nonregulatory Commissions.

Any reference to Mayor also applies to the presiding officer of a Commission of the City of Lago Vista. Any reference to City Council also applies to any Commission.

Decisions made by state-mandated Commissions, like those of City Council, may require a super-majority vote. Detailed, unique information about Commissions can be found in Article 7 of this document.

### 1.3 Annual Review.

Following the municipal elections each year, Council may review these Rules of Procedure, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter. In the event no annual review occurs, the standing Rules of Procedure continue in effect. This does not limit the Council's right and ability to amend the rules at any other time during the year, in accordance with the Charter.

## ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES

### 2.1 Construction of Authority.

The construction of authority in all matters associated with the meetings and activities of the City Council, including the agenda, shall be: (1) the U.S. Constitution and laws of the United States of America; (2) the Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Lago Vista, Texas; (5) these Rules; and, (6) Rosenberg's Rules of Order as amended and set forth herein.

### 2.2 Meetings Shall Be Public.

All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an

emergency meeting, notice of all meetings shall be given 72 hours before the time set for any meeting.

The Lago Vista City Hall is wheelchair accessible and special parking is available on the east side of the building. If special accommodations are required, please contact the city secretary a minimum of 24 hours in advance at (512) 267-1155.

All meetings of the City Council or Commissions with rulemaking or independent regulatory authority will be video recorded and posted to the city website. Meetings should be conducted in such a way that recordings are possible. Currently, that translates to conducting the meeting in Council chambers or a location approved by the Council Liaison.

Commissions without rulemaking or independent regulatory authority may be video recorded and posted to the city website when possible. All regulatory Commissions are mandated to conduct their meetings in the Council Chambers, where video recording software is made available.

### **2.3 Conduct of Meetings.**

Meetings of the City Council shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Rosenberg's Rules of Order as amended herein and when not inconsistent with these rules.

### **2.4 Regular Meetings.**

Regular meetings of the City Council shall be on the first and third Thursday of each month at 5:30 p.m. in Council chambers. The regular session of the City Council shall begin at 6:30, but work sessions and executive sessions will be held before the regular session and may continue after the regular session. The City Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate. Please refer to Section 1.331 of the Code of Ordinances for more information on meeting specifications.

### **2.5 Special/Town Hall Meetings.**

Special meetings of the City Council may be called upon request of the mayor, or two members of the City Council then seated. A request for a special meeting shall be filed with the city secretary or the city manager in written/electronic format unless made at a regular meeting at which a quorum of council members is present. The city manager and all Council members shall be notified of all special meetings.

### **2.6 Emergency Meetings.**

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted one (1) hour before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

### **2.7 Work Sessions.**

Work sessions are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

## **2.8 Executive Sessions.**

Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council can convene into an executive session as stated on a posted agenda during a regular or special meeting. However, before said session begins, the presiding officer shall announce that the executive session is commencing and identify the section or sections of the Open Meetings Act under which the closed meeting is held. The order in which an executive session may appear on the agenda is subject to the discretion of the City Council. A certified agenda of the meeting will be created by the presiding officer or his or her designee, sealed and permanently kept in accordance with state law, subject to opening by court order. No voting or action shall be taken by the City Council during an executive session. No other subject other than that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during the open public meeting.

Legal advice discussed in executive session shall remain confidential unless the City Council votes to waive the attorney-client privilege. Except for action taken in open session, no Council Member, staff member, or legal counsel may disclose the deliberations in executive session on matters discussed under other lawful exceptions under the Open Meetings Act

## **2.9 Recessed Meetings.**

No meeting shall be recessed for a longer period of time than allowed by state law.

## **2.10 Quorum.**

The number of members of the City Council that shall constitute a quorum for the conduct of business shall be in accordance with the City Charter.

## **2.11 Conflict of Interest.**

Rules governing a City Council member's ability to vote when a conflict of interest exists shall be governed by the City Charter.

## **2.12 Presiding Officer.**

Rules governing the presiding officer are defined in the City Charter.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the presiding officer are final unless overruled by the City Council through a motion to appeal as described in Article 3.9 – Courtesy, Decorum and Order of these rules.

The presiding officer is entitled to participate in the discussion and debate and is entitled to vote on all business before the City Council. Because the presiding officer conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the City Council in debates and discussions. This practice in no way precludes the presiding officer from participating

in the meeting fully and freely; however the presiding officer shall not make a motion unless the remainder of the Commission or council members fail to make a motion.

The presiding officer of Commissions shall be the person selected according to the rules defined in the appropriate enabling ordinance and powers vested in that presiding officer will also be defined in that same ordinance.

### **2.13 Minutes of Meetings.**

The city secretary shall keep an account of all proceedings of the City Council, and they shall be open to public inspection in accordance with the laws of the State of Texas.

### **2.14 Suspension of Rules.**

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended by a super majority vote (see Article 3.7 of these rules) of the City Council.

### **2.15 Amendment of Rules.**

These rules may be amended, or new rules adopted, by a super majority vote of the members of the city council present.

## **ARTICLE 3. PARLIAMENTARY PROCEDURE**

### **3.1 Purpose.**

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. These rules enable the majority to express their opinion and fashion a result.

### **3.2 Model Format for an Agenda Item Discussion.**

The following nine (9) steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:

- 1. *Announce the Item.*** The mayor should announce the agenda item number and should clearly state the subject matter of the agenda item by reading the caption for the item being considered.
- 2. *Receive a Report.*** The mayor should invite the appropriate people to report on the item, including any recommendation they might have.
- 3. *Council Discussion.*** The mayor should ask the council members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond. Council discussion on an item may continue after citizen comments are given.
- 4. *Seek Citizen Input.*** The mayor should invite citizen comments – or if a public hearing, open the public hearing. Upon conclusion, the mayor should announce that public input is closed, or if a public hearing, close the public hearing.

5. ***Motion First.*** The mayor should invite a motion from the City Council before debate is given on the merits of the item. The mayor should announce the name of the member who makes the motion.
6. ***Motion Second.*** The mayor should determine if any member of the City Council wishes to second the motion. The mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the mayor.
7. ***Discuss the Motion.*** The mayor will announce that there is a motion and a second, and will restate the motion, and will invite the members of the City Council to discuss the motion. If there is no desired discussion, the mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
8. ***Vote.*** The mayor calls for the vote. A simple majority vote determines whether the motion passes or fails unless a super-majority is required for passage. All Council members, including the mayor, shall vote upon every question, ordinance, or resolution, unless recused because of a conflict of interest as defined in the City Charter. Unless so excused, any Council Member refusing to vote shall be recorded in the minutes as voting with the majority. Action items require a vote.
9. ***Announce the Outcome.*** The mayor announces the results of the vote and should also state what action (if any) the Council has taken.

### 3.3 The Basic Motions.

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move approval of the ordinance as submitted,” or “I make a motion that we deny the resolution.”

### 3.4 The Motion to Amend.

If a member wants to change a basic motion, the member will have to move to amend the original or previously amended motion. A motion to amend might be: “I move that we amend the motion to include the changes we discussed to the ordinance.” A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

### 3.5 Discussion and Debate.

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until a motion is made to limit debate (call the question or move the question) which requires a super majority. At that time, the mayor shall call for a vote on the motion.

### 3.6 Other Motions.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the mayor must immediately call a vote on the motion, if seconded by another Council Member.

- ***Motion to Adjourn.*** This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- ***Motion to Recess.*** This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- ***Motion to Fix the Time to Adjourn.*** This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, “I move we adjourn this meeting at Midnight.” It requires a simple majority vote.
- ***Motion to Table.*** This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda item to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the very next regular Council meeting.
- ***Motion to Remove from Table.*** This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

### 3.7 Motions Requiring a Three-Fourths or Supermajority Vote to Pass.

Normally a super majority vote consists of six votes (four to pass as a simple majority, plus two more). For the purposes of these rules and as defined in the Charter, a three-fourths vote shall be referenced as a Supermajority vote. In exceptional circumstances where the number of council members is diminished due to vacancy, the following shall constitute a three-fourths or super majority vote:

NUMBER OF COUNCIL MEMBERS PRESENT	NUMBER OF VOTES FOR SUPER MAJORITY
6	5 or more
5	4
4	3
3	3

- ***Motion to Limit Debate.*** This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires a super majority vote to pass.

- ***Motion to Object to the Consideration of an Item.*** This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. The motion requires a super majority vote to pass. (Normally, this motion is unnecessary because the objectionable item can be defeated outright or tabled.)
- ***Motion to Suspend the Rules.*** This motion is debatable but requires a super majority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.
- ***Motion to Hire/Fire the City Manager.*** The city manager shall be appointed or removed by a vote of at least 5 members, provided that his or her salary may be set by a simple majority vote. (Charter Art. IV Section 4.01 – City Manager.)

### **3.8 Motion to Reconsider.**

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure on the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first rule involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next regular meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Second, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it must be ruled out of order by the mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

### **3.9 Courtesy, Decorum and Order.**

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants in the discussion. Debate on policy is healthy; debate on

personalities is not. In order to assist in the creation and maintenance of that atmosphere, the following rules shall govern all meetings:

1. ***Request to Speak.*** Before a council member, staff member or an audience member may speak, they must first be recognized by the mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The mayor shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant, or slanderous remarks may be barred by the mayor from further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a 'request to speak card' and submit it to the city secretary. The mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
2. ***Order.*** If a person fails to request to speak before speaking, the mayor shall rule them 'out of order' and remind them that they do not have the floor. While the City Council is in session, all council members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the mayor.
3. ***Improper References Prohibited.*** Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience, or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. ***Interruptions.*** A council member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the council member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the council member is found to be in order, he or she shall be permitted to proceed speaking. Allowable interruptions or points of order available to council, city manager, city secretary, or city attorney are as follows:
  - a. ***Point of Privilege.*** The proper interruption would be: "Point of Privilege." The mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or too cold or a fan motor might interfere with a council member's ability to hear.
  - b. ***Point of Order.*** The proper interruption would be: "Point of Order." The mayor would then ask the interrupter to, "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the mayor called for a vote on a motion that permits debate without allowing any discussion.
  - c. ***Motion to Appeal.*** If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the mayor by stating, "motion to appeal." If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the mayor is reversed.
  - d. ***Call for orders of the day.*** This is simply another way of saying, "let's return to the agenda." if a council member believes the discussion has strayed from the agenda. The

motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.

**e. Withdraw a Motion.** During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council members are free to make the same motion or another motion.

### **3.10 Enforcement of Rules and Procedures.**

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the mayor under his or her own action, or upon a motion to enforce by any council member. Reference to sergeant at arms only refers to city council meetings and at Commission, meetings as requested by the council liaison and approved by the city manager.

1. **Warning.** The mayor may order any person (council member, staff member or audience member) in violation of these rules to be silent.
2. **Removal.** If, after receiving a warning from the mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the mayor may order the person to leave the meeting. If the person does not leave the room, the mayor may order the sergeant-at-arms to remove the person.
3. **Sergeant-at-Arms.** The sergeant-at-arms shall be the highest-ranking police officer in attendance at the council meeting, or such other officer designated by the chief of police for that purpose.

Upon instruction of the mayor, it shall be the duty of the sergeant-at-arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05, Texas Penal Code).

4. **Resisting Removal.** Any person who resists removal by the sergeant-at-arms may be charged with violating Section 42.05 of the Texas Penal Code.
5. **Motion to Enforce.** Any council member may move to require the mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

### **3.11 Council May Discipline its Own Members.**

In the event a council member violates the Charter, these Rules or any other ordinance of the City or acts in a manner that causes embarrassment or disgrace to the City of Lago Vista, the City Council on supermajority vote may discipline the offending member. This process will be in force for the City council and the three commissions with regulatory authority. Discipline of advisory Commissions is addressed in Section 7.8 of this document. The issue shall be raised within 30 days of the offense, or it is no longer actionable.

Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the

City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the City Council may proceed in his or her absence.

The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Texas Open Meetings Act:

1. **No Action.** The City Council chooses to take no action.
2. **Private Censure.** The City Council may choose to privately censure the offending member, leaving their comments to the offending member in the confines of the executive session.
3. **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record. For purposes of calculating a supermajority vote under this section, the City Council shall include the total number of those members of the City Council present and voting in favor of such censure, divided by the total number of members of the City Council less any vacancies, and less the member who is the subject of the vote.

If one of the regulatory Commissions holds a disciplinary session and cannot come to a resolution about one of the above options, the council liaison will bring the matter to the council for resolution.

## ARTICLE 4. MEETING AGENDAS

The mayor and the city manager or an appropriate designee, shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas shall be delivered to the City Council, in the format requested by each council member, by days end of the day of posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

To facilitate the agenda process, the mayor, two council members, or the city manager may place an item on the upcoming City Council agenda. Staff assistance, if required, should be requested through the city manager. Agenda items must be provided to the city manager's office at city hall by 12:00 noon on the eighth (8) calendar day preceding the date of the regular meeting.

If the agenda topic does not allow sufficient time for staff to adequately prepare the necessary reports, information, or materials for City Council's consideration, the mayor, city manager, and requesting council members shall discuss the matter and decide whether to move the item to a future Council agenda. Likewise if including the requested item(s) on the current Council agenda will result in an excessively long meeting, they shall discuss whether to move the item(s) to a future agenda meeting to balance out the City Council and staff workload. If no agreement can be reached on delaying the requested item, the requesting members shall prevail.

### 4.1 Call to Order & Announcement of a Quorum

The mayor shall call the meeting to order. The mayor shall announce that a quorum of the City Council is present and shall state for the record the names of all members of the City Council who are absent.

#### **4.2 Executive Session Items.**

This section is only used when it is necessary for the Council to convene in executive session. Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

If the subject of the executive session warrants, the executive session may be held prior to the regular session and after the regular session, as necessary.

#### **4.3 Action on Executive Session Items.**

This section is only used if Council conducts an executive session. Action on executive session items must be taken during public/open session of the Council. Action may include the taking of no action at all.

#### **4.4 Pledge of Allegiance to the United States Flag and Texas Flag and Invocation**

The Council shall recite the Pledge of Allegiance to the United States Flag and pledge to the Texas Flag. In addition, an Invocation may be made at this time. Commissions can independently determine if they would like to recite the pledges and conduct an invocation.

#### **4.5 Citizen Comments on Non-Agenda Items.**

All persons desiring to speak to the City Council on a non-agenda item must submit a 'request to speak card' to the city secretary at least five (5) minutes before meeting starts.

#### **4.6 Items of Community Interest.**

The mayor, council members, and citizens will have an opportunity to speak about items of community interest.

#### **4.7 Presentations & Proclamations.**

The mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

#### **4.8 Public Hearings.**

This section is only used when a statutorily required public hearing is part of the order of business. The mayor shall first request staff comments. The mayor shall open the public hearing and receive citizen input. While the public hearing is open, City Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

#### **4.9 Regular Agenda Items.**

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a super majority vote as may be required.

#### **4.10 Citizen Comments on Agenda Items.**

All persons desiring to speak to the City Council on an agenda item must submit a “request to speak card” (or its digital/remote equivalent) to the City Secretary at least five (5) minutes before meeting starts.

#### **4.11 Approval of the Minutes.**

The Council shall consider the minutes of any meeting presented for their review since the last regular meeting. This heading will only be used when there are no other items listed on a consent agenda.

#### **4.12 Consent Agenda Items.**

There is hereby established, as a part of every agenda for regular and/or special called meetings of the City Council, a portion of said agenda that shall be labeled “consent agenda.” Said consent agenda may consist of any and all business regularly coming before the City Council (except required public hearings and items requiring a supermajority vote) including approval of the minutes of previous meetings.

All items set out in the consent agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the consent agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the consent agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

Any member of the City Council may request that any item be removed from the consent agenda and considered separately. Such a request shall be honored as if it had been passed by majority vote.

If any item was removed from the consent agenda, it will be considered immediately following approval of the remainder of the consent agenda.

#### **4.13 Discussion Items.**

Discussion items for individual consideration shall be considered and discussed by the City Council individually.

#### **4.14 Staff and Council Liaison Reports.**

This section is used for routine reports provided by staff regarding their respective departments to the Council and discussion of staff reports previously distributed to council. Council Liaisons may report on activity taking place within their assigned Commissions. Council Liaisons may also bring forward items from their assigned Commissions for City Council consideration for future discussion and action if needed. No discussion or action may be taken on an item without the specific item first being listed on the agenda and noticed to the public. See Rules and Procedures Section 7.8(4)(d).

## ARTICLE 5. WORK SESSION POLICIES AND PROCEDURES

### 5.1 Purpose.

City Council may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of work session meetings.

### 5.2 Agenda.

Only a limited number of matters shall be considered by the City Council during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

### 5.3 Documents and Exhibits to be Presented.

Staff shall make available to the City Council all documents, exhibits, maps, plats, architectural drawings, specifications, or other similar documents at the same time the agenda is posted. When necessary, the mayor and city manager can introduce new material after the agenda has been posted when the new information is vital to an agenda item.

### 5.4 Technical Questions.

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session. Council may, through the city manager, request the attendance of such staff members or outside experts as may be required to answer such questions.

### 5.5 Prohibitions Against Formal Actions.

No formal actions may be taken at a work session. Council may provide staff direction on the matter being considered and ask that the item be placed on a regular or special called meeting agenda for formal action.

### 5.6 Audience Comments or Questions.

Audience comments or questions will be considered at a work session subject to legal time constraints.

## ARTICLE 6. RULES GOVERNING CITIZEN COMMENTS

### 6.1 Purpose.

It is the desire of the City Council to hear from the citizens of Lago Vista and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments and may be included in the agenda as a reminder.

### 6.2 Rules Governing Citizen Comments.

1. A maximum of 30 minutes will be devoted to receiving comments from the public on non-agenda items unless the council, by simple majority vote suspends this rule.

2. Each speaker is limited to one presentation per agenda item and a maximum timed limit of three minutes on any item unless the council, by simple majority, vote to suspend this rule.
3. Notwithstanding the foregoing, one speaker may donate their allotted three minutes to another speaker to allow the donee a total of up to six minutes to present.
4. No individual may address City Council without submitting a speaker card at least five (5) minutes prior to the beginning of the meeting. The card must clearly state the subject or issue on which the citizen wishes to speak. If the subject matter does not pertain to city business, the mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed. The mayor can consider comments from citizens that did not submit a request as time permits.
5. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
6. Citizens speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
7. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
  - a. Make a statement of specific factual information given in response to the inquiry, or
  - b. A recitation of existing policy in response to the inquiry.
  - c. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.
8. No placards, banners or signs may be displayed in the council chambers or city hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
10. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
11. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited, and violators may be removed from the council chambers.

### **6.3 Preservation of Order.**

Immediately preceding the opening of a public hearing, the mayor may read or may direct the city secretary to read the rules governing citizen comments. Council meetings are the workplace to carry out the business of the City of Lago Vista; therefore, any conduct that could constitute harassment in the workplace is prohibited. The mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the council chambers any person speaking out of order or disrupting the order of the meeting. In all cases, the mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

## **ARTICLE 7. COMMISSIONS**

### **7.1 General.**

All standing Commissions are described under Article VII, Commissions and Boards, of the City of Lago Vista City Charter. Ad hoc Commissions may be temporarily appointed and terminate upon completion of a specific task or special purpose for which they are created, or when abolished by a majority vote of the City Council. Ad hoc Commissions shall have no powers other than advisory to

the City Council and all Rules of Procedure apply to them, provided that such ad hoc Commissions shall not be required to follow any open meetings rules that are not applicable to such Commission under state law.

## **7.2 Meeting Times and Agenda Order.**

All regulatory Commissions shall be subject to these rules. Each Commission shall set their own agenda.

## **7.3 Commissions with Rulemaking, Independent Regulatory, or Quasi-Judicial Authority.**

In no specific order: Planning and Zoning Commission, Building and Standards Commission, and Board of Adjustment. These may be referred to herein as “Regulatory Commissions”.

## **7.4 Commissions without Regulatory Authority.**

In no specific order: Lago Vista Parks and Recreation Advisory Commission, Lago Vista Airport Advisory Board, Lago Vista Economic Development Advisory Commission, Lago Vista Library Advisory Board, Lago Vista Golf Course Advisory Commission, Lago Vista Youth Advisory Commission, and any additional non-regulatory city Commissions that are created.

## **7.5 Appointments.**

City Council Members shall review applications of all eligible applicants for vacant positions on the City’s Commissions. Each Council Member assigned as Liaison to a Commission shall nominate appointees to the specific Commission. City Council shall vote to approve or deny nominations, by majority vote, until such time as all vacancies have been filled on the specific Commission.

## **7.6 Commission Members’ Service.**

Members appointed to Regulatory Commissions shall serve 2-year terms in accordance with the City Charter. Members appointed to Commissions that *do not have* rulemaking, independent regulatory, or quasi-judicial authority shall also serve 2-year terms, serve at the will of the Council, and may be removed, replaced, or not reappointed at the discretion of City Council by majority vote, with or without cause. When conducting the business of the City, appointed members of all Commissions shall follow the Rules of Procedure set forth for the City Council. Members of Commissions are selected in order of best qualified in accordance with the criteria adopted by ordinance for the specific body, but secondarily by lack of membership on any other Commission so as to encourage a broad base of citizen participation.

## **7.7 Open Government Training.**

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all Commission members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos as provided by the Office of the Attorney General. At the conclusion of the training video, the appointee will be given an opportunity to print from the Attorney General’s website a Certificate of Completion. The certificate should be filed with the city secretary, as proof of Open Government training.

## 7.8 Council Liaisons and Commissions.

### 1. Definition of Liaison

Liaison: a person who establishes and maintains communication for mutual understanding and cooperation (Merriam-Webster Dictionary).

### 2. Council Liaison

With City Council approval, a Council member may serve for a calendar year as the City Council's Liaison (i.e., representative) to an organization, and may be reappointed for subsequent years. A Liaison is responsible for facilitating communication, collaboration, and coordination with the designated organization, and with regular reporting and accountability to the City Council. There are typically Council Liaisons to four types of organizations:

- a. a county-wide or regional policy or governing body or inter-governmental organization, such as Travis County Tax Appraisal District, Emergency Service Districts, Property Owners Associations, etc.; and
- b. A community organization, such as arts, business, or social service organizations; and
- c. A governing or inter-agency Commission, such as the Planning and Zoning Commission, Building and Standards Commission, or Board of Adjustment; and
- d. A citizen advisory Commission of the city, whether or not the City Charter calls for an ex-officio Council member, such as the Airport Advisory Board, the Library Advisory Board, Economic Development Advisory Committee, Parks and Recreation Advisory Committee, and the Golf Course Advisory Committee.

### 3. Council Liaison Procedures

Individual members of the City Council may be assigned as liaisons whose duties involve staying current with a group or activity by attending meetings or conferring with members and keeping the City Council informed. Liaisons may advocate City Council actions on behalf of their assigned group or activity. Liaisons' functions and duties may be further defined and/or directed by the mayor or mayor pro tem, in the absence of the mayor, with concurrence of the City Council.

### 4. Duties and Expectations of a Council Liaison

- a. A Council member acting as a Liaison to a Commission is not a member of the Commission. Rather, the Councilmember is a positive resource to support the Commission in the completion of its work, subject to the rules stated below.
- b. Council members, including the council liaison, shall act at all times in accordance with the City Ethics Policy's admonition to avoid the appearance of impropriety, and shall not intentionally or knowingly attempt to influence a Commission's recommendations or decisions with their own opinions, except as provided in the limited examples included as follows:
  - i. To provide factual information to help support the discussions and deliberations of Commissions;
  - ii. To answer Commission member questions;
  - iii. To listen attentively and seek clarification regarding actions and recommendations of the Commission as needed so as to be able to be the primary two-way communication channel between the Commission and City Council; and

- iv To suggest issues for the Commission to consider as it deliberates an agenda item; or to pose questions for the Commission to address when it votes on an item on the agenda, if it appears that the Commission is unaware of such considerations.
- c. The Council liaison shall work to ensure that the Commission is only taking actions or doing work that is within the scope of the Commission as determined or approved by the City Council. The liaison can do this, for example, by reminding the Commission of the scope of work that the City Council set for the Commission.
- d. The Council liaison shall report on items and issues from their assigned Commission meetings, and shall bring to the Council, via an agenda item or during routine reports of the council liaisons, any requests from the Commission, such as the following:
  - i Questions raised by a Commission about the Commission's scope of work; and
  - ii Requests from the Commission to change the Commission's scope of work; and
  - iii Requests for expenditures of the city resources to further the Commission's work (money, staff time, or other resources); and
  - iv Requests from the Commission to place an item on a Council meeting agenda; and
  - v Items that are liaison or staff-initiated topics that need City Council input or need feedback to the Commission.

## 5. Selecting, replacing, and training of Commission members

- a. The council liaison takes the lead in filling vacancies, reviewing applications with the chair, and interviewing candidates for the Commission. No candidate can be nominated to a Commission without an application on file. The city council shall call for applications to be submitted by applicants in the October/November time frame and then makes appointments in the December timeframe. Vacancies that occur at other times will be filled by applicants that submitted applications during the typical October/November timeframe or subsequently. Should the list of candidates be exhausted, the City Council can make the decision to publicize the acceptance of additional applications outside the normal October – December timeframe.
- b. The council liaison is responsible for resolving any issues with a Commission member in consultation with the Commission chair and city attorney as appropriate. If the issue is with the Commission chair, the council liaison will resolve the issue in consultation with the mayor and city attorney as appropriate. If the issue is judged to be of a nature that requires the full council to review and adjudicate, then the issue will be brought to the council for action within a timely manner. If a council member becomes aware of a situation with a Commission member that is not being handled by the associated council liaison, the council member will discuss the issue with the council liaison. If the council liaison continues to not address the situation, the other council member shall bring the issue to the mayor and city attorney for evaluation.
- c. Possible actions of the Council include:
  - i. **No Action.** The City Council chooses to take no action.

- ii. **Private Censure.** The City Council may choose to privately censure the offending member.
- iii. **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.
- iv. **Removal.** If the violation is severe enough in nature, the council; may make the decision to remove the member from the Commission.
- d. Removal of a chairperson is brought to council for resolution by the liaison, working with the mayor. Any actions to remove a Commission member must conform with rules covered in the city charter, ordinances, and state law.
- e. The council liaison and staff liaison are responsible for securing any training requirements for new or replaced Commission members. This includes appropriate legal and/or specific subject- matter content training. This may require expenditure of funds for registration and/or travel that would need to be included in the City's budget.

#### **6. Selecting and replacing council liaisons**

- a. After elections each November, the city council members will discuss each Commission, current liaison assignments, proposed changes, and make liaison assignments for the upcoming year.
- b. When a problem exists with a council liaison, the Commission chair will approach the mayor to discuss issues and resolutions related to the council liaison. The mayor will bring suggested resolutions to the full council for possible action.

#### **7. Selecting Commission officers**

Each January, each Commission is required to elect a chair, vice-chair, and secretary from among its members.

#### **8. Planning and reporting of the annual work plan of the Commission**

- a. At the beginning of each calendar year, each Commission other than the Board of Adjustment will conduct a workshop to lay out objectives for the year that tie to the Comprehensive Master Plan and create an annual work plan. The Planning and Zoning and Building and Standards Commissions generally have their work brought to them but shall develop work plans to update ordinances when necessary.
- b. The Commission and related department head will review the Commission's annual work plan once a year.
- c. Every June or July, the Commission chair will report to the city council the progress on the Commission's annual work plan. Objectives and priorities will be adjusted as required.

#### **9. Preparing and publishing the agendas**

- a. The Commission chair will have the ultimate responsibility for creating the agenda for each meeting of non-regulatory Commissions. City staff will have the ultimate responsibility for bringing forward to the Commission chair the relevant development applications for inclusion in the agenda for each meeting of Regulatory Commissions.

- i. The Commission chair is responsible for accumulating desired agenda items from the other Commission members, and city staff.
  - ii. If council liaison would like an item included on a Commission's agenda, he/she will bring that item before city council for discussion, consideration and possible action followed by the council liaison reporting back to city council the actions of the Commission on said item.
  - iii. If an item is presented by the council liaison acting on behalf of the City Council, the Commission chair cannot withhold the item from the agenda.
  - iv. If a department head or Council liaison brings forward an item that is a development application or other matter with mandatory timelines, the Commission chair cannot withhold the item from the agenda.
  - v. The Commission chair has the authority to interact with the council liaison and the department head related to the Commission for the purpose of gathering appropriate information that should accompany agenda items. Should the Commission chair feel he/she needs access to other city staff, he/she will do so through city manager.
  - vi. The agenda should be emailed to the department head related to the Commission a minimum of seven (7) days prior to the scheduled meeting, copying the city secretary and the council liaison. The department head will provide any feedback about necessary alterations, which the chairperson will be responsible for making and then forwarding to the appropriate city staff for legal posting.
- b.** When deemed appropriate by the council liaison (i.e., agenda items that involve acquisition or divestiture of city assets, the expenditure of city funds, etc.), the Commission chair and council liaison will be jointly responsible for:
- i. determining what supporting material should be provided in a packet to the Commission prior to the meeting.
  - ii. accumulating the appropriate material with support of city staff; and
  - iii. determining which city staff will be required to support the successful conduct of each item on the agenda and making the appropriate arrangements with city staff to attend the meeting.
- c.** Staff shall confirm that any application for consideration by a Commission or council is complete and shall prepare and publish the associated staff report before posting or publishing any required notices.
- d.** If a staff report or recommendation includes reference to an ordinance, statute, or other regulation, then staff shall include a copy of the relevant and pertinent provisions of the current version of such ordinance, statute, or regulation in the packet of materials provided to the applicable Commission, or council.
- e.** If a staff report or recommendation includes reference to a property, a map or maps are required to be added to the agenda item.
- f.** The Commission secretary (whether Commission member or city staff depending on whether it is a state mandated Commission), chairperson, or related department head is responsible for the distribution of final agenda and packet items to Commission members and council liaison.

## 10. Roles in Commission meetings

- a. Appropriate city staff and council liaison are permitted in executive sessions for their designated Commissions as appropriate for the items to be discussed.
- b. The secretary is required to take notes or audio recordings and prepare the minutes of the meeting (except for state mandated Commissions where city designated staff will record and prepare the minutes).
- c. A council liaison plays a limited role in the operation of a Commission meeting.
- d. The council liaison has no voting rights in such meetings.
- e. Council members, including the council liaison, shall act at all times in accordance with the City Ethics Policy's admonition to avoid the appearance of impropriety, and shall not intentionally or knowingly attempt to influence a Commission's recommendations or decisions with their own opinions, except as provided in the limited examples included as follows:
  - i. To provide factual information to help support the discussions and deliberations of Commissions;
  - ii. To answer Commission member questions;
  - iii. To listen attentively and seek clarification regarding actions and recommendations of the Commission as needed so as to be able to be the primary two-way communication channel between the Commission and City Council;
  - iv. To suggest issues for the Commission to consider as it deliberates an agenda item; or to pose questions for the Commission to address when it votes on an item on the agenda, if it appears that the Commission is unaware of such considerations; and
  - v. To act as Parliamentarian for the Commission.
- f. All the above apply equally to open and executive session segments of a Commission meeting.
- g. A council liaison attends all meetings of his or her assigned Commissions, and if the council liaison cannot attend a meeting in person, he or she should attend such meeting by video conference call or arrange a replacement council member.
- h. The Council liaison shall work to ensure that the Commission is only taking actions or doing work that is within the scope of the Commission as determined or approved by the City Council. The liaison can do this, for example, by reminding the Commission of the scope of work that the City Council set for the Commission.

## 11. Subcommittees

- a. Commissions may make use of subcommittees (a non-quorum subset of the Commission) to analyze issues and bring back recommendations to the full entity.
- b. To appropriately create a subcommittee, an item must be placed on the Commission's official agenda to discuss and possibly take action on the issue at hand and the use of a subcommittee to help study and derive recommendations on the issue. The full body can discuss the issue and vote to create a subcommittee to review the issue and report back information and recommendations to the full body. When creating a subcommittee, the full body in its motion should specify:
  - i. The issue the subcommittee will review;

- ii. The members of the subcommittee (no more than 1 less than a quorum of the full body); and
- iii. The time frame within which the sub-committee will operate.

## TABLE OF MOTIONS AND POINTS OF ORDER

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	Simple
Motion to Amend	*	No	Yes	N/A
Motion to Adjourn	Yes	No	No	Simple
Motion to Recess	Yes	No	Yes	Simple
Motion to Fix the Time to Adjourn	Yes	No	No	Simple
Motion to Table	Yes	No	No	Simple
<b>Motion to Limit Debate</b>	Yes	No	No	<b>Super</b>
<b>Motion to Object to the Consideration of an Item</b>	Yes	No	No	<b>Super</b>
<b>Motion to Suspend Rules</b>	Yes	No	No	<b>Super</b>
Motion to Reconsider	Yes	Yes	Yes	Simple
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	Simple
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	Simple
<b>Motion to Hire/Fire the City Manager</b>	Yes	Yes	Yes	<b>At least 5 votes</b>

- For the purposes of these rules, amendments are not debatable and only require the approval of the member who made the original motion and any member who seconded the motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the members who made the original motion and seconded the motion.

## ETHICS – ARTICLE 1.1800 ETHICS POLICY

(Ordinance 09-05-21-01 adopted 5/21/09)  
(Ordinance 24-09-05-01 adopted 9/5/2024)

## **ARTICLE 1.1800 ETHICS POLICY**

### **Sec 1.1801 Declaration Of Policy**

- (a) It is essential in a democratic system that the public have confidence in the integrity, independence, and impartiality of those who act on their behalf in government. To promote confidence in the government of the City of Lago Vista (“the city”), and thereby enhance the city’s ability to function effectively, this code of ethics is adopted. Although codes of ethics can provide instruction on what to do in various situations, the situations will always be more varied than the rules can anticipate. Recognizing this, the city manager and the city council will apply this article to not only enforce regulations, but also to enhance and promote virtue in public servants who are its officers, city officials or employees, paid or unpaid, elected or appointed, as well as members of any standing committee or board.
- (b) Furthermore, it is declared to be the policy of the city that proper operation of democratic government requires that public servants be independent, impartial and responsible to the people of the city; that no public servants shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of their duties in the public interest; that public office not be used for illegal or improper personal gain; and that the city council at all times shall be maintained as a nonpartisan body. To implement such a policy, the city council deems it advisable to enact a standard of conduct for all public servants to serve not only as a guide for official conduct, but also as a basis for discipline for those who refuse to abide by its terms. The overriding interest being that public servants of the city shall at all times strive to avoid even the appearance of impropriety.
- (c) The city further recognizes that public servants are also members of society and, therefore, cannot and should not be without any personal and economic interest in the decisions and policies of government; that public servants retain their rights as citizens to interests of a personal or economic nature, and their rights to publicly express their views on matters of general public interest. By prohibiting conduct incompatible with the city’s best interests and minimizing the risk of any appearance of impropriety, this code of ethics will further legitimize the interests of democracy.
- (d) Persons reviewing and considering the requirements of this code of ethics are cautioned to consider that Chapter 171 and Chapter 176, Tex. Loc. Gov’t. Code, are also applicable. In addition, a material volume of state law directly applicable to issues involving public ethics and reporting is applicable to the city and each employee and officer of the city. It is the policy of the city to rely primarily on those laws in lieu of unnecessary duplication and incurring the costs and expense required to administer areas of a program that in fact duplicate state law.

### **Sec 1.1802 Purpose**

This code of ethics has four purposes:

- (a) To encourage high ethical standards in official conduct by public servants;
- (b) To establish minimum guidelines for ethical standards of conduct for all such public servants by setting forth those acts or actions that are incompatible with the best interests of the city;
- (c) To require disclosure by public servants and candidates of private financial or property interests in matters affecting the city; and
- (d) To provide minimum standards of ethical conduct for the city’s public servants, provide procedures regarding complaints for violations of such standards, and provide a mechanism for disciplining violators of such standards.

## Sec 1.1803 Present Public Servants

### (a) Standards of Conduct.

- (1) To avoid the appearance and risk of impropriety, public servants shall not solicit or accept any gift, personal favor or benefit from any person doing business with, seeking to do business with, or being regulated by the city; and shall not take any action on behalf of any person or business entity from which he or she has received a prohibited gift, or in which he or she has a substantial interest. Except in the sole interest of the public and the performance of the duties of their position, public servants shall not take any action that he or she knows might reasonably tend to influence any other public servant to not properly perform their official duty, nor shall any public servant grant any improper favor, service or thing of value to any person.
- (2) As used in this article the word gift means a favor, hospitality, economic benefit, product or item having a value of \$50.00, or more. A gift does not include campaign contributions reported as required by state law, money, items, or benefits received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an inter vivos or testamentary trust established by a spouse or ancestor.
- (3) The following factors are considered in evaluating whether a gift is prohibited:
  - (A) The value of the gift, or gifts, does not exceed \$50.00, or \$200.00 during any twelve (12) consecutive calendar months;
  - (B) Any preexisting relationship between the donor and donee;
  - (C) Whether the benefit of the gift is transferred to the city or to the public servant and whether any consideration is given in exchange for the gift; and
  - (D) Whether the person or entity giving the gift, or on whose behalf the gift is made, has done business with or has been regulated by the city within the immediate preceding twenty-four (24) calendar months, or is seeking to do business with the city, or does business with or is regulated by the city during the subsequent twelve (12) months.
- (4) Those items or services that do not constitute prohibited gifts include, but are not limited to, the following:
  - (A) Political contributions made and reported as required by applicable law.
  - (B) Awards publicly presented in recognition of public service.
  - (C) Entertainment, meals or refreshments furnished in conjunction with public events, appearances, or ceremonies related to official city business, if furnished by the sponsor of such public event, and meals and refreshments having a value of less than \$50.00 when furnished or provided to the public servant during the conduct of public business.
  - (D) Any item received by a public servant and donated to a charitable organization or presented to the city within one (1) business day from the date of receipt; any item(s) other than money the value of which does not exceed \$50.00 or \$200.00 during any twelve (12) consecutive calendar months.
  - (E) Pens, pencils, calendars, T-shirts, caps and similar items containing logos, slogans, company names or other marketing material and commonly given out for advertising purposes.

### (b) Personal Financial Interest.

- (1) Public servants of the city shall not participate in a vote or decision in which they have a direct substantial financial interest. Ownership in an amount in excess of one percent (1%) of an entity or property shall constitute substantial interest. Where members of the city council have a substantial interest in business or in real property which is affected by a proposed city council action and where any conflict of interest may arise, they shall file an affidavit of disclosure provided by the city secretary prior to the vote and abstain from voting on such matters.
- (2) No officer or employee of the city shall have a financial interest direct or indirect, or by reason of ownership of stock in a corporation, in a contract with the city, or be financially interested directly or indirectly in the sale to the city of land, materials, supplies or services except on behalf of the

city as an officer or employee; provided, however, that the provision of this section shall only be applicable when the stock owned by the officer or employee exceeds one (1%) percent of the total capital stock of the corporation, or the city's taking of an interest in land by use of its eminent domain authority. Any violation of this shall render the contract voidable. (Ordinance 09-05-21-01 adopted 5/21/09)

- (3) In keeping with current case law, when a member of the city council has a substantial interest in business or in real property which is affected by a proposed city council action and such member is required to abstain from voting on such matter after filing his or her affidavit of disclosure, such abstention shall count as a ineligibility for that matter only and the number of votes required for passage of such matter shall be reduced by the number of ineligible members. In instances where a supermajority of the members of the governing body is required for passage, such supermajority number or fraction shall be based on the number of eligible voting members of the governing body and shall not count any ineligible members. (Ordinance 13-09-12-02 adopted 9/12/13)
- (c) Confidential Information. Public servants shall not disclose confidential or proprietary information, or any information they have acquired or obtained in the course of any fiduciary capacity or relationship, that could adversely influence the property, government, or affairs of the city, nor directly or indirectly use his or her position to secure official information about any person or entity, for the financial benefit or gain of such public servant or any third party. Public servants shall not release confidential, proprietary, or privileged information for any purpose other than the performance of official responsibilities. It shall be a defense to any complaint under this section that the release of information serves a legitimate public purpose, as opposed to the private financial or political interest of the public servant or any third party or group.
- (d) Use of City Property. Public servants shall not use, request or permit the use of city facilities, personnel, equipment, or supplies for any purpose other than to conduct city business unless otherwise provided by law, ordinance or written city policy; or as specifically authorized by the city manager as a convenience to the city, or by terms of employment, e.g., assigned use of a city vehicle.
- (e) Conflict of Interest.
  - (1) Public servants shall not for pay, profit, compensation, financial gain or benefit represent or appear on behalf of themselves or on behalf of the private interests of others before the city council or other city board, commission, or committee, or represent the private interest of others in any action or proceeding involving the city.
  - (2) No current members of the city council shall personally appear on their own behalf before the city council or any board, commission or committee but may designate and be represented by a person of their choice in any such personal business matter. This prohibition does not apply where a councilmember appears before the council on their own behalf, with respect to an issue arising under the city charter or this article. A member of any appointed committee or board shall remove himself/herself from deliberation regarding his/her interest.
  - (3) No current board or commission member shall personally appear on their own behalf before the board or commission upon which they serve but may designate and be represented by a person of their choice in any such business matter.
  - (4) Board or commission members are prohibited from engaging in private discussions with any applicant or owner regarding issues to be considered by their board or commission or from seeking to influence the outcome of any decision outside of a public meeting.
- (f) Additional Standards of Conduct.
  - (1) Conflicting Outside Employment.
    - (A) The purpose of this provision is to prevent conflicts of interest, conflicts of loyalty, and loss of efficiency at work.
    - (B) This provision does not prevent employees or officials from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of their public duties, provided that the employees comply with all applicable city requirements.

- (C) A city official or paid city employee shall not solicit, accept or engage in concurrent outside employment or enter into any contract which could impair independence of judgment in, or the faithful performance of, their official duties, or those results in a conflict of interest with their duties as an official or employee of the city.
- (D) City employees must inform their supervisor before engaging in off-duty employment and obtain written authorization from the city manager or their department head prior to accepting outside employment. Employees must consider the policy purpose and be aware of this policy and rule.

**(2) Political Activity.**

- (A) Limitations on the political activities of city officials and employees are imposed by state law, the city charter, and city personnel rules. In addition, the ethical restrictions listed below shall apply.
- (B) No employee shall solicit or receive contributions to the campaign funds of any candidate on city property.
- (C) The following is a list of activities that are, except as specifically provided otherwise, prohibited:
  - (i) The placement of campaign signs on premises owned by the city other than when a city facility is being used as a polling place.
  - (ii) The placement of bumper stickers on city vehicles or vehicles supported in whole or in part by an allowance provided by the city. This prohibition does not apply to personal vehicles that are used for city business for which mileage reimbursement is provided by the city.
  - (iii) On-duty attendance at a political rally or function for a candidate on a ballot unless assigned to be present for legitimate city reasons, such as providing security.
  - (iv) An employee that is off-duty attending a political rally or function for a candidate on a ballot shall not wear any city uniform, or official city item, or clothing that identifies the employee as an employee of the city.

This subsection shall be narrowly construed and in no event shall this section be construed or interpreted to prevent any officer, employee, councilmember, mayor or public servant from expressing his or her personal opinion regarding any candidate for office, or any other matter of public interest; provided that city officers or employees shall not utilize public resources to engage in such political activities. This prohibition includes, while in uniform or on duty, making public comments or statements advocating for or against any candidate or any measure on the ballot. Private verbal statements or comments made by any officer or employee of the city to any other officer or employee of the city concerning any candidate for elective city office are not subject to subsection (f), provided the individuals involved are off-duty and not in uniform.

**Sec 1.1804 Former City Officials And Employees (Reserved)**

[Reserved]

## **Sec 1.1805 Contracts**

- (a) No officer or employee of the city shall have a financial interest direct or indirect, or by reason of ownership of stock in any corporation, in a contract with the city, or be financially interested directly or indirectly in the sale to the city of land, materials, supplies or services except on behalf of the city as an officer or employee; provided, however, that if the direct or indirect interest results from the ownership of stock the provision of this section shall only be applicable when the stock owned by the officer or employee exceeds one (1) percent of the total capital stock of the corporation. Any violation of this section shall render the contract voidable. This section shall not apply or be applicable to employment agreements approved by the city manager and/or the city council, or instances in which the city is acquiring property by eminent domain.
- (b) Except on behalf of the city, a former city councilmember, official, or employee may not, within two (2) years of the termination of official duties, perform work for any person or entity other than the city on a compensated basis relating to a discretionary contract, if he or she personally and substantially participated in the negotiation of awarding of the contract. A former city official or employee, within two (2) years of termination of official duties must disclose to the city secretary immediately upon knowing that he or she will perform work on a compensated basis relating to a discretionary contract.

## **Sec 1.1806 Persons Doing Business With The City**

### a. Persons Seeking Discretionary Contracts.

- 1. An individual or business entity seeking a discretionary contract from the city is required to disclose in connection with a proposal for a discretionary contract any conflict of interest. This is set forth in Sections 1.1803 and 1.1804 of this code of ethics. The individual or entity must agree to abide by the same ethical standards as set forth for public servants in this code of ethics.
- 2. Subsection (a) above will become a permanent footnote on documents contained in city bid packets for discretionary contracts.
- 3. All prospective vendors shall comply with Chapter 176, Tex. Loc. Gov't. Code.

### b. Disclosure of Conflicts of Interest by Persons Appearing Before a Board or City Body. A person appearing before any city board or other city body for the purpose of doing business with the city shall disclose to that board or body any facts known to such person which may show or establish that:

- 1. An employee or officer of the city that advises or makes presentations to the board or city body; or
- 2. Any member of the board or city body;

has or may have a conflict of interest pursuant to Chapter. 171, Tex. Loc. Gov't. Code, or an interest which would violate the ethical standards set forth in this article, if he or she were to participate in the processing or consideration of the subject matter.

## **Sec 1.1807 Lobbyist (Reserved)**

[Reserved]

## **Sec 1.1808 Financial Disclosure**

Chapter 176, Tex. Loc. Gov't. Code, requires every person, firm or entity proposing to sell any product to the city, or to contract with the city, to file documents identifying business connections or relationships they or their employees may have with officers and employees of the city. Upon any such document identifying an officer of the city that officer must complete and file a document prescribed by state law. Chapter 171, Tex. Loc. Gov't. Code,

requires members of the governing body and boards and commissions to publicly announce if they have a conflict, business or investment interest in the person or subject matter coming before that body. In addition to the public announcement, the officer is required to complete an affidavit specifying the conflict and file that document with the city secretary. These requirements obviate any need for the city to incur the expense to establish the required administrative procedures, obtain, store and make available financial statements from the officers of the city. The avoidance of the requirements for financial statements encourages public service because it permits officers from being required to report personal financial information and information that intrudes on the privacy of third parties that have no business dealings with the city.

### **Sec.1.1809 – Duty to Report Ethical Violations**

- (a) Except as permitted in paragraphs (c) or (d), a public servant or other city employee having first hand or documentary knowledge that an elected or appointed official, has committed a violation of an applicable rule of ethics under this Chapter that raises a substantial question as to that elected or appointed official's honesty, trustworthiness or fitness as an elected or appointed official in other respects, shall have a duty to inform City Council.
- (b) Except as permitted in paragraphs (c) or (d), a public servant or other city employee having first hand or documentary knowledge that a city employee has committed a violation of an applicable rule of ethics under this Chapter that raises a substantial question as to that city employee's honesty, trustworthiness or fitness as a city employee in other respects, shall have a duty to inform the City Manager.
- (c) This rule does not require disclosure of knowledge or information otherwise protected as confidential information.
- (d) This rule does not require disclosure of information that the reporter does not have first-hand knowledge of or that requires conjecture or supposition.

### **Sec 1.1810 Jurisdiction And Hearing Of Complaints**

- (a) City Manager. The city manager shall receive and hear all complaints filed against any city official or employee that is appointed by the city manager. The fact that the city manager has received a complaint, or is hearing a complaint, filed under this code of ethics, shall not deprive or lessen the authority of the city manager to take disciplinary action against such city official or employee without regard to the complaint or hearing. When hearing a complaint, the city manager may adopt such process and procedures as he/she finds suitable to the complaint. The hearing may be conducted informally or as a hearing in which witnesses may be produced.
- (b) City Council. The city council shall receive and hear all complaints filed against any city official, board, committee or commission member that is appointed by the city council. The fact that the city council has received a complaint, or is hearing a complaint, filed under this code of ethics, shall not deprive or lessen the authority of the city council to take any discretionary action it finds appropriate, or to take any disciplinary action against such city official, without regard to the complaint or hearing. When hearing a complaint, the city council may adopt such process and procedures as the council finds suitable to the complaint. The hearing may be conducted informally or as a hearing in which witnesses may be produced.
- (c) Violations of Chapter 171 or Chapter 176. Complaints alleging a violation of Chapter 171 or Chapter 176, Tex. Loc. Gov't. Code, shall be referred to the appropriate court and prosecutor. Such referral shall not deprive the city manager or the city council, as applicable, from exercising their respective discretionary authority, or any authority granted by local or state law.
- (d) Advisory Opinions and Recommendations. The city attorney shall render advisory opinions and make recommendations to the city manager and city council, as applicable, on potential conflicts of interest or potential violations of this code of ethics at the request of a public servant. Such advisory opinions and recommendations shall be rendered thirty (30) days after a request or complaint is received, unless the city attorney requests, and is granted one thirty (30) day extension by the city council or city manager, as

applicable. This subsection shall not be applicable to complaints that have been filed with the city council or the city manager.

(e) **Defense to Alleged Violations.** It shall be a defense to an alleged violation of this code of ethics that the person accused previously requested, and received, a written advisory opinion and recommendation from the city attorney and acted on such opinion or recommendation in good faith, unless material facts were omitted or misstated by the person requesting the opinion. Absent, omitted or misstated facts, such written advisory opinion and recommendation shall be binding with respect to subsequent charges based on the same issue and facts concerning the person who requested the opinion.

(f) **Disposition of Alleged Ethics Violations.**

- (1) A sworn complaint based on personal knowledge alleging a violation(s) of this article shall specify the provision(s) of this article alleged to have been violated and shall name the public servant being charged.
- (2) Upon the aforesaid sworn complaint of any person being filed with the city secretary's office, or on its own initiative, the city manager or city council, as applicable, shall consider possible violations of this article by any public servant. A complaint shall not be deemed to be filed on the initiative of the city council, save and except the complaint be signed and sworn by two (2) members of the city council, one of which is the mayor, after consultation with the city attorney. A complaint filed by an individual member of the city council shall be deemed to have been filed in the councilmember's capacity as a private citizen and, in such event, the member of the city council filing the complaint shall not thereafter participate in a city council meeting, or discuss the same with the city manager if applicable, at which such complaint is considered save and except the councilmember filing the complaint may participate as a complainant at such meeting.
- (3) A complaint alleging a violation of this article must be filed with the city secretary within two (2) years from the date of the action alleged as a violation, and not afterward.
- (4) Not later than three (3) working days after the city secretary receives a sworn complaint, the city secretary shall acknowledge the receipt of the complaint to the complainant and provide a copy of the complaint to the city attorney, the city council or city manager as appropriate, and the person against whom the complaint was alleged. Not later than ten (10) working days after receipt of a complaint, the city secretary shall notify in writing the person who made the complaint and the person against whom the complaint was alleged, of a date for a preliminary hearing. If the city manager or city council does not hold a preliminary hearing within twenty (20) days of receipt of the complaint, it shall notify the person who made the complaint of the reasons for the delay and shall subsequently give further appropriate notification.
- (5) The city council or the city manager may consider possible violations of this article on their own initiative. Within seven (7) working days of the decision to consider a possible violation of this article, a draft written complaint specifying the provision(s) of this article alleged to have been violated shall be filed with the city secretary, and provided to the city attorney and the person against whom the complaint was alleged. Not later than fifteen (15) days after the drafting of the complaint, the city secretary shall notify in writing the person against whom the complaint was alleged of the date for the preliminary hearing.
- (6) After a complaint has been filed, and during the pending of a complaint before the city council, a member of the city council may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the city council; provided that the mayor may consult and coordinate with the city attorney.
- (7) As soon as reasonably possible, but in no event more than sixty (60) days after receiving a complaint, the city manager or city council, as applicable, shall conduct a preliminary hearing:
  - (A) The issue at a preliminary hearing shall be the existence of reasonable grounds to believe that a violation of this article has occurred. The person filing a complaint, or the city attorney in cases considered upon the city manager's or city council's, as applicable, own initiative, shall state the alleged violation and shall describe in narrative form the testimony and other evidence which would be presented to prove the alleged violations stated in the

written complaint. Statements at a preliminary hearing shall be under oath, but there shall be no cross examination or requests for persons or evidence issued for the hearing. Members of the city council or the city manager, as applicable, may question the complainant, the city attorney or the city manager, as applicable, or the public servant named in the complaint.

- (B) The public servant named in the complaint shall have the opportunity to respond but is not required to attend or make any statement. The public servant may describe in narrative form the testimony and other evidence that would be presented to disprove the alleged violation. If the public servant agrees that a violation has occurred, he or she may so state and the city manager or city council, as applicable, may consider the appropriate sanction.
- (C) The complainant and the public servant named in the complaint shall have the right to representation by counsel.
- (D) At the conclusion of the preliminary hearing, the city manager or city council, as applicable, shall decide whether a final hearing should be held. If the city manager or city council, as applicable, determines there are reasonable grounds to believe that a violation of this article has occurred, a final hearing will be scheduled. If the city manager or city council, as applicable, does not determine that there are reasonable grounds to believe that a violation of this article has occurred, the complaint shall be dismissed. A decision to conduct a final hearing is not a finding that a violation has occurred.
- (E) The city manager or city council, as applicable, at any time during the preliminary hearing, may also dismiss a complaint if the complaint does not allege conduct which would be a violation of this article. Before a complaint is dismissed for failure to allege a violation, the complainant may be permitted one opportunity, within ten (10) working days of such preliminary hearing, to revise and resubmit the complaint.
- (F) The complainant, the city attorney or the public servant named in the complaint may ask the city manager or city council, as applicable, at a preliminary hearing to request certain persons and evidence for a final hearing, if one is scheduled.

**(8) Final Hearing on Complaints.**

- (A) The final hearing shall be held as expeditiously as possible following the determination by the city manager or city council, as applicable, that reasonable grounds exist to believe that a violation of this article has occurred. In no event shall the hearing be held more than thirty (30) days after said determination. The city manager or city council, as applicable, may grant two (2) postponements, not to exceed fifteen (15) days each, upon the request of the public servant named in the complaint.
- (B) The issue at a final hearing shall be whether a violation of this article has occurred. The city manager or city council, as applicable, shall make its determination based on clear and convincing evidence in the record. All witnesses shall make their statements under oath.
- (C) If the city manager or city council, as applicable, determines that a violation has occurred, findings shall be stated in writing identify the particular provision(s) of this article which have been violated, and within five (5) working days a copy of the findings shall be delivered to the complainant, if any, the public servant named in the complaint, and the city secretary.
- (D) If a complaint proceeds to a final hearing, the city manager or city council, as applicable, may request witnesses to attend and testify, administer oaths and affirmations, take evidence and request the production of books, papers records, or other evidence needed for the performance of the city manager's or city council's duties, as applicable, or exercise of its powers, including its duties and powers of investigation.

**(9) Sanctions.**

- (A) If the city manager or city council, as applicable, determines that a violation of this article has occurred, they shall proceed directly to determination of the appropriate sanction(s), if any. Save and except for a violation of Section 7.2, Section 8.6 or Section 11.1 a violation

of this article shall not be subject to criminal penalties. The city manager or city council, as applicable, may receive additional testimony or statements before considering sanctions, but is not required to do so. If the public servant named in the complaint acted in reliance upon a written opinion of the city attorney, the city manager or city council, as applicable, shall consider that fact.

(B) If the city manager or city council, as applicable, determines that a violation of this article has occurred, they may impose one of the following sanctions:

- (i) A letter of notification shall be the appropriate sanction when the violation is clearly unintentional, or when the public servant's violation was made in reliance on a written opinion of the city attorney. A letter of notification shall advise the public servant to whom it is directed of any steps to be taken to avoid future violations.
- (ii) A letter of admonition shall be the appropriate sanction in those cases in which the city manager or city council, as applicable, finds that the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification.
- (iii) A reprimand shall be the appropriate sanction when the city manager or city council, as applicable, finds that a violation has been committed intentionally or through disregard of this article. A copy of a reprimand directed to a public servant, city official, councilmember, or board or commission member shall be sent to the city council. A reprimand directed to an employee of the city shall be included in said employee's personnel file. A letter of reprimand directed to an elected city official shall be transmitted to the city secretary and shall be published in the official newspaper of the city.
- (iv) A recommendation of removal from employment or a recommendation of suspension from employment, as well as a recommendation for length of suspension, shall be the appropriate sanction when the city manager or city council, as applicable, finds that a serious or repeated violation(s) of this article has been committed intentionally or through culpable disregard of this article by city employees.
- (v) A letter of censure shall be the appropriate sanction when the city council finds that a serious or repeated violation(s) of this article has been committed intentionally or through culpable disregard of this article by an elected city official. A letter of censure directed to an elected city official shall be transmitted to the city secretary and thereafter published in the official newspaper of the city.

### **Sec 1.1811 Independent Legal Counsel**

Independent Legal Counsel. If a complaint is filed against the city manager or any member of the city council independent legal counsel shall be utilized to advise the city council and participate in hearings.

### **Sec 1.1812 Baseless Complaints**

- (a) In the event a complaint is received by the city manager or city council, as applicable, that is subsequently found to be baseless, the city manager, or the city council, may refer the matter to the appropriate court or prosecutor.
- (b) The city manager or city council, as applicable, may take or recommend disciplinary action(s) against the individual who filed the complaint including but not limited to filing legal charges. The city manager or city council, as applicable, may also make recommendations for what other action(s) should be taken.

### **Sec 1.1813 General Provisions**

(Ordinance 09-05-21-01 adopted 5/21/09)  
(Ordinance 24-09-05-01 adopted 9/5/2024)

- (a) Definitions. The words “public servant” when used in this article, shall mean the elected officers of the city, all persons appointed by or by vote of the city council, all department heads of the city, all city employees that have any supervisory authority over other employees, and all employees that have discretionary authority to make recommendations to boards or to the city council. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word “shall” is always mandatory. The word “herein” means in this article. The word “regulations” means the provisions of any applicable article, rule, regulation or policy.
- (b) Penalties. Any person who shall violate this code of ethics, or shall fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.
- (c) Reservations and Exceptions. Notwithstanding any other term or provision of this article, this article: (1) is not applicable to the performance and behavior of officers, employees and public servants that does not violate a standard or provision set forth in this code of ethics; (2) does not waive the authority and discretion of the city council or the city manager, as applicable, to enforce higher standards for, or to supervise, provide oversight, appoint and remove, any officer, employee or public servant that is appointed by the city council or city manager, as applicable; and (3) does not transfer or limit the authority of the city manager to act in his or her discretion to enforce higher standards for, or to supervise, provide oversight, appoint and remove, all officers, employees and public servants of the city that are not appointed and removed by the city council. Further, neither the city manager nor the city council shall be required to file a complaint in order to take action against any employee, public servant or city official under their respective supervision or jurisdiction.
- (d) City Manager Complaint Resolution. If the city council is not satisfied with the actions taken by the city manager with respect to any complaint filed with him/her under this code of ethics, the city council shall consider that matter in the annual evaluation of the city manager.

## **2. Eligibility for Office and Steps Required to Run for Office**

## ELECTION CODE

## TITLE 9. CANDIDATES

## CHAPTER 141. CANDIDACY FOR PUBLIC OFFICE GENERALLY

## SUBCHAPTER A. ELIGIBILITY FOR PUBLIC OFFICE

Sec. 141.001. ELIGIBILITY REQUIREMENTS FOR PUBLIC OFFICE. (a) To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, 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:

(A) totally mentally incapacitated; or

(B) 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;

(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 a candidate whose name is to appear on a general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(B) for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(C) for a write-in candidate, the date of the election at which the candidate's name is written in;

(D) for a party nominee who is nominated by any method other than by primary election, the date the nomination is made; and

(E) for an appointee to an office, the date the appointment is made;

(6) on the date described by Subdivision (5), be registered to vote in the territory from which the office is elected; and

(7) satisfy any other eligibility requirements prescribed by law for the office.

(a-1) For purposes of satisfying the continuous residency requirement of Subsection (a) (5), a person who claims an intent to return to a residence after a temporary absence may establish that intent only if the person:

(1) has made a reasonable and substantive attempt to effectuate that intent; and

(2) has a legal right and the practical ability to return to the residence.

(a-2) Subsection (a-1) does not apply to a person displaced from the person's residence due to a declared local, state, or national disaster.

(a-3) The authority with whom an application for a place on a general primary election ballot is filed under Section 172.022 shall, to the extent permitted by law, use Subsections (a) and (a-1) in determining whether a candidate meets the residency requirements for a public elective office.

(b) A statute outside this code supersedes Subsection (a) to the extent of any conflict.

(c) Subsection (a) does not apply to an office for which the federal or state constitution or a statute outside this code prescribes exclusive eligibility requirements.

(d) Subsection (a) (6) does not apply to a member of the governing body of a district created under Section 52(b) (1) or (2), Article III, or Section 59, Article XVI, Texas Constitution.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 614 (H.B. 417), Sec. 28, eff. September 1, 2007.

Acts 2015, 84th Leg., R.S., Ch. 504 (H.B. 484), Sec. 1, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 1047 (H.B. 831), Sec. 1, eff. January 1, 2020.

Sec. 141.002. EFFECT OF BOUNDARY CHANGE ON RESIDENCE REQUIREMENT FOR PRECINCT OFFICE. (a) Instead of the six-month residence requirement prescribed by Section 141.001(a) (5), a candidate for or appointee to a precinct office must be a resident of the precinct on the date prescribed by Section 141.001(a) (5) and must have resided continuously in the county in which the precinct is located for six months immediately preceding that date if an order creating the precinct or changing the boundary of the precinct:

(1) was adopted less than seven months before that date; or

(2) was in litigation at any time during the seventh month immediately preceding that date.

(b) For the purpose of this section, an order is in litigation if the judgment concluding a judicial proceeding in which the order is mandated or the validity of the order is challenged has not become final.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 141.003. AGE AND RESIDENCE REQUIREMENTS FOR HOME-RULE CITY OFFICE. (a) Different age and residence requirements from those prescribed by Section 141.001 may be prescribed by a home-rule city charter, but a minimum age may not be more than 21 years and a minimum length of residence in the state or city may not be more than 12 months immediately preceding election day.

(b) A charter provision is void if it prescribes a minimum age requirement of more than 21 years or a minimum length of residence requirement of more than 12 months.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 141.004. EFFECT OF BOUNDARY CHANGE ON RESIDENCE REQUIREMENT FOR CITY OFFICE. In determining whether a person has complied with a residence requirement under Section 141.001 or 141.003 for a city office, residence in an area while the area was not part of the city is considered as residence within the city if the area is part of the city on the date that is the basis for determining the applicable period of residence.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

## SUBCHAPTER B. APPLICATION FOR PLACE ON BALLOT

Sec. 141.031. GENERAL REQUIREMENTS FOR APPLICATION. (a) A candidate's application for a place on the ballot that is required by this code must:

(1) be in writing;

(2) be signed and sworn to before a person authorized to administer oaths in this state by the candidate and indicate the date that the candidate swears to the application;

(3) be timely filed with the appropriate authority; and

(4) include:

(A) the candidate's name;

- (B) the candidate's occupation;
  - (C) the office sought, including any place number or other distinguishing number;
  - (D) an indication of whether the office sought is to be filled for a full or unexpired term if the office sought and another office to be voted on have the same title but do not have place numbers or other distinguishing numbers;
  - (E) a statement that the candidate is a United States citizen;
  - (F) a statement that the candidate has not been determined by a final judgment of a court exercising probate jurisdiction to be:
    - (i) totally mentally incapacitated; or
    - (ii) partially mentally incapacitated without the right to vote;
  - (G) an indication that the candidate has either not been finally convicted of a felony or if so convicted has been pardoned or otherwise released from the resulting disabilities;
  - (H) the candidate's date of birth;
  - (I) the candidate's residence address or, if the residence has no address, the address at which the candidate receives mail and a concise description of the location of the candidate's residence;
  - (J) the candidate's length of continuous residence in the state and in the territory from which the office sought is elected as of the date the candidate swears to the application;
  - (K) the statement: "I, \_\_\_\_\_, 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";
  - (L) a statement that the candidate is aware of the nepotism law, Chapter 573, Government Code; and
  - (M) a public mailing address at which the candidate receives correspondence relating to the candidate's campaign, if available, and an electronic mail address at which the candidate receives correspondence relating to the candidate's campaign, if available.
- (a-1) A person who has been convicted of a felony shall include in the application proof that the person is eligible for public office under Section 141.001(a)(4).
- (b) Instead of the statement required by Subsection (a)(4)(F), a candidate eligible for office because of Section 1.020(a) shall include in

the application a statement that the person's mental capacity has been completely restored by a final judgment of a court.

(c) Instead of the statement required by Subsection (a) (4) (F), a candidate eligible for office because of Section 1.020(b) shall include in the application a statement that the person's guardianship has been modified to include the right to vote or the person's mental capacity has been completely restored, as applicable, by a final judgment of a court.

(d) The secretary of state may prescribe a different form for an application for a place on the ballot for each of the following:

- (1) an office of the federal government;
- (2) an office of the state government; or
- (3) an office of a political party.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 427, Sec. 4, eff. Sept. 1, 1987; Acts 1993, 73rd Leg., ch. 107, Sec. 3A.03, eff. Aug. 30, 1993; Acts 1995, 74th Leg., ch. 76, Sec. 5.95(26), eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 614 (H.B. 417), Sec. 29, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 1178 (S.B. 910), Sec. 12, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1179 (S.B. 1073), Sec. 1, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 469 (H.B. 2157), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 828 (H.B. 1735), Sec. 22, eff. September 1, 2017.

Acts 2021, 87th Leg., R.S., Ch. 1006 (H.B. 4555), Sec. 1, eff. September 1, 2021.

Sec. 141.0311. ADDITIONAL REQUIREMENTS FOR APPLICATION FOR JUDICIAL OFFICE. (a) This section applies to candidates for the following judicial offices:

- (1) chief justice or justice of the supreme court;
- (2) presiding judge or judge of the court of criminal appeals;
- (3) chief justice or justice of a court of appeals;
- (4) district judge, including a criminal district judge; and
- (5) judge of a statutory county court.

(b) In addition to other requirements under this code, a candidate's application for a place on the ballot must:

- (1) include the candidate's state bar number for:
    - (A) this state; and
    - (B) any other state in which the candidate has been licensed to practice law;
  - (2) disclose any public:
    - (A) sanction or censure, as those terms are defined by Section 33.001, Government Code, the State Commission on Judicial Conduct or a review tribunal has issued against the candidate;
    - (B) disciplinary sanction imposed on the candidate by the state bar; and
    - (C) disciplinary sanction imposed on the candidate by an entity in another state responsible for attorney discipline in that state;
  - (3) include statements describing for the preceding five years:
    - (A) the nature of the candidate's legal practice, including any area of legal specialization; and
    - (B) the candidate's professional courtroom experience; and
  - (4) disclose any final conviction of a Class A or Class B misdemeanor in the 10 years preceding the date the person would assume the judicial office for which the person is filing the application.
- (c) A candidate for a judicial office described by Subdivision (a) (1), (2), or (3) who does not hold or has not previously held a judicial office described by those subdivisions must, in addition to the other requirements of this section and this code, include in the application a description of:
- (1) appellate court briefs the candidate has prepared and filed in the preceding five years; and
  - (2) oral arguments the candidate has presented before any appellate court in the preceding five years.
- (d) Each officially prescribed form for an application under this section must include a statement informing candidates that knowingly providing false information on the application, in addition to other penalties prescribed by law, constitutes professional misconduct subject to public sanctions or censure by the State Commission on Judicial Conduct or the state bar, as applicable.
- (e) The secretary of state shall prescribe the form and content of the application materials under this section. The secretary of state may consult with the Office of Court Administration of the Texas Judicial System, the supreme court, and the court of criminal appeals when prescribing the form and content of application materials under this section.

Added by Acts 2023, 88th Leg., R.S., Ch. 716 (H.B. [2384](#)), Sec. 1, eff. September 1, 2023.

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](#).

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1993, 73rd Leg., ch. 728, Sec. 54, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1349, Sec. 51, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 254 (H.B. [1135](#)), Sec. 1, eff. September 1, 2011.

Acts 2017, 85th Leg., R.S., Ch. 95 (S.B. [44](#)), Sec. 1, eff. May 23, 2017.

Acts 2021, 87th Leg., R.S., Ch. 711 (H.B. [3107](#)), Sec. 76, eff. September 1, 2021.

Sec. 141.033. FILING APPLICATIONS FOR MORE THAN ONE OFFICE PROHIBITED. (a) A candidate may not file applications for a place on the ballot for two or more offices that:

(1) are not permitted by law to be held by the same person; and  
(2) are to be voted on at one or more elections held on the same day.

(b) If a person files more than one application for a place on a ballot in violation of this section, each application filed subsequent to the first one filed is invalid.

(c) This section does not apply to candidacy for the office of president or vice-president of the United States and another office.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 141.034. LIMITATION ON CHALLENGE OF APPLICATION. (a) An application for a place on the ballot may not be challenged for compliance with the applicable requirements as to form, content, and procedure after the 50th day before the date of the election for which the application is made.

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

(c) A challenge must state with specificity how the application does not comply with the applicable requirements as to form, content, and procedure. The authority's review of the challenge is limited to the specific items challenged and any response filed with the authority by the challenged candidate.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1989, 71st Leg., ch. 2, Sec. 7.07, eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 203, Sec. 2.57; Acts 1991, 72nd Leg., ch. 554, Sec. 28, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 728, Sec. 55, eff. Sept. 1, 1993. Amended by:

Acts 2017, 85th Leg., R.S., Ch. 95 (S.B. [44](#)), Sec. 2, eff. May 23, 2017.

Acts 2021, 87th Leg., R.S., Ch. 711 (H.B. [3107](#)), Sec. 77, eff. September 1, 2021.

Sec. 141.035. APPLICATION AS PUBLIC INFORMATION. An application for a place on the ballot, including an accompanying petition, is public information immediately on its filing.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 141.036. PRESERVATION OF APPLICATION. The authority with whom an application for a place on the ballot is required to be filed shall preserve each application filed with the authority for two years after the date of the election for which the application is made.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 141.037. FORM OF NAME CERTIFIED FOR PLACEMENT ON BALLOT. An authority responsible for certifying the names of candidates for placement on the ballot shall certify each name in the form indicated on the candidate's application for a place on the ballot, subject to Subchapter [B](#), Chapter [52](#).

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 141.038. REFUND OF FILING FEE. (a) A filing fee paid in connection with a candidate's application for a place on the ballot shall be refunded to the candidate or to the candidate's estate, as appropriate, if before the date of the election for which the application is made:

- (1) the candidate dies;
- (2) the candidate is declared ineligible; or
- (3) the candidate's application for a place on the ballot is determined not to comply 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) A claim for a refund of a filing fee must be presented to the authority with whom the candidate's application for a place on the ballot is filed.

(c) A filing fee may not be refunded except as provided by this section.

(d) The refunding of filing fees for home-rule city offices may be regulated by the city charter, and those regulations supersede this section

to the extent of any conflict.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1989, 71st Leg., ch. 2, Sec. 7.08, eff. Aug. 28, 1989; Acts 1997, 75th Leg., ch. 864, Sec. 93, eff. Sept. 1, 1997.

Sec. 141.039. OFFICIAL APPLICATION FORM. In addition to the other statements and spaces for entering information that appear on an officially prescribed form for an application for a place on the ballot, each official form for an application that a candidate is required to file under this code must include:

(1) a space for indicating the form in which the candidate's name is to appear on the ballot;

(2) a space for the candidate's public mailing address;

(3) spaces for the candidate's home and office telephone numbers and e-mail address at which the candidate receives correspondence relating to the candidate's campaign;

(4) a statement informing candidates that the furnishing of the telephone numbers is optional;

(5) a statement informing candidates that knowingly providing false information on the application under Section [141.031](#) (a) (4) (G) constitutes a Class B misdemeanor; and

(6) a statement informing candidates that a candidate who indicates under Section [141.031](#) (a) (4) (G) that the candidate has been convicted of a felony must comply with the requirements of Section [141.031](#) (a-1).

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 279 (H.B. [1593](#)), Sec. 1, eff. September 1, 2011.

Acts 2017, 85th Leg., R.S., Ch. 828 (H.B. [1735](#)), Sec. 23, eff. September 1, 2017.

Acts 2021, 87th Leg., R.S., Ch. 1006 (H.B. [4555](#)), Sec. 2, eff. September 1, 2021.

Sec. 141.040. NOTICE OF DEADLINES AND FILING METHODS. (a) The authority with whom an application for a place on the ballot under this subchapter must be filed shall post notice of the dates of the filing period in a public place in a building in which the authority has an office not later than the 30th day before:

- (1) the first day on which a candidate may file the application;  
or  
(2) the last day on which a candidate may file the application, if this code does not designate a first day on which the candidate may file the application.

(b) This section does not apply to an office filled at the general election for state and county officers.

(c) An authority shall designate an e-mail address in the notice required by this section for the purpose of filing an application for a place on the ballot under Section [143.004](#).

Added by Acts 2009, 81st Leg., R.S., Ch. 1235 (S.B. [1970](#)), Sec. 13, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1164 (H.B. [2817](#)), Sec. 28, eff. September 1, 2011.

Acts 2021, 87th Leg., R.S., Ch. 711 (H.B. [3107](#)), Sec. 78, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 711 (H.B. [3107](#)), Sec. 79, eff. September 1, 2021.

#### SUBCHAPTER C. PETITION

Sec. 141.061. APPLICABILITY OF SUBCHAPTER. This subchapter applies to each petition filed in connection with a candidate's application for a place on the ballot.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 493, Sec. 1, eff. Sept. 1, 1987.

Sec. 141.062. VALIDITY OF PETITION. (a) To be valid, a petition must:

(1) be timely filed with the appropriate authority;  
(2) contain valid signatures in the number required by this code; and

(3) comply with any other applicable requirements for validity prescribed by this code.

(b) A petition may consist of multiple parts.

(c) After the filing deadline:

(1) a candidate may not amend a petition in lieu of a filing fee submitted with the candidate's application; and

(2) the authority with whom the application is filed may not accept an amendment to a petition in lieu of a filing fee submitted with the candidate's application.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 254 (H.B. [1135](#)), Sec. 2, eff. September 1, 2011.

Sec. 141.063. VALIDITY OF SIGNATURE. (a) A signature on a petition is valid if:

(1) except as otherwise provided by this code, the signer, at the time of signing, is a registered voter of the territory from which the office sought is elected or has been issued a registration certificate for a registration that will become effective in that territory on or before the date of the applicable election;

(2) the petition includes the following information with respect to each signer:

(A) the signer's residence address;

(B) the signer's date of birth or the signer's voter registration number and, if the territory from which signatures must be obtained is situated in more than one county, the county of registration;

(C) the date of signing; and

(D) the signer's printed name;

(3) the part of the petition in which the signature appears contains the affidavit required by Section [141.065](#);

(4) each statement that is required by this code to appear on each page of the petition appears, at the time of signing, on the page on which the signature is entered; and

(5) any other applicable requirements prescribed by this code for a signature's validity are complied with.

(b) The signature is the only information that is required to appear on the petition in the signer's own handwriting.

(c) The use of ditto marks or abbreviations does not invalidate a signature if the required information is reasonably ascertainable.

(d) The omission of the state from the signer's residence address does not invalidate a signature unless the political subdivision from which the signature is obtained is situated in more than one state. The omission of the zip code from the address does not invalidate a signature.

(e) The signer's residence address and registration address are not required to be the same if the signer would otherwise be able to vote for

that office under Section [11.004](#) or [112.002](#).

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 1349, Sec. 52, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 726 (H.B. [1509](#)), Sec. 1, eff. September 1, 2005.

Acts 2021, 87th Leg., R.S., Ch. 711 (H.B. [3107](#)), Sec. 80, eff. September 1, 2021.

Sec. 141.064. METHOD OF ACQUIRING SIGNATURE. A person circulating a petition must:

(1) before permitting a person to sign, point out and read to the person each statement pertaining to the signer that appears on the petition;

(2) witness each signature;

(3) ascertain that each date of signing is correct; and

(4) before the petition is filed, verify each signer's registration status and ascertain that each registration number entered on the petition is correct.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 141.065. AFFIDAVIT OF CIRCULATOR. (a) Each part of a petition must include an affidavit of the person who circulated it, executed before a person authorized to administer oaths in this state, stating that the person:

(1) pointed out and read to each signer, before the petition was signed, each statement pertaining to the signer that appears on the petition;

(2) witnessed each signature;

(3) verified each signer's registration status; and

(4) believes each signature to be genuine and the corresponding information to be correct.

(b) If a petition contains an affidavit that complies with Subsection (a), for the purpose of determining whether the petition contains a sufficient number of valid signatures, the authority with whom the candidate's application is filed may treat as valid each signature to which the affidavit applies, without further verification, unless proven otherwise.

(c) A single notarized affidavit by any person who obtained signatures is valid for all signatures gathered by the person if the date of notarization is on or after the date of the last signature obtained by the person.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 469 (H.B. [2157](#)), Sec. 2, eff. September 1, 2017.

Sec. 141.066. SIGNING MORE THAN ONE PETITION PROHIBITED. (a) A person may not sign the petition of more than one candidate for the same office in the same election.

(b) The following statement must appear at the top of each page of a petition: "Signing the petition of more than one candidate for the same office in the same election is prohibited."

(c) A signature on a candidate's petition is invalid if the signer signed the petition subsequent to signing a petition of another candidate for the same office in the same election.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 864, Sec. 94, eff. Sept. 1, 1997.

Sec. 141.067. WITHDRAWAL OF SIGNATURE. (a) A signature may be withdrawn from a petition as provided by this section.

(b) To withdraw a signature, the signer must request that the signer's signature be withdrawn.

(c) To be effective, a withdrawal request must:

(1) be in writing and be signed and acknowledged by the signer of the petition; and

(2) be filed with the authority with whom the petition is required to be filed not later than the date the petition is received by the authority or the seventh day before the petition filing deadline, whichever is earlier.

(d) A withdrawal request filed by mail is considered to be filed at the time of its receipt by the appropriate authority.

(e) The signer must deliver a copy of the withdrawal request to the candidate when the request is filed.

(f) The filing of an effective withdrawal request nullifies the signature on the petition and places the signer in the same position as if the signer had not signed the petition.

(g) If the withdrawal of a signature reduces the number of signatures on the petition below the prescribed minimum for the petition to be valid, the authority with whom the request is filed shall notify the candidate immediately by telephone, telegram, or an equally or more expeditious method of the number of withdrawn signatures. Before the third day after the date the candidate receives the notice, the candidate's petition may be supplemented with signatures equal in number to the number of signatures withdrawn.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 864, Sec. 95, eff. Sept. 1, 1997.

Sec. 141.068. DUTY OF LOCAL AUTHORITY TO VERIFY SIGNATURES. (a) On request of the secretary of state, a voter registrar shall verify the voter registration status of a signer of a petition filed with the secretary who the petition indicates is registered or has been accepted for registration in the county served by the registrar.

(b) On request of the secretary of state, a county clerk shall ascertain from the records in the clerk's custody whether a signer of a petition filed with the secretary is shown to have voted in a particular election.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 141.069. VERIFYING SIGNATURES BY STATISTICAL SAMPLE. If signatures on a petition that is required to contain more than 1,000 signatures are to be verified by the authority with whom the candidate's application is required to be filed, the authority may use as the basis for the verification any reasonable statistical sampling method that ensures an accuracy rate of at least 95 percent.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 54, Sec. 16(b), eff. Sept. 1, 1987; Acts 1997, 75th Leg., ch. 1349, Sec. 53, eff. Sept. 1, 1997.

Sec. 141.070. ESTIMATING GUBERNATORIAL VOTE FOR TERRITORY WITH CHANGED BOUNDARY. (a) If, since the most recent gubernatorial general election, a district or precinct from which an officer of the federal, state, or county government is elected is created or has had its boundary changed, the number of votes received in the district or precinct by a political party's gubernatorial candidate or by all the gubernatorial

candidates shall be estimated, as provided by this section, for the purpose of computing the number of signatures required on a candidate's petition.

(b) The secretary of state, for a district, or the county clerk of the county in which the precinct is situated, for a precinct, shall estimate the applicable vote total on the request of:

(1) a candidate affected by the creation or change; or  
(2) an authority with whom an affected candidate's application for a place on the ballot is required to be filed.

(c) Not later than the 30th day after the date the secretary of state or county clerk receives an estimate request, the secretary or clerk shall certify the secretary's or clerk's estimate in writing and deliver a copy of the certification to the candidate and to the authority with whom the candidate's application for a place on the ballot is required to be filed.

(d) If an estimate is not requested under Subsection (b), the authority with whom an affected candidate's application for a place on the ballot is required to be filed shall make the estimate before acting on a petition.

(e) If, before completing an estimate, the estimating authority determines that the total estimated vote will be large enough to make a computation of the number of signatures required to appear on the petition unnecessary, the authority may certify that fact in writing instead of completing the estimate.

(f) A candidate for an office that is affected by an estimate or by a determination made under Subsection (e) may challenge the accuracy of the estimate or determination by filing a petition, stating the ground of the challenge, in a district court having general jurisdiction in the territory involved. Review in the district court is by trial de novo, and the court's decision is not appealable.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 864, Sec. 96, eff. Sept. 1, 1997.

#### SUBCHAPTER D. COERCION OF CANDIDACY

Sec. 141.101. COERCION AGAINST CANDIDACY PROHIBITED. (a) A person commits an offense if by intimidation or by means of coercion the person influences or attempts to influence a person to:

(1) not file an application for a place on the ballot or a declaration of write-in candidacy; or  
(2) withdraw as a candidate.

(b) In this section, "coercion" has the meaning assigned by Section [1.07](#), Penal Code.

(c) An offense under this section is a Class A misdemeanor unless the intimidation or coercion is a threat to commit a felony, in which event it is a felony of the third degree.

Added by Acts 1995, 74th Leg., ch. 667, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1235 (S.B. [1970](#)), Sec. 3, eff. September 1, 2009.

Transferred, redesignated and amended from Election Code, Section 2.054 by Acts 2021, 87th Leg., R.S., Ch. 711 (H.B. [3107](#)), Sec. 82, eff. September 1, 2021.

## ARTICLE III THE CITY COUNCIL

Section 3.20 Qualifications. All candidates for City elective office shall:

- a. Meet all requirements for the office prescribed by state law;
- b. Be a registered voter residing in the City for at least one (1) year prior to the date of the election;
- c. Be at least 21 years of age by the date of the election;
- d. Hold no other elected public office if elected;
- e. Not be a City employee;
- f. Not be in financial arrears to the City for any reason; and
- g. Not file for more than one (1) office per election.

## First Steps for Candidates Running for a City Office

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

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

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

### 2. Opposed Candidates: Will you accept or spend more than \$1,110\* for the election?

- YES:

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

- NO:

- You can elect to file on the modified reporting schedule by completing the *Modified Reporting Declaration* on page two of [Form CTA](#). File [Form CTA](#) with the city clerk or city secretary.
- If you elect to file on the modified reporting schedule, you do not have to file pre-election campaign finance reports due 30 days and 8 days prior to the election.
- Exceed \$1,110\*: If you elect to file on the modified reporting schedule but later exceed \$1,110 in either contributions or expenditures, what reports you will be required to file depends upon when you exceed \$1,110\*.

- If you exceed \$1,110\* on or before the 30th day before the election, you are **required** to file pre-election campaign finance reports due 30 days and 8 days prior to an election using [Form C/OH](#). To be timely filed, pre-election reports must be received by the city clerk or city secretary no later than the due date. Find [Form C/OH](#) and its instructions on our “[Local Filers Non-Judicial Candidate/Officeholder](#)” webpage.
- If you exceed \$1,110\* after the 30th day before the election, you are **required** to file an Exceeded Modified Reporting Limit report using [Form C/OH](#). To be timely filed, this report must be filed with the city clerk or city secretary within 48 hours of exceeding \$1,110.\* You must also file the pre-election report due 8 days prior to an election. Find [Form C/OH](#) and its instructions on our “[Local Filers Non-Judicial Candidate/Officeholder](#)” webpage. If you exceed \$1,110\* on or before the 8th day before the election, you are **required** to file a pre-election campaign finance report due 8 days prior to an election using [Form C/OH](#). To be timely filed, the pre-election

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

### **3. Unopposed Candidates.**

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

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

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

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

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

### **6. Need More Information?**

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

**\*NOTE:** The \$1,110 threshold is specific to transactions made in 2025.



# A Guide to Becoming a City Official

Updated January 2024

The Texas Municipal League exists to provide support and services to city governments in Texas and is guided by its purpose statement – *Empowering Texas cities to serve their citizens*.

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# Congratulations on Your Decision to File for City Office

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

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

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

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

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

## Leadership Attributes for Councilmembers

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

- a general understanding of city government
- willingness to learn about a wide range of topics
- integrity
- consistency
- confidence
- dedication to the interests of citizens and the community as a whole

- strong communication and team-building skills, including being a good listener
- openness to the thoughts and ideas of others
- being approachable and accessible
- willingness to work cooperatively

## An Elected Official Wears Many Hats

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

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

### **Policymaker**

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

### **Legislator**

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

### **Ambassador**

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

### **Employer**

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

## Mayors, Councils, and Boards of Aldermen

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

## Are You Eligible?

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

- be a citizen of the United States
- be at least 18 years old on the date of the election
- be a registered voter and have lived in the State of Texas for at least 12 consecutive months prior to the filing date for the election, and in your city or ward for at least six months prior to the filing date for the election
- not have been finally convicted of a felony for which you have not been pardoned or otherwise released from the resulting disabilities

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

## Filing for a Place on the Ballot

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

## Texas Ethics Commission Campaign Finance Filings

State law requires the filing of various forms by a candidate for city office. All candidates for city offices must file an "Appointment of a Campaign Treasurer by a Candidate" form with the city secretary before beginning their campaigns.

Candidates who do not intend to accept more than \$1,080 in political contributions or make more than \$1,080 in political expenditures may file a modified reporting declaration and operate under modified reporting. Under modified reporting, the candidate is not required to file any further forms beyond the final report, which is filed at the end of the campaign. Semiannual reports may still be required in some cases.

Candidates who intend to accept more than \$1,080 in political contributions or make more than \$1,080 in political expenditures, or who exceed that amount even after filing for modified reporting, must file under regular reporting requirements. Reports due under these requirements must be submitted by January 15 and July 15 of each year. The reports filed on these dates are known as semiannual reports.

An opposed candidate in an upcoming city election who is using regular reporting must also file reports of contributions and expenditures 30 days and 8 days before the election. A candidate in a runoff must file a report 8 days before the runoff election. Candidates filing under regular reporting are also required to file a final report at the end of the campaign.

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

## An Introduction to City Government

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

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

## Types of City Government

Texas has more than 1,200 incorporated cities; each of them is either a home rule city or a general law city. Home rule cities are larger cities. A city with a population of more than 5,000 in which the citizens have adopted a home rule charter through an election is a home rule city. A home rule charter is the document that establishes the city's governmental structure and provides for the distribution of powers and duties.

General law cities are usually smaller cities. General law cities don't have charters. Rather, they operate according to specific state statutes. A general law city looks to the state constitution and state statutes to determine what it **may do**. If state law

doesn't grant a general law city the express or implied power to initiate a particular action, none may be taken. There are three categories of general law cities: type A, B, or C. If you are seeking office in a general law city, you should ask your city manager or city secretary to clarify the type in order to understand which state laws apply.

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

## Forms of Government

There are two prevalent forms of city government in Texas:

### **Mayor-Council Structure**

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

### **Council-Manager Structure**

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

## Basic City Services

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

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

## City Finance

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

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

- **Property tax**—levied on the valuation of taxable property located within the city
- **Sales tax**—levied on retail sales of tangible personal property and some specific services
- **Right-of-way rental fees**—levied on non-municipally owned utilities (telecommunications, electric, gas, water, cable television)

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

## Ethics and Conflicts of Interest

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

## Local Government Code Chapter 171 – Conflicts of Interest

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

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

matter.

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

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

## Local Government Code Chapter 176 – Conflicts Disclosure

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

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

The law also requires a vendor to file a “conflict of interest questionnaire” if the vendor has a business relationship with the city and has an employment or other relationship with an officer or officer’s family members, has given a gift to either, or has a family relationship with a city officer. The conflicts disclosure statement and the conflict of interest questionnaire are created by the Texas Ethics Commission and are available online at [www.ethics.state.tx.us](http://www.ethics.state.tx.us). An officer who knowingly fails to file the statement commits either a class A, B, or C misdemeanor, depending on the amount of the contract.

## Government Code Chapter 553 – Conflicts Disclosure

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

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

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

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

## Nepotism

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

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

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

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

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

## Dual Office-Holding/Incompatibility

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

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

public offices in which the duties of one office might negatively affect the duties of the other office.

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

## Open Government

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

### Texas Open Meetings Act (TOMA)

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

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

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

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

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

**Exception:** Statutorily authorized executive or “closed” sessions, including deliberations concerning: (1) the value or transfer of real property; (2) specific consultations with the council's attorney; (3) specific personnel matters; (4) economic development; (5) certain security matters; (6) certain information related to emergencies and disasters; (7) a prospective gift or donation; (8) certain competitive matters relating to a city-owned electric or gas utility; or (9) potential items on tests that the council conducts for purposes of licensing individuals to engage in an activity.

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

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

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

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

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

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

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

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

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

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

**Exceptions:** Specific statutory exceptions to disclosure allow certain types of

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

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

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

## Open Government Training

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

## A Basic Glossary of City Government

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

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

**Dual Office-Holding/Incompatibility:** Councilmembers cannot hold other paid public offices; in many cases, they cannot hold other unpaid public offices, either. Further, councilmembers can’t take paid jobs with their own city, nor can they

appoint themselves to other posts or positions. Finally, think twice about announcing to run for another public office while you're still a councilmember—you may automatically resign your council seat when you do. Check with your city attorney or the Texas Municipal League before considering any other position or job that might be a problem.

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

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

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

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

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

**Meeting:** Almost everyone intuitively knows what a meeting is. For example, a regular meeting of a city council, where agenda items are discussed and formal action is taken, is clearly a meeting. However, according to the Texas Open Meetings Act, other gatherings of the members of a governmental body may constitute a

meeting. Generally, any time a quorum is present and city business is discussed, all of the Open Meetings Act requirements, including posting of a notice and preparation of minutes, must be followed.

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

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

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

## Good Luck

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

### Who Belongs to TML?

Membership in the League is voluntary and is open to any city in Texas. From the original 14 members, TML's membership has grown to more than 1,170 cities. Over 16,000 mayors, councilmembers, city managers, city attorneys, and department heads are member officials of the League by virtue of their cities' participation. Associate memberships are available to private sector organizations and companies that strive to provide quality services to municipal government.

### TML Service Statement

In serving its member cities, the League will:

- Represent municipal interests before legislative and administrative bodies.
- Conduct original research in any area of concern to member cities and provide the results of that research to member cities and other interested parties.
- Serve as a repository of literature, analyses, research, and other data

related to all aspects of municipal operations and make that material available to members.

- Sponsor and conduct conferences, seminars, meetings, and workshops for the purpose of studying and exchanging information regarding municipal government.
- Make available an official magazine and other publications, reports, or newsletters of interest to members.
- Secure the assistance of educational institutions for the purpose of gathering, analyzing, and publishing municipal government information, and conducting training and professional development in the field of municipal administration.
- Strive to secure harmonious actions among Texas cities, other governments, and other groups in all matters which affect the rights and duties of the cities of Texas.
- Provide any additional services for which individual members, acting alone, may not have adequate resources.
- Promote the interests of the League's affiliates by providing organizational and technical assistance.
- Promote constructive and cooperative intergovernmental relations by maintaining mutually supportive relationships with groups representing local, state, and regional governments.

# **3. Calendar / Schedule / Notices**

## IMPORTANT DATES FOR THE 2025 GENERAL ELECTION

Wednesday, January 1, 2025	<ul style="list-style-type: none"> <li>First day to apply for a ballot by mail (ABBM) or for a Federal Postcard Application (FPCA)</li> </ul>
Saturday, July 19, 2025	<ul style="list-style-type: none"> <li>First day candidates may file an application for place on the ballot in the General Election</li> <li>First day for filing declaration of write-in candidacy</li> </ul>
Monday, August 18, 2025	<ul style="list-style-type: none"> <li><u>5:00 p.m. deadline</u> – Last day candidates may file an application for place on the ballot in the General Election</li> <li>Last day to order General Election or Special Election on a Measure</li> </ul>
Wednesday, August 20, 2025	<ul style="list-style-type: none"> <li>10:00 a.m. – Drawing for order of names on ballot at Lago Vista City Hall – Council Chambers</li> </ul>
Friday, August 22, 2025	<ul style="list-style-type: none"> <li><u>5:00 p.m. deadline</u> – Last day for a write-in candidate to declare candidacy in the General Election</li> </ul>
Monday, August 25, 2025	<ul style="list-style-type: none"> <li><u>5:00 p.m. deadline</u> – Last day for a ballot or write-in candidate in the General Election to submit a certificate of withdrawal and have name omitted from the ballot</li> </ul>
Monday, October 6, 2025	<ul style="list-style-type: none"> <li><u>5:00 p.m. deadline</u> – First filing of Campaign Finance Report (Form C/OH)</li> </ul>
Monday, October 20, 2025	<ul style="list-style-type: none"> <li>First day of early voting by personal appearance</li> </ul>
Friday, October 24, 2025	<ul style="list-style-type: none"> <li><u>5:00 p.m. deadline</u> – Last day to accept application for a ballot to be voted by mail</li> <li><u>5:00 p.m. deadline</u> – Last day to accept an FPCA</li> </ul>
Monday, October 27, 2025	<ul style="list-style-type: none"> <li><u>5:00 p.m. deadline</u> – Second filing of Campaign Finance Report (Form C/OH)</li> </ul>
Friday, October 31, 2025	<ul style="list-style-type: none"> <li>Last day of early voting by personal appearance</li> </ul>
Tuesday, November 4, 2025	<ul style="list-style-type: none"> <li><b>ELECTION DAY (Polls open from 7:00 a.m. to 7:00 p.m.)</b></li> <li>7:00 p.m. deadline – Last day to receive mailed ballots with no postmark, except overseas and armed forces ballots</li> <li>Unofficial Tabulation of Results</li> </ul>
November 7, 2025 through November 15, 2025	<ul style="list-style-type: none"> <li>Period for Official Canvass</li> <li>Issue Certificates of Election, Official Statement of Elected Officer, Oath of Office</li> </ul>
Thursday, January 15, 2026	<ul style="list-style-type: none"> <li>Last day for timely filing of semiannual report of contributions and expenditures</li> </ul>

## TEXAS MUNICIPAL CLERKS CERTIFICATION PROGRAM



## Election Calendar

### For a City's General Election on November 4, 2025

(last updated June 6, 2025)

Abbreviations are the same as those in the *Texas Municipal Election Law Manual* (6th edition) [M] with a green cover. This calendar is subject to correction and legislative change. **Please note that this calendar presumes that SB 2753 (2025) will NOT be implemented for the November election. SB 2753 eliminates the gap between early voting by personal appearance and election day voting, among other things.**

***This calendar does not apply to all elections.*** For example, to prepare a calendar for a special election to fill a vacancy in office (even one on a uniform election date), see M §12.03; for a special election on a measure, see M §12.12. This calendar omits actions that vary from one city to another (for example, preparation of voting equipment). Each city secretary should use the chart at M §1.62 to create a personal election calendar.

Dates in column 1 are 2025 unless noted otherwise. Actions in column 2 relate to general elections (those in *italics pertain to early voting*). Actions are typically taken by the city secretary, but deviations appear in column 3. Column 4 is a cross reference to the Elections Manual. If this cross reference includes a year, then refer to the updated page, not the originally printed one.

“ED Interval” in column 5 indicates the time between the date of the action and election day. For example, the notation “-50” in the entry for September 15 means mandatory office hours begin the 50th day before election day; the notation “+10” in the entry for November 14 means that the LAST DAY for the presiding judge of the early voting ballot board to mail voters notices of rejected mail ballots is the 10th day after election day. An asterisk (\*) in this column indicates the time stated is not required by statute.

When a statutory provision prescribes the LAST DAY for the performance of an act, the number in column 5 reflects that day. Notes indicate if the statutory date is moved because of a Saturday, Sunday, or state or national holiday [M §1.52(b); endnote 6]. Not all due dates revolve around election day and are so noted.

The last column has been reserved to show completion of the event in column 2. A dashed line in the table between entries indicates separate events that fall on the same day.

When reading the Election Code, read the chapter and subchapter titles to determine if the section applies to cities. Not all sections apply. Note that counties cannot order elections of their own in May of even-numbered years and may decline to contract with cities at that time.

Date	Action	By or With Whom Taken	M §	ED Interval	✓
June 19	Juneteenth Holiday/Emancipation Day Note: Mandatory office hours not yet effective. See Endnote 6.	EC	1.52, 6.80	n/a	
June 20	LAST DAY to post notice on bulletin board of the filing period for the general election (SOS Form 2-1). Note: Because the date falls on a holiday, it moves to the next business day. Early posting is recommended.	City Secretary	2.13(d)	-138 (30 days before 1st day to file)	
July 4	Independence Day Holiday Note: Mandatory office hours not yet effective. See Endnote 6.	EC	1.52, 6.80	n/a	
July 6	Recommended* period to obtain forms: candidate's application for place on ballot, appointment of campaign treasurer (candidate and specific-purpose committee), report of contributions and expenditures (candidate-officeholder and specific-purpose committee), application for mail ballot, administrative forms, and precinct forms.	City Secretary	5.31	*-121	
July 6 to July 28	Recommended* period to review M §1.62 for possible action: Steps 1-5 (revising election precincts, designating polling places, changing method of voting, and contracting, if any) and Step 12 (establishing or changing terms of election judges).	City Secretary and City Council	1.62 5.42 5.21 5.11 7.42	*-121 through *-99	
July 15	LAST DAY for timely filing of semi-annual report of contributions and expenditures.	City Secretary	3.12(b) 3.16	July 15	
July 19	FIRST DAY for filing application for place on general election ballot (SOS Form 2-49). Note: The first day does not move despite Saturday. Office hours not required. Filing for a general election may occur before the election is ordered (as opposed to a special election). Periods ends at 5 p.m., ED -78 days.	City Secretary	2.13(a)	-108 (30 days before filing deadline)	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
July 19	FIRST DAY for filing declaration of write-in candidacy (SOS Form 2-55). Note: Period ends at 5 p.m. ED -74 days.	City Secretary	2.18(b)	-108	
July 24 to Aug. 18	Recommended* period and statutory deadline for ordering a general election (SOS Form 1-2). Note: There is no statutory "first day;" avoid confusion and wait until after the prior election and runoff. Sometimes the phrase "calling election" is used. The deadline may be different for a special election on a measure. See endnote 2 for mock student elections. Home-rule cities see endnote 3. Cities contracting should informally notify their contracting partners as soon as possible.	Mayor	6.03	*-103 through -78	
Aug. 6	LAST DAY for small city in small county to apply for exception to accessibility requirements (SOS Form 16-1).	City Secretary	5.25(c)(3)	-90	
Aug. 15 midnight	Death and ballot preparation: If a candidate dies on or before this date, the City Secretary MUST remove the candidate's name from ballot. Note: If a candidate dies after this date but on or before the filing deadline, see endnote 4.	City Secretary	6.23(c)	-81	
Aug. 18	LAST DAY for ordering a general (SOS Form 1-2) or special election (SOS Form 1-8) for Nov. Note: See endnote 2 for mock student elections. Home-rule cities see endnote 3.	Mayor	6.03 12.03(e)(2)	-78	
Aug. 18 5 p.m.	LAST DAY for filing application for place on a general election ballot (SOS Form 2-49). Note: City Secretary's office should stay open until 5 p.m. Mailed applications are filed on receipt. A home-rule charter may not change this date. For deceased candidates, see endnote 4. If no candidate has filed in a city with four-year terms, the filing deadline is extended to ED -57 (except in Nov. of even-numbered years).	City Secretary	2.13(b) 2.14 6.23(c)	-78	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Aug. 18	Recommended* last day for notice designating election precincts and polling places. Note: These are likely to match the county's locations in a November election.	City Council	5.42(d)	*-78	
Aug. 18	Recommended* first day to provide 4-day notice of drawing to candidate. Note: Only written notice by mail is required 4 days before the drawing, but phone or email notice should follow the same timeline. Public notice must be posted (SOS Form 3-1) 72 hours before date of drawing.	City Secretary	6.22(a)(2)	*-78	
Aug. 21	Recommended* first day for preliminary work to appoint election judges.	City Secretary	7.01	*-75	
Aug. 21	Recommended* first day to post public's 72-hour notice of drawing for order of names on ballot (SOS Form 3-1).	City Secretary	6.22(a)(1)	*-75	
Aug. 22 5 p.m.	LAST DAY for a write-in candidate to declare candidacy in the general election (SOS Form 2-55). Note: City Secretary's office should stay open until 5 p.m. Mailed applications are filed when received. For deceased candidates, see endnote 4.	City Secretary	2.18(b) 2.18(c)	-74	
Aug. 23	Recommended* date to deliver the certification of unopposed candidates to city council if a candidate does not have an opponent in an election considered to be a separate election (SOS Form 13-1).	City Secretary	6.12	*-73	
Aug. 24 to Aug. 28	Recommended* period to conduct drawing for order of names on ballot, prepare ballot format, and send it to the printer. Note: Notice of drawing (SOS Form 3-1) must be posted 72 hours before drawing. Ask candidates to proof their names and offices.	City Secretary	6.22(b) 6.25 6.26	*-72 through *-68	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Aug. 25 5 p.m.	LAST DAY for omitting a general election candidate's name from the ballot if the candidate withdraws (SOS Form 2-66) or is declared ineligible. Note: City Secretary's office should stay open until 5 p.m. A withdrawal submitted after this date is valid if it is submitted before the ballots are prepared AND if the public notice of the logic and accuracy test has not been published. Per EC §145.092(e), EC §1.006 does not apply to withdrawal deadlines. NEW LAW: SB 2166 (2025) requires L&A testing at least 48 days before election day and notice posted at least 48 hours before then.	City Secretary	2.31(b) 2.31(c)	-71	
Aug. 25	Recommended* first day to cancel (SOS Form 13-2). Note: Unopposed races must be cancelled if no opposed at-large race is on the ballot.	City Council	6.13	*-71	
Aug. 27	LBJ Day Holiday Note: Mandatory office hours not yet effective. See Endnote 6.	EC	1.52, 6.80	n/a	
Sept. 1	Labor Day Holiday Note: Mandatory office hours not yet effective. See Endnote 6.	EC	1.52, 6.80	n/a	
Sept. 5 to Nov. 4	Ethics Commission will defer an investigation of candidates until after election (or runoff).	City Secretary Texas Ethics Commission	3.01(b)(2)	-60 through ED or runoff	
Sept. 5	LAST DAY to deliver notice of the election to the county clerk and voter registrar of each county where the city is located. Note: This is not the publication or posting deadline. For counties with elections administrators, notice goes to them.	City Council (City Secretary)	6.54(a)	-60	
Sept. 5	Recommended* day to contact the county to get the initial list of voters who have submitted annual applications for ballot by mail (ABBM).	City Secretary	9.43	*-60	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Sept. 8	Extended deadline to file for a place on the ballot in a city office having 4-year terms if no candidate files by ED -78 days. Note: This extension is not applicable in Nov. of even-numbered years.	City Secretary	2.13(b)	-57	
Sept. 11 to Sept. 22	Recommended* period for appointing election judges (SOS Forms 4-15, 4-16, 4-17) plus members of the EVBB (SOS Forms 4-19) and SVC (SOS Form 10-12, 10-13, 10-14). Note: Home-rule cities see endnote 3. The SVC cannot meet until ED – 20 days. The EVBB can meet any time after ballots are returned and no later than ED – 9 days.	Mayor City Council Early Voting Clerk City Secretary	7.42(a)(2) 7.23-24 7.33-34	*-54 through *-43	
Sept. 14	Recommended* date to print ballots that have been prepared earlier.	City Secretary	6.25	*-51	
Sept. 15	FIRST DAY for mandatory office hours. Note: City Secretary must keep office open for at least 3 hours a day during regular office hours on regular business days. Period ends ED +40 days. See endnote 6.	City Secretary	6.80(a)	-50	
Sept. 15	LAST DAY for a challenge of a candidate application based on form, content, and procedure.	City Secretary	2.16(d)	-50	
Sept. 16	National Voter Registration Day. Note: Not a holiday recognized by the EC.	EC	1.52, 6.80	n/a	
Sept. 17	LAST DAY to conduct logic & accurate testing and test any automatic tabulating equipment used in a central counting station or polling place. Note: NEW LAW SB 2166 (2025). If testing cannot be done by this date, the SOS must be notified. Expect changes to SOS Forms 15-1 to 15-8. Notice for testing equipment must be posted on the city's website at least 48 hours before testing begins. Tabulators used in a central counting station must be tested again before and after each use.	City Secretary	6.63(d)(1) 6.63(d)(2) 6.64(c)	-48	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Sept. 20	<i>LAST DAY to mail ballots to FCPA voters and other voters who are eligible for early voting because they are voting from outside the United States.</i> Note: If it is not possible to mail these ballots by this deadline, the City Secretary must notify SOS within 24 hours. SOS does not apply EC §1.006 to this deadline. Respond to FCPA applications received after this date within 7 days (the same as non-FCPA applications). Rosters must be posted to city website by 11 a.m. on the following day (SOS Forms 5-7 & 6-55).	City Secretary	9.49(b) 9.81	-45	
Oct. 5	FIRST DAY to begin posting continuous notice if SVC meets on first available date (ED – 20 days). Note: The first day is not extended if it falls on a weekend. The city council appoints (SOS Form 10-13) not later than 5 days after the City Secretary calls for appointment (SOS Forms 10-12). Post notice of appointment (SOS Form 10-14), notice of delivery (SOS Form 10-15), and notice of meeting (SOS Form 10-16).	City Secretary	6.70(a) 7.33 7.34	-30	
Oct. 5	Recommended* last day to request voter registrar to prepare lists of registered voters and furnish statement of residence forms to be used in conducting the election.	City Secretary	4.34(a)	*-30	
Oct. 5	Recommended* day to begin posting the notice of voting order priority on the city's website (SOS Form 7-38).	City Secretary	10.23(c)	*-30	
Oct. 5 to Oct. 25	Period for publishing notice of election (SOS Form 1-14). Note: Must be published at least once; perhaps more for a special election on a measure. The city attorney may apply EC §1.006 to publication deadlines, but SOS does not. Home-rule cities see endnote 3.	Mayor	6.52(a)	-30 through -10	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Oct. 6 5 p.m. or midnight	LAST DAY for filing first report of campaign contributions and expenditures by opposed candidates and specific-purpose committees (commonly called the “30-day Report”). Note: Because the deadline falls on Sun., it moves to Mon. City Secretary’s office should stay open until 5 p.m. The deadline is extended to midnight for electronic filing. See endnote 5 for current threshold dollar amounts.	City Secretary	3.13(b)	-30	
Oct. 6	LAST DAY for submitting voter registration application in time to vote at the election or for requesting transfer of registration in time to vote in new precinct not in the same county and territory. Note: Because the deadline falls on Sun., it moves to Mon.	Registrar	4.07(f) 4.07(g)	-30	
Oct. 13	Columbus/Indigenous Peoples Day Note: Mandatory office hours are in effect; see endnote 6.	EC	1.52, 6.80	n/a	
Oct. 14 to Nov. 4 at midnight	LAST DAY for posting notice of election (SOS Form 1-14) on the bulletin board used for posting notices of city council meetings and website. Note: For cities conducting special elections on measures, additional posting and publication requirements may apply. Home-rule cities see endnote 3.	City Secretary	6.52(a) 12.15(e)	-21 through ED	
Oct. 15	Type B cities: LAST DAY to post notice of election in 3 public places (SOS Form 1-14). Note: EC §1.006 does not apply to this LGC deadline.	City Secretary	6.52(b)(3)	-20	
Oct. 15	<i>FIRST DAY SVC may begin work.</i> Note: EC §1.006 does not apply to the starting date. EC §87.0271 requires SVC to inform voters of certain defects in the carrier envelope within 2 days of identification (SOS Forms 10-28 to 10-32).	Signature Verification Committee	6.70(a) 6.72	-20	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Oct. 15	<i>LAST DAY for unregistered FPCA applicant to apply and be eligible to vote a full ballot.</i>	City Secretary	9.61(b) 9.68(a)	-20	
Oct. 16 to Oct. 24	<i>Period when unregistered FPCA applicants receive a federal ballot only.</i> Note: This may mean that no ballot is sent.	City Secretary	9.61 9.68	-19 to -11	
Oct. 20	<i>FIRST DAY for early voting by personal appearance.</i> Note: Because the deadline falls on Sat., it moves to Mon. by operation of EC §85.005(a). Rosters must be posted by 11 a.m. on the day after voting. Period ends ED -4 days. If voting will be conducted on a Sat. or Sun., notice of same must be posted at least 72 hours before such voting begins. Early voting in May is ED -12 days.	City Secretary	9.14	-17	
Oct. 20	<i>LAST DAY to accept an FPCA without a postmark and mail the voter a full ballot.</i> Note: The voter only gets a federal ballot if checking "my intent to return is uncertain" or "my return is uncertain."	City Secretary	9.66(b)	-15	
Oct. 20	LAST DAY for notifying judges of duty to hold the election (SOS Form 4-17).	Mayor	7.44(a)	-15	
Oct. 20	LAST DAY to challenge write-in candidate for form, content, and procedure.	City Secretary	2.18(f)	-15	
Oct. 23	<i>FIRST DAY a voter who becomes sick, disabled, or confined due to childbirth on or after this date may apply for late (emergency) early voting ballot (SOS Form 5-32).</i> Note: Period ends at 5 p.m. on ED. For uniform election dates, the calculation is ED – 12 days, but for other elections, the period starts the day before the last day to apply for a ballot by mail.	Voter's Agent & EVC	9.72(a)	-12	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Oct. 24 later of noon or close of business	<i>LAST DAY to accept applications for a ballot to be voted by mail, by 12 noon or close of business, whichever is later.</i> Note: If the deadline falls on a Sat., Sun., or legal holiday, then personal delivery must be the first regular business day preceding that day. Originals are due 4 days after fax or email (except emailed FCPA).	City Secretary	9.44(b)(1) 9.45(b-c) 9.68(a)	-11	
Oct. 24	<i>LAST DAY to accept an FPCA.</i> Note: The unregistered FPCA voter may only get a federal ballot, which may mean no ballot.	City Secretary	9.61 9.68(a, c)	-11	
Oct. 24	<i>LAST DAY for county clerk or elections administrator to deliver final list of voters that submitted an annual ABBM.</i>	City Secretary	9.43(a)(2)	-11	
Oct. 25	LAST DAY to publish notice of election. Note: The city attorney may apply EC §1.006 to publication deadlines, but SOS does not. Home-rule cities see endnote 3.	Mayor	6.52(a)	-10	
Oct. 27	<i>If the EVBB has not yet met, it must do so by this date.</i> Note: Because the deadline falls on a Sun., it moves to Mon. While the date the EVBB meets is now uniform regardless of county population, the EVBB may not count ballots until after the end of early voting by personal appearance unless there is a joint election in a county with population of 100,000 or more. 24-hour notice must be posted for each delivery of voting materials made before election day (SOS Forms 10-3 & 10-4). The board must provide notice of opportunity to cure certain defects in the carrier envelope within 2 days of identifying the deficiency (SOS Form 10-32).	Early Voting Ballot Board	9.57(a)(2) 10.03	-9	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Oct. 27 5 p.m. or midnight	LAST DAY for filing second report of campaign contributions and expenditures by 5 p.m. or midnight if filing electronically. Note: See endnote 5 for current monetary thresholds. Reports must be posted to the city's website no later than 10 business days after receipt..	City Secretary	3.13(c)	-8	
Oct. 30	<i>FIRST DAY for death in family to qualify for late (emergency) early voting (SOS Forms 5-28 &amp; 5-29). Note: While the death occurs on or after the day before the last day of early voting by personal appearance, the application cannot be submitted until the day after early voting by personal appearance ends. Voting by this method ends close of business the day before election day.</i>	City Secretary	9.73(a)	-5	
Oct. 31	<i>LAST DAY of regular early voting by personal appearance.</i>	City Secretary	9.11(b)	-4	
Oct. 31 to Nov. 4 7 p.m.	<i>Once early voting by personal appearance is over until 7 p.m. on ED, early voting materials may be delivered to the EVBB for qualifying purposes if paper ballots are used or if automatically tabulated ballots are used at a central counting station (CCS). Note: Ballots may not be counted until election day unless the election is held jointly with a county of 100,000 or more. Post notice of delivery continuously 24 hours before each delivery (SOS Forms 10-3 &amp; 10-4). NEW LAW: SB 2166 (2025) requires testing before and after use of automatic tabulating equipment at CCS.</i>	City Secretary Early Voting Ballot Board	9.57(a)(1) 9.57(a)(3)	-4 through close of polls on ED	
Nov. 1 to Nov. 3	<i>Period to apply for late (emergency) early voting because of death in family (SOS Forms 5-28 &amp; 5-29). Note: Requires absence from county on election day.</i>	City Secretary	9.73(a)	-3 to -1	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Nov. 1 to Nov. 4	<i>Period to apply for late (emergency) early voting because of illness or disability originating on or after ED -12 days (SOS Form 5-32). Note: Application deadline ends at 5 p.m., but ballot can be returned until 7 p.m.</i>	City Secretary	9.72(b)	-3 through ED	
Nov. 2	Daylight savings time ends.	-	-	1st Sun. in Nov.	
Nov. 3	<i>LAST DAY to deliver precinct list of registered voters, with the early voting voters marked, to presiding judges and recommended* date for delivery of supplies to presiding judges.</i>	City Secretary	9.82(e)	-1	
Nov. 3	One-year deadline to post certain candidacy information on the city's website. Note: See endnote 1 (item 4).	City Secretary	2.13(d)(2)	Nov. 3, 2026 – 365 days	
Nov. 3	Recommended* date for delivery of equipment to polling places. Note: The statutory deadline is 6 a.m. on election day.	City Secretary	6.65(b)	*-1	
Nov. 3	Recommended* date to post notice of council meeting to canvass the returns if canvass will be on 3rd day after election. Note: Notice must be posted at least 72 hours before time of meeting.	City Secretary	11.13	*-1	
Nov. 4 7 a.m. to 7 p.m.	<b>ELECTION DAY.</b> <i>Note: Early voting clerk's office must remain open for early voting activities. Voting by sick or disabled voters may occur at the main early voting place where electronic voting systems are used at precinct polling place (SOS Form 6-57).</i>	City Secretary	ch 10 10.13(c)(1)	ED	
Nov. 4	<i>Deliver early voting ballots, etc., to EVBB. Note: Second key to ballot box is delivered by chief of police or marshal.</i>	City Secretary Judge EVBB (sets time)	10.13(c)(1) 9.57(b)(1)	ED	
Nov. 4 5 p.m.	<i>LAST HOUR for late applications for ballots (SOS Form 5-32) from voters who became ill or disabled on or after ED -12 days. Note: Can still receive ballot until ED 7 p.m.</i>	City Secretary	9.72(b)	ED	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Nov. 4 7 p.m.	<i>LAST HOUR for receiving ballots from voters who became ill or disabled ill or disabled on or after ED -12 days.</i>	City Secretary	9.72(b)	ED	
Nov. 4 7 p.m.	<i>LAST HOUR to receive mailed ballots with no postmark, except overseas and armed forces ballots and certain ballots placed for delivery before this deadline.</i> Note: Check mailbox at 7 pm regardless of regular delivery schedule. See deadline ED +1 day.	City Secretary	9.50(a)	ED	
Nov. 4 after 7 p.m.	Receive precinct records, voted ballots, etc. Note: Chief of police or marshal receives keys to ballot boxes containing voted ballots.	City Secretary Mayor	10.13(c) 10.32(d)	ED	
Nov. 4 after 7 p.m.	Prepare unofficial tabulation of results. Note: Presiding judge must notify city secretary if counting will not be complete by 2 a.m.	City Secretary	10.34 10.32(b)	ED	
Nov. 5 5 p.m.	<i>LAST DAY to receive mailed ballots if the carrier envelope arrives before 5 p.m. and has a cancellation mark indicating it was placed for delivery at or before 7 p.m. local time for the place of election.</i> Note: This deadline applies to voters who applied for a ballot by mail and cast a by-mail ballot from within the U.S. Check your mailbox at 5 p.m.	City Secretary	9.50(a)	+1	
Nov. 5	LAST DAY to deliver provisional ballots to voter registrar of each county in which city is located.	City Secretary	10.30(a)(2)	+1	
Nov. 7 to Nov. 15	<i>Recommended* period to complete report of early votes cast for each candidate or measure, by election precinct.</i> Note: must occur before canvass.	City Secretary	11.04(b)	*+3 through *+11	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Nov. 7 to Nov. 18	<p>Period for official canvass. Note:</p> <ul style="list-style-type: none"> <li>• TIMING: canvass may occur only if all FPCA and provisional ballots have been counted, and there are no deficiencies in mailed ballot carrier envelopes.</li> <li>• PERIOD: 11 days except even Novembers (14 days).</li> <li>• QUORUM: 2 but see runoff note.</li> <li>• WINNER: cannot assume office (accept Type A cities) until canvass &amp; oaths.</li> <li>• PIA: images of voted ballots or cast vote records are publicly available the day after the canvass. See SOS Advisory 2025-20 for redaction guidance.</li> <li>• RECOUNTS: petition is due 2 p.m. 1st day (expedited) or 5 p.m. 3rd day after canvass.</li> <li>• RUNOFF (not a tie): order the runoff not later than 5 days after the canvass. It is recommended that the runoff be ordered and notice issued at the canvass meeting (which would require a normal quorum).</li> </ul>	<p>Mayor (sets time)</p> <p>City Secretary (records results)</p> <p>City Council (takes action)</p>	11.12 6.72	+3 through +14	
Nov. 7 to Nov. 18	After canvass, recommended* period to issue certificates of election (SOS Form 23-1), official statement of elected officer (SOS Form 23-3), and oath of office (SOS Form 23-2). Note: If a recount is requested documents are not issued until after the recount.	Mayor City Secretary	11.20 11.21	*+3 through *+14	
Nov. 7 to Nov. 25	Period for partial manual count of electronically counted ballots. Note: This must begin no later than 72 hours after the polls close on ED and be completed by ED +21.	City Secretary	11.31	+3 through +21	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Nov. 10	Type A cites: FIRST DAY elected officials may qualify and assume duties of office. Note: LGC §22.006 states 5th day after election not counting Sun. The resulting day is the 6th day after. Officials may not take office until the canvass is complete unless the election was cancelled. EC §1.006 does not apply to LGC.	Candidate with City Secretary	11.23(a)	+6 Doesn't move	
Nov. 10	<i>LAST DAY to receive a ballot from military or non-military voters casting from outside the U.S. who submitted an ABBM, IF cancellation mark indicates ballot was placed for delivery by 7 p.m. on ED.</i> Note: Because the date falls on Sun., the deadline moves to Mon. EC §1.006.	City Secretary	9.50(b)(1) 9.68 11.02	+5	
Nov. 10	<i>LAST DAY to receive an FPCA ballot from a member of the U.S. Armed Services, Merchant Marines, or a spouse or dependent of a member.</i> Note: NO cancellation or receipt mark showing date placed for delivery is required on these ballots.	City Secretary	9.50(b)(2) 9.68 11.02	+6	
Nov. 10	<i>LAST DAY for a vote-by-mail voter to cure certain deficiencies in the carrier envelope.</i> Note: Because the deadline falls on Veteran's Day, it moves to Tues. EC §1.006.	Voter	6.72	+6	
Nov. 10	LAST DAY for provisional voter to present ID to voter registrar or execute required affidavit.	Voter	11.01(d) 6.21(f) 9.26	+6	
Nov. 11	Veteran's Day Note: Mandatory office hours are in effect; see endnote 6.	EC	1.52, 6.80	n/a	
Nov. 11	<i>FIRST DAY a mailed ballot can be rejected if (1) the carrier envelope was not properly executed or is missing a statement of residence, and (2) the signatures do not match; provided the voter has been notified.</i> Note: EC §1.006 does not apply to first days.	Early Voting Ballot Board	6.72 11.03(a)	+7	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Nov. 13	LAST DAY for the EVBB to convene for counting the provisional ballots or any mail ballots timely and properly received after ED. Note: This deadline is the 13th day for elections in Nov. of even-numbered years.	Early Voting Ballot Board	11.01(b)	+9	
Nov. 13	Deadline to register for runoff election.	Voter	4.07(f-g)	Runoff -30	
Nov. 13 to Dec. 3	Period to publish notice of the runoff election. Note: The runoff must be ordered first. See note for the canvass period. SOS does not apply EC §1.006.	City Secretary	6.52(a)	Runoff -30 to -10	
Nov. 14	LAST DAY for presiding judge of EVBB to mail notices of rejected mail ballots to voters (SOS Form 6-2).	Judge of EVBB	11.03(a)	+10	
Nov. 14	LAST DAY for voter registrar to complete the review of provisional ballots. Note: The period is one day longer for elections in Nov. of even-numbered years	Voter Register	10.30(d)	+10	
Nov. 17 to Nov. 28	Period during which notice of outcome of provisional ballots (SOS Form 9-9) must be mailed to voters. Note: EC §1.006 arguably does not apply to a timeframe set by rule, 1 TAC 81.176(e).	Judge of EVBB or City Secretary	11.01(f)	Varies, by 10th day after canvass	
Nov. 19	Election records must be available in an electronic format no later than this day, for a fee of not more than \$50.00.	City Secretary	11.70(c)	+15	
Nov. 22	LAST DAY to post notice of the runoff. Note: SOS does not apply EC §1.006.	City Secretary	6.52	Runoff -21	
Nov. 25	LAST DAY for mailing results of manual count to secretary of state.	City Secretary	11.31(c)	+21	
Nov. 27	Thanksgiving Holiday Note: Mandatory office hours are in effect; see endnote 6.	EC	1.52, 6.80	n/a	
Nov. 28	Day after Thanksgiving Holiday Note: Mandatory office hours are in effect; see endnote 6.	EC	1.52, 6.80	n/a	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Dec. 1	FIRST DAY of early voting in person for the runoff. NOTE: Early voting cannot be split over Thanksgiving.	Voter	9.11	Runoff -17 days	
Dec. 2	LAST DAY to receive application for ballot by mail for the runoff election.	City Secretary	9.44(b)(1) 9.45(b-c) 9.68(b) chart		
Dec. 4	Type A cites: LAST DAY elected officials may qualify and assume duties of office; if they fail to qualify by this day, the office is considered vacant.	Candidate with City Secretary	11.23(a)	+30	
Dec. 9	LAST DAY of early voting in the runoff.	Voter	9.44	Runoff -11	
Dec. 13	RUNOFF ELECTION DAY	Voter	12.01(d)	Set by SOS	
Dec. 14	LAST DAY of mandatory office hours. Note: SOS does not apply EC §1.006.	City Secretary	6.80(a)	+40	
Dec. 15	LAST DAY to receive returned ballot by mail for runoff with a postmark on or before December 13, 2025.	City Secretary			
Dec. 19	LAST DAY to receive mailed ballots from FPCA voters	City Secretary			
Dec. 24	LAST DAY to canvass the runoff.	City Secretary			
Dec. 25	Christmas Holiday	EC	1.52, 6.80	n/a	
Dec. 31	NEW LAW: SB 1494 (2025) permits a city to move its general election to November in odd-numbered years no later than this date.	City Council	–	–	
Jan. 4 2026	FIRST DAY for transfer of voted ballots from the locked ballot box to another secure container. Note: EC §1.006 does not apply to the first day.	City Secretary	11.70(e)	+61	
Jan. 15 2026	LAST DAY for timely filing of semiannual report of contributions and expenditures.	City Secretary	3.12(b)	Jan. 15	
Dec. 31 2026	NEW LAW: HB 1620 (2025) allows certain cities to move their general elections to November by this date.	City Council	–	–	

Date	Action	By or With Whom Taken	M §	ED Interval	✓
Sept. 6 2027	LAST DAY of preservation period for ballots and other precinct election records, except for candidate applications. Note: Because the deadline falls on Sat., it moves to Mon.	City Secretary	11.71(c)	day after +22 months	
Nov. 4 2027	LAST DAY of preservation period for candidate applications and certain petitions.	City Secretary	11.71(d)	day after +2 years	

## Endnotes

1. Any city imposing ad valorem property tax must have a website. [Tax §26.18] The following information must be posted on a city's website [M §2.13(d)]: (1) the city's contact information, including a mailing address, telephone number, and email address; (2) each elected officer; (3) the date and location of the next election for officers; (4) the requirements and deadline for filing for candidacy of each elected office for the next election (posted one year prior to the date of that election); (5) notice of city council meetings; and (6) minutes of city council meetings. A city with population of less than 5,000 located in a county with population of less than 25,000 does not have to post (5) and (6). [GC §2051.201].
2. The city's governing body may choose to conduct a mock student election under EC §276.007. The major steps taken for a general election should be taken for a student election. The student election may be held on the first day before the election, but results must not be published until after the polls close on election day.
3. Follow home-rule city's charter provision, if any. However, a home-rule city cannot alter the candidate filing deadline. [EC 143.005(a)].
4. If a candidate on the ballot dies on or before the filing deadline, the City Secretary MAY choose to remove the candidate from the ballot, in which case, the filing deadline is extended 5 days. If that extended filing deadline for filing falls on a weekend or holiday, it moves to the next business day. Withdrawal deadlines after the extended filing deadlines will be impacted.
5. See Texas Ethics Commission rules [1 TAC §18.31] for the full list of reporting triggers and dollar amounts. Typically, these amounts are updated in January, but TEC is launching a two-year program to completely revise the rules. The following is a summary of the most common amounts [M Ch. 3]:

Election Code §	Threshold Description	Original Amount	2024 Amount	2025 Amount
253.031(b)	<i>PAC: amount of contributions or expenditures permitted before appointment of treasurer is required.</i>	\$500	\$1,050	\$1,080
254.036	<i>Electronic Filing Exemption: amount at or below which a filer may qualify.</i>	\$20,000	\$32,810	\$33,910
254.095	<i>Local officeholders, contributions: amount over which reporting is required.</i>	\$500	\$1,080	\$1,010
254.181 254.182 254.183	<i>Candidate or specific-purpose PAC, modified reporting: contribution or expenditure amount at or below which filers may avoid pre-election reports.</i>	\$500	\$1,080	\$1,010

6. See M §1.52 and §6.80 regarding holidays, deadlines, and office hours. NEW LAW: HB 640 (2025) defines a “regular business day” as a day when the city’s main office is regularly open for business. The following are Election Code holidays *unless noted otherwise in italics*:

Holidays in 2025	Date	Day
New Year’s Day	January 1	Wed
Confederate Heroes Day	January 19	Sun
Martin Luther King Jr. Day. (3rd Monday in January)	January 20	Mon
Presidents’ Day/Washington’s Birthday (3rd Monday in February)	February 17	Mon
Texas Independence Day	March 2	Sun
<i>Cesar Chavez Day</i>	<i>March 31</i>	<i>Mon</i>
<i>Good Friday</i>	<i>April 18</i>	<i>Fri</i>
San Jacinto Day	April 21	Mon
Memorial Day (last Monday in May)	May 26	Mon
Emancipation Day/Juneteenth	June 19	Thu
Independence Day	July 4	Fri
Lyndon Bains Johnson Day	August 27	Wed
Labor Day (1st Monday in September)	September 1	Mon
<i>National Voter Registration Day</i>	<i>September 16</i>	<i>Tue</i>
<i>Yom Kippur</i>	<i>October 1</i>	<i>Wed</i>
Columbus Day/Indigenous Peoples Day (2d Monday in October)	October 13	Mon
Veteran’s Day	November 11	Tue
Thanksgiving Day (4th Thursday in November)	November 27	Thu
Friday after Thanksgiving	November 28	Fri
<i>Day before Christmas (not an Election Code holiday)</i>	<i>December 24</i>	<i>Wed</i>
Christmas Day	December 25	Thu
<i>Day after Christmas (not an Election Code holiday)</i>	<i>December 26</i>	<i>Fri</i>

## NOTICE OF DEADLINE TO FILE AN APPLICATION FOR PLACE ON THE BALLOT CITIES, SCHOOL DISTRICTS AND OTHER POLITICAL SUBDIVISIONS

### AVISO DE FECHA LÍMITE PARA PRESENTAR UNA SOLICITUD PARA UN LUGAR EN LA BOLETA PARA CIUDADES, DISTRITOS ESCOLARES Y OTRAS SUBDIVISIONES POLÍTICAS

Notice is hereby given that an application for a place on the November 4, 2025  
(name of political subdivision)

General / Special Election ballot may be filed as indicated below:  
(Circle one)

(Se da aviso por la presente que una solicitud para un lugar en la boleta de la Elección

General / Especial de City of Lago Vista, Texas puede ser presentada como se indica  
(circule uno) (nombre de la subdivisión política)

a continuación:)

<b>Filing Dates and Times:</b> (Fechas y Horario para Entregar Solicitudes:)	
Start Date: <u>07/19/2025</u> (Fecha Inicio)	End Date: <u>08/18/2025</u> (Fecha Límite)
Office Hours: <u>7:30 AM - 6:00 PM Monday thru Thursday</u> (Horario de la Oficina)	

Physical address for filing an application in person for place on the ballot:  
(Dirección física para presentar una solicitud en persona para un lugar en la boleta)

5803 Thunderbird, Lago Vista, Texas 78645

Address to mail an application for place on the ballot (if filing by mail):  
(Dirección a donde enviar una solicitud para un lugar en la boleta (en caso de presentar por correo))

PO Box 4727, Lago Vista, Texas 78645

Email and Fax Number to send an application for place on the ballot: If a filing fee is submitted, the application may not be faxed or emailed.

(Dirección de correo electrónico o número de fax para enviar una solicitud para un lugar en la boleta: Si un pago de inscripción es presentada, la solicitud no puede ser enviada por correo electrónico o fax.)

citysecretary@lagovistatexas.gov

512.267.7070 (fax)

Susie Quinn, Interim City Secretary



Printed Name of Filing Officer or Designee  
(Nombre en letra de molde del Oficial de Archivos  
o Persona Designada)

Signature of Filing Officer or Designee  
(Firma del Oficial de Archivos o Persona Designada)

06 / 19 / 2025

Date Posted  
(Fecha archivada)



**TEXAS ETHICS COMMISSION**  
**2025 FILING SCHEDULE FOR REPORTS DUE IN CONNECTION WITH**  
**ELECTIONS HELD ON UNIFORM ELECTION DATES**

This is a filing schedule for reports to be filed in connection with elections held on uniform election dates in May and November. Examples of elections held on uniform election dates are elections for school board positions and city offices. The uniform election dates in 2025 are May 3 and November 4.

Candidates and officeholders must file semiannual reports (due on January 15, 2025, and July 15, 2025). In addition, a candidate who has an opponent on the ballot in an election held on a uniform election date must file two pre-election reports (unless the candidate has elected modified reporting).

The campaign treasurer of a political committee that is involved in an election held on a uniform election date must also file pre-election reports (unless the committee is a general-purpose political committee that files monthly or a specific-purpose political committee that files on the modified reporting schedule). This schedule sets out the due dates for pre-election reports in connection with elections on uniform election dates. Please consult the 2025 REGULAR FILING SCHEDULE FOR GENERAL-PURPOSE POLITICAL COMMITTEES (GPAC), COUNTY EXECUTIVE COMMITTEES (CEC), AND SPECIFIC-PURPOSE POLITICAL COMMITTEES (SPAC) for a complete listing of political committee deadlines.

Candidates for and officeholders in local offices regularly filled at the general election for state and county officers (the November election in even-numbered years) should use the 2025 FILING SCHEDULE FOR CANDIDATES AND OFFICEHOLDERS FILING WITH THE COUNTY CLERK OR ELECTIONS ADMINISTRATOR.

**EXPLANATION OF THE FILING SCHEDULE CHART**

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

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

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

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

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

<u>COLUMN I</u> <b>DUE DATE</b>	<u>COLUMN II</u> <b>TYPE OF REPORT (WHO FILES)</b>	<u>COLUMN III</u> <b>BEGINNING DATE OF PERIOD COVERED</b>	<u>COLUMN IV</u> <b>ENDING DATE OF PERIOD COVERED</b>
<b>Wednesday, January 15, 2025</b>	<p><b>January semiannual</b></p> <p>[FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$1,080 in contributions or expenditures for the reporting period)</p> <p>[FORM GPAC] (all GPACs)</p> <p>[FORM SPAC] (all SPACs)</p>	<p>July 1, 2024, <i>or</i> the date of campaign treasurer appointment, <i>or</i> the day after the date the last report ended.</p>	December 31, 2024
<b>Wednesday, January 15, 2025</b>	<p><b>Annual report of unexpended contributions</b></p> <p>[FORM C/OH-UC] (former candidates and former officeholders who have filed a final report and who retained unexpended contributions or assets purchased with contributions)</p>	<p>January 1, 2024, <i>or</i> the day after the date the final report was filed.</p>	December 31, 2024

#### REPORTS DUE BEFORE THE MAY 3, 2025, UNIFORM ELECTION

<b>Thursday, April 3, 2025</b>  <b>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than April 3, 2025.</b>	<p><b>30th day before the May 3, 2025, uniform election</b></p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the May 3 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that are involved with the May 3 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that supported or opposed an opposed candidate or a measure in the May 3 election)</p>	<p>January 1, 2025, <i>or</i> the date of campaign treasurer appointment, <i>or</i> the day after the date the last report ended.</p>	March 24, 2025
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**NOTE:** A political committee must file pre-election reports if the committee is involved with the election during each pre-election reporting period. **A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period.** The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.

<u>COLUMN I</u> <b>DUE DATE</b>	<u>COLUMN II</u> <b>TYPE OF REPORT (WHO FILES)</b>	<u>COLUMN III</u> <b>BEGINNING DATE OF PERIOD COVERED</b>	<u>COLUMN IV</u> <b>ENDING DATE OF PERIOD COVERED</b>
<b>Friday, April 25, 2025</b>  <b>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than April 25, 2025.</b>	<b>8th day before May 3, 2025, uniform election</b>  [FORM C/OH] (all local candidates who have an opponent on the ballot in the May 3 election and who do not file on the modified reporting schedule)  [FORM GPAC] (all GPACs that filed a “30th Day Before Election Report” or that are involved with the May 3 election)  [FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that filed a “30th Day Before Election Report” or that supported or opposed an opposed candidate or a measure in the May 3 election)	March 25, 2025, <i>or</i>  the date of campaign treasurer appointment, <i>or</i>  the day after the date the last report ended.	April 23, 2025  <b>NOTE:</b> Daily pre-election reports of contributions accepted and direct campaign expenditures made after April 23, 2025, may be required. Please consult the Campaign Finance Guide for further information.
<b>Tuesday, July 15, 2025</b>	<b>July semiannual</b>  [FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$1,110 in contributions or expenditures for the reporting period)  [FORM GPAC] (all GPACs)  [FORM SPAC] (all SPACs)	January 1, 2025, <i>or</i>  the date of campaign treasurer appointment, <i>or</i>  the day after the date the last report ended.	June 30, 2025
<b>NOTE:</b> A political committee must file pre-election reports if the committee is involved with the election during each pre-election reporting period. <b>A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period.</b> The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.			

<u>COLUMN I</u> <b>DUE DATE</b>	<u>COLUMN II</u> <b>TYPE OF REPORT (WHO FILES)</b>	<u>COLUMN III</u> <b>BEGINNING DATE OF PERIOD COVERED</b>	<u>COLUMN IV</u> <b>ENDING DATE OF PERIOD COVERED</b>
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**REPORTS DUE BEFORE THE NOVEMBER 4, 2025, UNIFORM ELECTION**

<b>Monday, October 6, 2025</b>  <i>Deadline is extended because of weekend.</i>  <b>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than October 6, 2025.</b>	<b>30th day before the November 4, 2025, uniform election</b>  [FORM C/OH] (all local candidates who have an opponent on the ballot in the November 4 election and who do not file on the modified reporting schedule)  [FORM GPAC] (all GPACs that are involved with the November 4 election)  [FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that supported or opposed an opposed candidate or a measure in the November 4 election)	July 1, 2025, <i>or</i>  the date of campaign treasurer appointment, <i>or</i>  the day after the date the last report ended.	September 25, 2025
<b>Monday, October 27, 2025</b>  <b>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than October 27, 2025.</b>	<b>8th day before the November 4, 2025, uniform election</b>  [FORM C/OH] (all local candidates who have an opponent on the ballot in the November 4 election and who do not file on the modified reporting schedule)  [FORM GPAC] (all GPACs that filed a “30th Day Before Election Report” or that are involved with the November 4 election)  [FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that filed a “30th Day Before Election Report” or that supported or opposed an opposed candidate or a measure in the November 4 election)	September 26, 2025, <i>or</i>  the date of campaign treasurer appointment, <i>or</i>  the day after the date the last report ended.	October 25, 2025  <b>NOTE:</b> Daily pre-election reports of contributions accepted and direct campaign expenditures made after October 25, 2025, may be required. Please consult the Campaign Finance Guide for further information.

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

<u>COLUMN I</u> <b>DUE DATE</b>	<u>COLUMN II</u> <b>TYPE OF REPORT (WHO FILES)</b>	<u>COLUMN III</u> <b>BEGINNING DATE OF PERIOD COVERED</b>	<u>COLUMN IV</u> <b>ENDING DATE OF PERIOD COVERED</b>
<b>Thursday, January 15, 2026</b>	<p><b>January semiannual</b></p> <p>[FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$1,110 in contributions or expenditures for the reporting period)</p> <p>[FORM GPAC] (all GPACs)</p> <p>[FORM SPAC] (all SPACs)</p>	<p>July 1, 2025, <i>or</i> the date of campaign treasurer appointment, <i>or</i> the day after the date the last report ended.</p>	December 31, 2025
<b>Thursday, January 15, 2026</b>	<p><b>Annual report of unexpended contributions</b></p> <p>[FORM C/OH-UC] (former candidates and former officeholders who have filed a final report and who retained unexpended contributions or assets purchased with contributions)</p>	<p>January 1, 2025, <i>or</i> the day after the date the final report was filed.</p>	December 31, 2025

# **4. Applications and Forms**

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

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

APPLICATION FOR A PLACE ON THE		GENERAL ELECTION BALLOT		
TO: City Secretary/Secretary of Board I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.		(name of election)		
OFFICE SOUGHT (Include any place number or other distinguishing number, if any.)		INDICATE TERM <input type="checkbox"/> FULL <input type="checkbox"/> UNEXPIRED		
FULL NAME (First, Middle, Last)		PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*		
PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.)		PUBLIC MAILING ADDRESS (Optional) (Address for which you receive campaign related correspondence, if available.)		
CITY	STATE	ZIP	CITY	STATE ZIP
PUBLIC EMAIL ADDRESS (Optional) (Address for which you receive campaign related emails, if available.)	OCCUPATION (Do not leave blank)		DATE OF BIRTH / /	VOTER REGISTRATION VUID NUMBER <sup>2</sup> (Optional)
TELEPHONE CONTACT INFORMATION (Optional)				
Home:	Office:	Cell:		
FELONY CONVICTION STATUS (You MUST check one)		LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN		
<input type="checkbox"/> I have not been finally convicted of a felony. <input type="checkbox"/> I have been finally convicted of a felony, but I have been pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with the submission of this application. <sup>3</sup>		IN THE STATE OF TEXAS ____ year(s) ____ month(s)	IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED ____ year(s) ____ month(s)	
<small>*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.</small>				
Before me, the undersigned authority, on this day personally appeared (name of candidate) _____, who being by me here and now duly sworn, upon oath says:				
"I, (name of candidate) _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code. I am aware that I must disclose any prior felony conviction, and if so convicted, must provide proof that I have been pardoned or otherwise released from the resulting disabilities of any such final felony conviction. I am aware that knowingly providing false information on the application regarding my possible felony conviction status constitutes a Class B misdemeanor. I further swear that the foregoing statements included in my application are in all things true and correct."				
<b>X</b> _____ <b>SIGNATURE OF CANDIDATE</b>				
Sworn to and subscribed before me this _____ day of _____, _____, by _____. (day) (month) (year) (name of candidate)				
Signature of Officer Authorized to Administer Oath <sup>4</sup>		Printed Name of Officer Authorized to Administer Oath		
Notarial or Official Seal				
Title of Officer Authorized to Administer Oath				
TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY:				
<input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE.				
This document and \$ _____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> Voter Registration Status Verified				
____ / ____ / ____ Date Received		____ / ____ / ____ Date Accepted		(See Section 1.007) _____ Signature of Filing Officer or Designee

## INSTRUCTIONS

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

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

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

## NEPOTISM LAW

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

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

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

## FOOTNOTES

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

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

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

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

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

Executive Pardon under Texas Code of Criminal Procedure 48.01

Restoration of Rights under Texas Code of Criminal Procedure 48.05

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

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

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

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

## INSTRUCCIONES

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

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

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

## LEY DE NEPOTISMO

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

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

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

## NOTAS

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

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

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

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

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

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

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

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

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

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

TO: Filing Officer

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

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

UNEXPIRED

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

/ /

**TELEPHONE CONTACT INFORMATION (Optional)**

Home:

Office:

Cell:

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

- I have not been finally convicted of a felony.
- I have been finally convicted of a felony, but I have been pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with the submission of this application.<sup>3</sup>

**IN THE STATE OF TEXAS**

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

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

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

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

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

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

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

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

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

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

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

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

Printed Name of Officer Authorized to Administer Oath

Notarial or Official Seal

Title of Officer Authorized to Administer Oath

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

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

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

(See Section 1.007)

Signature of Filing Officer or Designee

## INSTRUCTIONS

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

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

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

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

## NEPOTISM LAW

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

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

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

## FOOTNOTES

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

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

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

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

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

Executive Pardon under Texas Code of Criminal Procedure 48.01

Restoration of Rights under Texas Code of Criminal Procedure 48.05

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

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

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

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

**DECLARACIÓN DE CANDIDATURA POR ESCRITO PARA**

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

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

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

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

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

CIUDAD	ESTADO	CÓDIGO POSTAL	CIUDAD	ESTADO	CÓDIGO POSTAL
--------	--------	---------------	--------	--------	---------------

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

**INFORMACIÓN DE CONTACTO TELEFÓNICO (Opcional)**

Hogar: Trabajo: Celular:

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

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

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

Ante mí, la autoridad abajo firmante, en este día apareció personalmente (nombre del candidato), quien estando a 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.”

**X**
**FIRMA DEL CANDIDATO**

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

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

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

Nombre del oficial autorizado para administrar juramentos en letra de molde

Notarial o sello oficial

Título del oficial autorizado para administrar el juramento

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

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

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, (See Section 1.007) \_\_\_\_\_

Date Received Date Accepted Signature of Filing Officer or Designee

## INSTRUCCIONES

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

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

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

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

### LEY DE NEPOTISMO

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

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

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

### NOTAS

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

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

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

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

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

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

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

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

## CERTIFICATE OF WITHDRAWAL

I, \_\_\_\_\_, a candidate for the office of \_\_\_\_\_, hereby withdraw my candidacy from the \_\_\_\_\_ election. The election is being conducted by \_\_\_\_\_ and is to be held on \_\_\_\_\_.  
(political subdivision/county/party) (date)

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

"The State of \_\_\_\_\_,

"County of \_\_\_\_\_,

"This instrument was acknowledged before me on \_\_\_\_\_ by  
(date)

\_\_\_\_\_.  
(withdrawing candidate)

\_\_\_\_\_  
**(Signature of officer)**

(Seal)

\_\_\_\_\_  
**(Title of officer)**

My commission expires: \_\_\_\_\_

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

## CONSTANCIA DE RETIRO DE CANDIDATURA

Yo, \_\_\_\_\_, candidato/a al cargo de \_\_\_\_\_, por este medio retiro mi candidatura de la elección \_\_\_\_\_. Dicha elección estará a cargo de \_\_\_\_\_ y se celebrará el \_\_\_\_\_.  
(subdivisión política/condado/partido) (fecha)

\_\_\_\_\_  
**Firma del/de la Candidato/a**

"El estado de \_\_\_\_\_,

"Condado de \_\_\_\_\_,

"El presente instrumento fue reconocido ante mí el \_\_\_\_\_ por  
(fecha)

\_\_\_\_\_.  
(persona que retira su candidatura)

\_\_\_\_\_  
**Firma del/de la Oficial**

(Seal)

\_\_\_\_\_  
**(Título del/de la Oficial)**  
**(Mi cargo se vence el): \_\_\_\_\_**

# 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 June 20, 2025**

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

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## **INTRODUCTION**

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

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

### **IMPORTANT UPDATES**

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

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

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

### **OFFICEHOLDERS**

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

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

### **JUDICIAL CANDIDATES AND OFFICEHOLDERS**

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

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

## FEDERAL OFFICES

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

## FILING AUTHORITIES

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

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

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

- a county office;
- a precinct office;
- a district office (except for multi-county district offices);
- 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; and
- An elected position on the board of directors of an appraisal district.

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

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

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

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

## **POLITICAL COMMITTEES (PACS)**

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

## **FINANCIAL DISCLOSURE STATEMENTS**

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

## **FEDERAL INCOME TAX**

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

## **TEXAS ETHICS COMMISSION**

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

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

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

## **APPOINTING A CAMPAIGN TREASURER**

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

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

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

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

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

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

## **APPOINTING TREASURER TRIGGERS REPORTING DUTIES**

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

## **QUALIFICATIONS OF CAMPAIGN TREASURER**

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

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

## **DUTIES OF CAMPAIGN TREASURER**

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

## **EFFECTIVE DATE OF APPOINTMENT**

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

## **CODE OF FAIR CAMPAIGN PRACTICES**

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

## **APPOINTMENT BY OFFICEHOLDER**

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

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

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

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

## **CHANGING TREASURERS**

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

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

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

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

## **TERMINATING A CAMPAIGN TREASURER APPOINTMENT**

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

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

## **DECIDING NOT TO RUN**

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

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## **THINGS TO REMEMBER**

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

## **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 \$110 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 \$110 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 \$1,110 in a reporting period.** Before *accepting* more than \$1,110 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 \$220 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 \$1,110 or less in a reporting period.** For a contribution of \$1,110 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 \$220 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 \$140;
- any proceeds of the sale of an asset purchased with a political contribution, the amount of which exceeds \$140; and
- any other gain from a political contribution, the amount of which exceeds \$140.

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 \$140 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 \$140. 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 \$1,110 in officeholder contributions or make more than \$1,110 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 \$1,110 in contributions or \$1,110 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 \$1,110 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 \$1,110 thresholds). A candidate must submit an amended campaign treasurer appointment (FORM ACTA) to select modified reporting for a different election cycle.

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

An officeholder must file a report after filing a campaign treasurer appointment. (A report is not required after a *change* in campaign treasurers.) This report of contributions and expenditures is due no later than 15 days after the campaign treasurer appointment was filed. The report must cover the period that begins the day after the period covered by the last required report. The period ends on the day before the campaign treasurer appointment was filed. (**Note:** A person who is *appointed* to elective office may not have filed any previous reports. In that case, the beginning date for the report due 15 days after the campaign treasurer appointment is the date the officeholder took office.) The report is not required if the officeholder did not accept more than \$1,110 in contributions or make more than \$1,110 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 \$1,110 in political contributions or make more than \$1,110 in political expenditures during the period covered by the report.)
- An opposed candidate in an election must file reports of contributions and expenditures 30 days and 8 days before the election, unless the candidate has selected (and remains eligible for) modified reporting. An opposed candidate who has not selected modified reporting must also file a report 8 days before a runoff election. A report due 30 days before an election and a report due 8 days before an election must be received by the appropriate filing authority no later than the report due date.
- An unopposed candidate is not required to file reports 30 days before an election or 8 days before an election but is required to file semiannual reports.
- A candidate who selects modified reporting must file semiannual reports.

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

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## **ENDING FILING OBLIGATIONS**

### **FINAL REPORT**

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

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

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

## **ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS**

The following individuals must file annual reports of unexpended contributions:

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

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

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

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

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

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

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

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

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

- Anyone who has an appointment of campaign treasurer on file must file periodic reports of campaign contributions and expenditures.
  - An individual who expects no further reportable activity in connection with his or her candidacy, files a final report and thereby terminates his or her campaign treasurer appointment. (Note: A candidate who does not have a campaign treasurer appointment on file may still be required to file a personal financial statement in accordance with Chapter 572 of the Government Code or Chapter 159 of the Local Government Code.)
  - An officeholder may be required to file semiannual reports even if he or she does not have a campaign treasurer appointment on file. A local officeholder who has not accepted more than \$1,110 in contributions or made more than \$1,110 in expenditures in a semiannual period since terminating his or her campaign treasurer appointment is not required to file a semiannual report for that period.
- 

## **PENALTIES FOR REPORTING VIOLATIONS**

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

## **CAMPAIGN FINANCE RESTRICTIONS**

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

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

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

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

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

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

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

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

# APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

FORM CTA  
PG 1

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

# CANDIDATE MODIFIED REPORTING DECLARATION

FORM CTA  
PG 2

11 CANDIDATE  
NAME

12 MODIFIED  
REPORTING  
DECLARATION

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

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

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

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

I do not intend to accept more than \$1,110 in political contributions or make more than \$1,110 in political expenditures (excluding filing fees) in connection with any future election within the election cycle. I understand that if either one of those limits is exceeded, I will be required to file pre-election reports and, if necessary, a runoff report.

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

Signature of Candidate

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

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

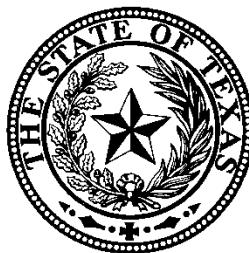
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For more information about where to file go to:  
<https://www.ethics.state.tx.us/filinginfo/QuickFileAReport.php>

# TEXAS ETHICS COMMISSION

## APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

### FORM CTA--INSTRUCTION GUIDE



Revised June 20, 2025

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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.
- An elected position on the board of directors of an appraisal district.

**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. **We recommend using a PO Box or other address where you receive mail, rather than your home**

address. This will be public information. 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 \$1,110 in political contributions or make more than \$1,110 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 \$1,110 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 \$1,110 maximums apply to each election within the cycle. In other words, you are limited to \$1,110 in contributions and expenditures in connection with the primary, an additional \$1,110 in contributions and expenditures in connection with the general election, and an additional \$1,110 in contributions and expenditures in connection with a runoff.

**EXCEEDING \$1,110 IN CONTRIBUTIONS OR EXPENDITURES.** If you exceed \$1,110 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 \$1,110 limits *after the 30th day before the election*, you must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, you must file any pre-election reports or runoff reports that are due under the regular filing schedule.

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

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

**AMENDMENT: APPOINTMENT OF A  
CAMPAIGN TREASURER BY A CANDIDATE**
**FORM ACTA  
PG 1**

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

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

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

**GO TO PAGE 2**

**AMENDMENT:**  
**CANDIDATE MODIFIED REPORTING DECLARATION**

**FORM ACTA**  
**PG 2**

**13 CANDIDATE NAME**

**14 MODIFIED REPORTING DECLARATION**

NEW

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

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

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

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

I do not intend to accept more than \$1,110 in political contributions or make more than \$1,110 in political expenditures (excluding filing fees) in connection with any future election within the election cycle. I understand that if either one of those limits is exceeded, I will be required to file pre-election reports and, if necessary, a runoff report.

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

Signature of Candidate

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

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

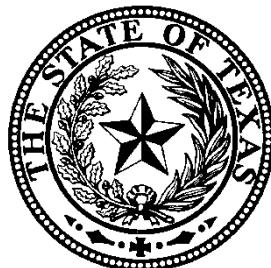
**Non-TEC Filers must file this form with the local filing authority  
DO NOT SEND TO TEC**

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

# TEXAS ETHICS COMMISSION

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

### FORM ACTA—INSTRUCTION GUIDE



Revised June 20, 2025

## 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. We recommend using a PO Box or other address where you receive mail, rather than your home address. This will be public information.
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 \$1,110 in political contributions or make more than \$1,110 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 \$1,110 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 \$1,110 maximums apply to each election within the cycle. In other words, you are limited to \$1,110 in contributions and expenditures in connection with the primary, an additional \$1,110 in contributions and expenditures in connection with the general election, and an additional \$1,110 in contributions and expenditures in connection with a runoff.

**Exceeding \$1,110 in contributions or expenditures.** If you exceed \$1,110 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 \$1,110 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 untrammeled choice and the will of the people may be fully and clearly expressed on the issues.

**THEREFORE:**

- (1) I will conduct the campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and stated positions on issues.
- (2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.
- (3) I will not use or permit any appeal to negative prejudice based on race, sex, religion, or national origin.
- (4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.
- (5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.
- (6) I will defend and uphold the right of every qualified voter to full and equal participation in the electoral process, and will not engage in any activity aimed at intimidating voters or discouraging them from voting.
- (7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Texas or campaign treasurer of a political committee, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct the campaign in accordance with the above principles and practices.

---

Signature

---

Date

# CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

## FORM C/OH COVER SHEET PG 1

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

**GO TO PAGE 2**

# CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

## FORM C/OH COVER SHEET PG 2

<b>15 C/OH NAME</b>		<b>16 Filer ID (Ethics Commission Filers)</b>
<b>17 CONTRIBUTION TOTALS</b>	1. TOTAL UNITEMIZED POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS, OR CONTRIBUTIONS MADE ELECTRONICALLY)	\$
	2. <b>TOTAL POLITICAL CONTRIBUTIONS</b> (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$
<b>EXPENDITURE TOTALS</b>	3. TOTAL UNITEMIZED POLITICAL EXPENDITURE.	\$
	4. <b>TOTAL POLITICAL EXPENDITURES</b>	\$
<b>CONTRIBUTION BALANCE</b>	5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF REPORTING PERIOD	\$
	6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$
<b>OUTSTANDING LOAN TOTALS</b>		

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

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

**Please complete either option below:**

**(1) Affidavit**

NOTARY STAMP/SEAL

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

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

**OR**

**(2) Unsworn Declaration**

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

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

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

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

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

<b>19</b> FILER NAME	<b>20</b> Filer ID (Ethics Commission Filers)
<b>21</b> SCHEDULE SUBTOTALS NAME OF SCHEDULE	
21. <input type="checkbox"/> SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS	
22. <input type="checkbox"/> SCHEDULE A2: NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS	
23. <input type="checkbox"/> SCHEDULE B: PLEDGED CONTRIBUTIONS	
24. <input type="checkbox"/> SCHEDULE E: LOANS	
25. <input type="checkbox"/> SCHEDULE F1: POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS	
26. <input type="checkbox"/> SCHEDULE F2: UNPAID INCURRED OBLIGATIONS	
27. <input type="checkbox"/> SCHEDULE F3: PURCHASE OF INVESTMENTS MADE FROM POLITICAL CONTRIBUTIONS	
28. <input type="checkbox"/> SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD	
29. <input type="checkbox"/> SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS	
30. <input type="checkbox"/> SCHEDULE H: PAYMENT MADE FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH	
31. <input type="checkbox"/> SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS	
32. <input type="checkbox"/> SCHEDULE K: INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER	
SUBTOTAL AMOUNT	

**MONETARY POLITICAL CONTRIBUTIONS****SCHEDULE A1**

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

<p><b>The Instruction Guide explains how to complete this form.</b></p>			<b>1</b> Total pages Schedule A1:
<b>2</b> FILER NAME			<b>3</b> Filer ID (Ethics Commission Filers)
<b>4</b> Date  .....  <b>6</b> Contributor address;	<b>5</b> Full name of contributor  .....  <b>6</b> Contributor address;	<input type="checkbox"/> out-of-state PAC (ID#: _____)	<b>7</b> Amount of contribution (\$)
	City;	State;	Zip Code
<b>8</b> Principal occupation / Job title (See Instructions)		<b>9</b> Employer (See Instructions)	
Date  .....  <b>6</b> Contributor address;	Full name of contributor  .....  <b>6</b> Contributor address;	<input type="checkbox"/> out-of-state PAC (ID#: _____)	Amount of contribution (\$)
	City;	State;	Zip Code
Principal occupation / Job title (See Instructions)		Employer (See Instructions)	
Date  .....  <b>6</b> Contributor address;	Full name of contributor  .....  <b>6</b> Contributor address;	<input type="checkbox"/> out-of-state PAC (ID#: _____)	Amount of contribution (\$)
	City;	State;	Zip Code
Principal occupation / Job title (See Instructions)		Employer (See Instructions)	
Date  .....  <b>6</b> Contributor address;	Full name of contributor  .....  <b>6</b> Contributor address;	<input type="checkbox"/> out-of-state PAC (ID#: _____)	Amount of contribution (\$)
	City;	State;	Zip Code
Principal occupation / Job title (See Instructions)		Employer (See Instructions)	
<b>ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED</b> If contributor is out-of-state PAC, please see Instruction guide for additional reporting requirements.			

# NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS

## SCHEDULE A2

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule A2:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 TOTAL OF UNITEMIZED IN-KIND POLITICAL CONTRIBUTIONS		\$
5 Date	6 Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: .....)	8 Amount of Contribution \$   9 In-kind contribution description       <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.
7 Contributor address; City; State; Zip Code		

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 \$   In-kind contribution description       <input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.
Principal occupation / Job title (FOR NON-JUDICIAL) (See Instructions)		Employer (FOR NON-JUDICIAL)(See Instructions)
Contributor's principal occupation (FOR JUDICIAL)		Contributor's job title (FOR JUDICIAL)(See Instructions)
Contributor's employer/law firm (FOR JUDICIAL)		Law firm of contributor's spouse (if any) (FOR JUDICIAL)
If contributor is a child, law firm of parent(s) (if any) (FOR JUDICIAL)		

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

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

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

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

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

**LOANS****SCHEDULE E**

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

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

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

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

# POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

## SCHEDULE F1

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

### EXPENDITURE CATEGORIES FOR BOX 8(a)

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

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

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

## UNPAID INCURRED OBLIGATIONS

## SCHEDULE F2

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

## EXPENDITURE CATEGORIES FOR BOX 10(a)

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

The Instruction Guide explains how to complete this form.

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

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

# EXPENDITURES MADE BY CREDIT CARD

## SCHEDULE F4

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

### EXPENDITURE CATEGORIES FOR BOX 10(a)

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

The Instruction Guide explains how to complete this form.

USE A NEW PAGE FOR EACH CREDIT CARD ISSUER

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 CREDIT CARD ISSUER	Name of financial institution			
6 PAYMENT	(a) Amount Charged \$	(b) Date Expenditure Charged	(c) Date(s) Credit Card Issuer Paid	
7 PAYEE	(a) Payee name		(b) Payee address;	City, State, Zip Code
8 PURPOSE OF EXPENDITURE  <input type="checkbox"/> Political <input type="checkbox"/> Non-Political	(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
PAYMENT	(a) Amount Charged \$	(b) Date Expenditure Charged	(c) Date(s) Credit Card Issuer Paid	
PAYEE	(a) Payee name		(b) Payee address;	City, State, Zip Code
PURPOSE OF EXPENDITURE  <input type="checkbox"/> Political <input type="checkbox"/> Non-Political	(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
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name		Office Sought	Office Held
PAYMENT	(a) Amount Charged \$	(b) Date Expenditure Charged	(c) Date(s) Credit Card Issuer Paid	
PAYEE	(a) Payee name		(b) Payee address;	City, State, Zip Code
PURPOSE OF EXPENDITURE  <input type="checkbox"/> Political <input type="checkbox"/> Non-Political	(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
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name		Office Sought	Office Held

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

# POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS

## SCHEDULE G

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

### EXPENDITURE CATEGORIES FOR BOX 8(a)

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

The Instruction Guide explains how to complete this form.

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

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

## SCHEDULE H

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

### EXPENDITURE CATEGORIES FOR BOX 8(a)

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

The Instruction Guide explains how to complete this form.

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

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

# NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

## SCHEDULE I

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

The Instruction Guide explains how to complete this form.

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

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

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

## SCHEDULE K

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

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

**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.**

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

# CANDIDATE / OFFICEHOLDER REPORT: DESIGNATION OF FINAL REPORT

## FORM C/OH - FR

The Instruction Guide explains how to complete this form.

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

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

I do not expect any further political contributions or political expenditures in connection with my candidacy. I understand that designating a report as a final report terminates my campaign treasurer appointment. I also understand that I may not accept any campaign contributions or make any campaign expenditures without a campaign treasurer appointment on file.

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

### 4 FILER WHO IS NOT AN OFFICEHOLDER

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

#### A. CAMPAIGN FUNDS

**Check only one:**

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

#### B. ASSETS

**Check only one:**

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

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

### 5 OFFICEHOLDER

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

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

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



# AFFIDAVIT FOR CANDIDATE OR OFFICEHOLDER: ELECTRONIC FILING EXEMPTION

*An exemption affidavit must be submitted with each paper report.*

**Beginning on January 1, 2025, a candidate or officeholder who has accepted more than \$33,910 in political contributions or made more than \$33,910 in political expenditures in any calendar year must file all subsequent reports electronically.**

Filer name	Filer ID #
------------	------------

<b>OFFICE USE ONLY</b>	
Date Received	
Date Hand-delivered or Date Postmarked	
Receipt #	Amount \$
Date Processed	
Date Imaged	

1. I swear or affirm that I have not accepted more than \$33,910 in political contributions or made more than \$33,910 in political expenditures in a calendar year.
  2. I further swear or affirm that I do not use computer equipment to keep current records of political contributions, political expenditures, or persons making political contributions to me.
  3. I further swear or affirm that no person acting as my agent or consultant, and no person with whom I contract, uses computer equipment to keep current records of political contributions, political expenditures, or persons making political contributions to me.
  4. I further swear or affirm that I understand that I am required to file my campaign finance reports electronically if I, my agent or consultant, or a person with whom I contract exceeds \$33,910 in political contributions or political expenditures in a calendar year, or uses computer equipment to keep current records of political contributions, political expenditures, or persons making political contributions to me.
  5. I am filing this affidavit with the \_\_\_\_\_ report due on \_\_\_\_\_. I understand that this affidavit is required to be filed with each campaign finance report for which I am claiming an exemption from electronic filing.

**Please complete either option below:**

## **(1) Affidavit**

NOTARY STAMP/SEAL

**Signature of Filer**

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 \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

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

Signature of Filer (Declarant)

**FILERS WHO ARE EXEMPT FROM THE ELECTRONIC FILING REQUIREMENT  
ARE STILL REQUIRED TO FILE CAMPAIGN FINANCE REPORTS ON PAPER**

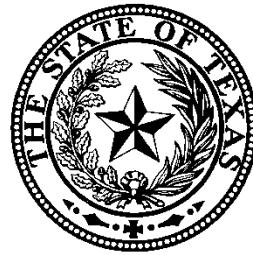
# TEXAS ETHICS COMMISSION

## CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT

### FORM C/OH – INSTRUCTION GUIDE

**(PAPER FILERS ONLY)**

**To Report Activity Occurring on or after January 1, 2025**



**Revised January 1, 2025**

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

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

(512) 463-5800 • TDD (800) 735-2989

*Promoting Public Confidence in Government*

# FORM C/OH – INSTRUCTION GUIDE

## TABLE OF CONTENTS

*These instructions are for the CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT (Form C/OH) and all schedules that are filed with it. FORM C/OH includes a three-page cover sheet and Schedules A1, A2, B, E, F1, F2, F3, F4, G, H, I, K, and T. Candidates or officeholders filing a Final Report should also attach Form C/OH-FR. All filers must submit the three-page 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, 2025. For a report that includes activity occurring before January 1, 2025, you must use the instructions applicable before that time, 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 Government Code, the Commission is required to annually adjust these thresholds upward to the nearest multiple of \$10 in accordance with the percentage increase for the previous year in the Consumer Price Index for Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor. Accordingly, one or more thresholds will generally be adjusted each year, depending upon the figures in the index.

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

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. 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, 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, 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, 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 \$1.110 in contributions or expenditures during the reporting period.

You are required to file a report of unexpended contributions (using Form C/OH-UC) if *all* of the following apply to you: you are not a current officeholder, you have filed a final report, and you retain political contributions. Officeholders who leave office, no longer have a treasurer appointment on file, file a final report, and still retain political contributions will also owe this report. See Instructions for Form C/OH-UC for further information. 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 (Semiannual) 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 \$1,110 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 (Semiannual) 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 \$1,110 in contributions or expenditures during the reporting period.

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

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

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

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

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

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

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

**Runoff Report:** Opposed candidates who are participating in a runoff election and who did not choose the modified reporting schedule must file this runoff report. The report is due no later than 8 days before the runoff election. For all candidates and officeholders who file with Commission, this report must be received by the Commission no later than midnight Central Time on the report due date. For all candidates and officeholders who file locally, this report must be received by the filing authority no later than 5 p.m. on the report due date.

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

**Exceeded Modified Reporting Limit Report:** Candidates who chose to file under the modified reporting schedule but then, after the 30th day before the election, exceeded \$1,110 in contributions or \$1,110 in expenditures in connection with the election must file this Exceeded Modified Reporting Limit report within 48 hours after exceeding the \$1,110 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 \$1,110 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 is disclosed on Form Daily-C C/OH. For more information, see the instructions for Form Daily-C C/OH.

**Legislative Special Session Report:** All statewide candidates and officeholders and members of and candidates for the legislature who accept 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 are 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, 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 reporting 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, 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, 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, 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, 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 \$1,110 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, 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, enter the office you seek. If you were a candidate in a recently held election, but were unsuccessful or are not currently an officeholder, 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 Cover Sheet, page 1, 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 \$110 or less. Do not include any contributions itemized on Schedules A1 or A2 or any contributions 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 \$110 from one person during the reporting period and any political contribution that is made electronically. (Remember: If the committee received contributions *totaling* more than \$110 from one person during the reporting period, you are required to itemize all of those contributions, even if individual contributions were \$110 or less.) You may also itemize contributions of \$110 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 \$220 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 are required to itemize political expenditures that totaled more than \$220 to one payee. (Remember: If the committee made expenditures *totaling* more than \$220 to one person during the reporting period, you are required to itemize all of those expenditures, even if individual expenditures were \$220 or less.) You may also itemize expenditures totaling \$220 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 are required to itemize incurred but not yet paid political expenditures that totaled more than \$220 to one payee. You may also itemize incurred but not yet paid political expenditures totaling \$220 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 are required to itemize political expenditures made by a credit card that totaled more than \$220 to one payee. You may also itemize political expenditures made by a credit card totaling \$220 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 are 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 are 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 Cover Sheet, page 1, 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. 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. 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:** Add the total amount of investments purchased from political contributions itemized on Schedule F3. Enter that total on line 7. 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. 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:** Add the total amount of payments from political contributions to a business of the candidate or officeholder itemized on Schedule H. Enter that total on line 10. 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:** Add the total amount of non-political expenditures from political contributions itemized on Schedule I. Enter that total on line 11. Enter a “0” if you did

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not make any non-political expenditures from political contributions during the period covered.

**Line 12- Schedule K:** Add the total amount of interests, credits, gains, refunds, and contributions returned to the filer itemized on Schedule K. Enter that total on line 12. 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 \$110 from one person, and any monetary contribution made electronically, during the reporting period on this schedule. If you accepted two or more contributions from the same person, the total of which exceeds \$110, enter each contribution separately. Although you are not required to do so, you may also report contributions from one person that do not exceed \$110 in the period on this schedule. If you do not itemize contributions of \$110 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.

**Failure to make a determination about acceptance or refusal:** If you fail to make a determination to accept or refuse a contribution by the end of the reporting period, the contribution is considered to have been accepted.

**Returning refused contributions:** If you receive a political contribution but do not accept it, you must return the contribution not later than the 30th day after the end of the reporting period in which the contribution was received. If you fail to do so, the contribution is considered to have been accepted.

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 \$1,110 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 \$220 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 \$1,110 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 exact 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 \$1,110 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 \$1,110 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 \$110 from one person, and any non-monetary contribution made electronically, during the reporting period on this schedule. If you accepted two or more non-monetary contributions from the same person, the total of which exceeds \$110, enter each contribution separately. Although you are not required to do so, you may also report contributions from one person that do not exceed \$110 in the period on this schedule. If you do not itemize contributions of \$110 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 \$110 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 \$110 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.

**“Check if Travel Outside of Texas” box:** Check this box if the expenditure was for travel outside of Texas. The description of a political expenditure for travel outside of Texas must include detailed information. 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, 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 \$110 in the aggregate from one person during the reporting period. If you accepted two or more pledges from the same person during the reporting period, the total of which exceeds \$110, enter each pledge separately. Although you are not required to do so, you may also itemize pledges for \$110 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 no longer a pledge disclosed here; it becomes a contribution disclosed on the applicable contributions schedule

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

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

1. **TOTAL PAGES SCHEUDLE B:** After you have completed Schedule B, count the total number of pages. Each side of a two-sided form counts as one page.
2. **FILER NAME:** Enter your full name.
3. **FILER ID:** See instructions for Cover Sheet, page 1, section 1.
4. **TOTAL OF UNITEMIZED PLEDGES:** Enter the total amount of pledges that you accepted during the period that did not exceed \$110 in the aggregate per person. Although you are not required to do so, you may also itemize pledges of \$110 or less on this schedule. If you itemize some pledges of \$110 or less, do not include those pledges in the total entered here. If you choose to itemize all pledges of \$110 or less, enter a "0" 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 payment of a pledged contribution in the same reporting period in which the pledge was accepted, then you will not report the pledge on this schedule. You will only disclose the contribution on the appropriate incoming funds schedule (such as monetary or non-monetary contributions, or loans). For a pledged contribution paid in the same reporting period, the date of the contribution will be the date your committee *accepted* the pledge, regardless of what date within the reporting period that 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 exact 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.

**“Check if Travel Outside of Texas” box:** Check this box if the expenditure was for travel outside of Texas. The description of a political expenditure for travel outside of Texas must include detailed information. 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.

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**Form C/OH – Instruction Guide**

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*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 \$110 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 \$110, itemize each loan separately. You must also itemize loans that are made electronically by a person other than a financial institution, regardless of amount. Although you are not required to do so, you may also itemize any other loans that do not exceed \$110.

*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 \$110 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 \$110 or less from persons other than financial institutions on this schedule. If you itemize some loans of \$110 or less, do not include those loans in the total you enter here. If you choose to itemize all loans of \$110 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, choose “Y” for yes. If you accepted the loan from any other source, choose “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 \$1,110 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 \$1,110 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 skip sections 17 through 21. If you have no further loans to report, go to the next applicable schedule.

Note: 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 applicable 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 exact 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 issuer 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 non-political 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 the reporting period that in the aggregate exceed \$220 on this schedule. If you made more than one expenditure to the same payee, the total of which exceeded \$220, enter each expenditure separately. Although you are not required to do so, you may also report expenditures to one person that do not exceed \$220 in the period on this schedule. If you choose not to itemize expenditures of \$220 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 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 was 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 (Enter your own category, if none of the listed categories apply)

**(b) Description:** Enter a brief statement or description of the candidate or officeholder activity that was 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.

**“Check if travel outside of Texas” box:** Check this box if the expenditure was for travel outside of Texas. The description of a political expenditure for travel outside of Texas must include detailed information. 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.

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

**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. If under normal business practices, the amount of an expenditure is not known or readily ascertainable until receipt of a periodic bill, do not report it on this schedule. 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 the reporting period that in the aggregate exceed \$220 on this schedule. If you incurred more than one obligation to the same payee during the reporting period, the total of which exceeded \$220, 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 \$220 in the period on this schedule. If you choose not to itemize incurred political obligations of \$220 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 \$220 or less 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 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 \$220 in the aggregate per person, unless itemized on this schedule. You are not required to itemize unpaid incurred political obligations of \$220 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. Remember: expenditure obligations you incurred **and** paid during the reporting period are entered on Schedule F1, G, H or I, as applicable. Expenditures made by credit card are disclosed on Schedule F4.

**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 expenditure 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 the reporting period that in the aggregate exceed \$140 on this schedule. If you made two or more payments to the same payee to purchase an investment, the total of which exceeded \$140, enter each payment separately. Although you are not required to do so, you may also report investments purchased with political contributions that do not exceed \$140 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 exact 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. Note: significant changes were made to Schedule F4 in 2022.*

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 issuer. When you pay the credit card bill, you must disclose the payment to the credit card issuer 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 non-political payments from political contributions), as applicable.

Do not enter on this schedule: political expenditures from political contributions that were paid for with cash, check, or debit card; unpaid incurred obligations; political expenditures made from personal funds; or payments from political contributions made to a business that a candidate or officeholder owns or controls on this schedule. (Report political expenditures from political contributions that were paid for with cash, check or debit card 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 a candidate or officeholder owns or controls on Schedule H.)

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

**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 \$220 (in the aggregate) to a single payee. If you made two or more expenditures to the same payee during the reporting period, the total of which exceeded \$220, 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 \$220 in the reporting period on this schedule. If you choose not to itemize political expenditures made by credit card of \$220 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 \$220 or less 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 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 ALL CREDIT CARDS:** Enter the total amount of political expenditures charged to all credit cards you used during the reporting period that do not exceed \$220 in the aggregate per person, unless itemized on this schedule. You are not required to itemize political expenditures made by credit card of \$220 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. **CREDIT CARD ISSUER:** Enter the full name of the financial institution that issued the credit card. Use a separate page of Schedule F4 for each credit card used.

**Sections 6 through 9 are used to report information about each itemized expenditure made using the credit card listed in item #5 above.** Each expenditure must have its own entry. If you made more than three expenditures using that same credit card during the period covered by the report, include additional pages of Schedule F4 and include the name of the credit card issuer in Item 5 on every page. Leave Item 4 blank except for the first page for that credit card issuer.

## 6. PAYMENT

**(a) Amount Charged:** Report the exact amount of the credit card expenditure.

**(b) Date Expenditure Charged:** Enter the date you charged the 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.*

**(c) Date(s) Credit Card Issuer Paid:** List the date(s) that you made payments to the credit card issuer during the period covered by the report for this expenditure. If you made multiple payments to the credit card issuer during the period covered by the report, list the first and last dates that you made payments.

## 7. PAYEE

**(a) 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 issuer.

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 8, “Purpose of Expenditure.”

**(b) Payee Address:** Enter the complete address of the payee of the credit card expenditure.

8. **PURPOSE 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.

**(a) 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 issuer. Instead, choose the category that corresponds to the goods, services, or other thing of value purchased from the individual, entity, or vendor.

**(b) Description:** See instructions for Schedule F1, section 8.

**9. 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.*

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 issuer 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 non-political 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 the reporting period that in the aggregate exceed \$220 on this schedule. If you made more than one expenditure to the same payee during the reporting period, the total of which exceeded \$220, enter each expenditure separately. Although you are not required to do so, you may also report expenditures to one person that do not exceed \$220 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 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.) If you do not check this box at the time you file your report, you cannot correct/amend your report later to check this box without subjecting yourself to a possible penalty.

- 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 exact 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 issuer 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 non-political 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 defined in section 251.001 of the Election Code. 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 was made.
- 5. PAYEE NAME:** See instructions for Schedule F1, section 5.
- 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:** 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 from the sale of an asset purchased with a political contribution, the amount of which exceeds \$140, 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 the reporting period that in the aggregate exceed \$140 on this schedule. Although you are not required to do so, you may also report any interest/credit/gain/refund that does not exceed \$140 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/returned contribution 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 interest/credit/gain/refund or returned contribution was received. If the person is an individual, enter the full name, first, last, and suffix (Jr., III, etc.) if applicable (title is optional). If the person or business is an entity, enter the full name of the entity.
6. **ADDRESS OF PERSON FROM WHOM AMOUNT IS RECEIVED:** Enter the complete address of the person or business from whom the interest/credit/gain/refund or returned contribution 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 amount of the interest/credit/gain/refund or returned contribution.

## **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 that were used for travel outside of Texas. 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 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 identification number. If you do not file with the Commission, you are not required to enter a filer identification 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 date(s) 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 active 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 active 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 active 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 \$1,110 in contributions or \$1,110 in expenditures during the reporting period.

If you cease to be an officeholder at a time when you do not have an active 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 (Form C/OH-UC) 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. If your unexpended contribution report shows that your contributions maintained is now “\$0.00,” then you may file that unexpended contribution report at any time. 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 for Candidates and Officeholders.

**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 (Form C/OH-UC) not earlier than January 1 and not later than January 15 of each year after the year in which you filed your final report. If your unexpended contribution report shows that your contributions maintained is now “\$0.00,” then you may file that unexpended contribution report

at any time. 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 for Candidates and Officeholders.

## 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 issuers.*

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 by credit card.

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

A candidate for elected 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 issuer:

1. The candidate fills out one page of the “Expenditures Made by Credit Card” Schedule (F4). The credit card issuer’s name is included in section 5. The candidate fills out sections 6 through 9 twice, once for the \$1,000 expenditure and again for the \$500 expenditure.
2. For the \$1,000 expenditure, the candidate reports an amount charged of \$1,000 in section 6(a), the date the expenditure was made in section 6(b), and the date the credit card issuer was paid \$1,500 in section 6(c). She identifies the office store in section 7 as the payee of the expenditure and includes their address. Section 8’s category for the expenditure is “Office Overhead/Rental Expense,” and the description is “Campaign Office Supplies.” In Section 8 of the schedule, the box for “Political” is also checked.
3. For the \$500 expenditure, the candidate reports an amount charged of \$500 in section 6(a), the date the expenditure was made in section 6(b), and the date the credit card issuer was paid \$1,500 in section 6(c). She identifies the sign company in section 7 as the payee of the expenditure and includes their address. Section 8’s category for the expenditure is “Advertising Expense,” and the description is “Political Advertising Signs.” In Section 8 of the schedule, the box for “Political” is also checked.
4. For the payment to the credit card issuer: a \$1,500 expenditure is reported on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card issuer 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.”

5. Both \$1,500 amounts reported on Schedules F4 and F1 are also 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 Entire 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 one payment from his personal funds account to pay the entire \$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 issuer:

1. The candidate fills out one page of the “Expenditures Made by Credit Card” Schedule (F4). The credit card issuer’s name is included in section 5. The candidate fills out sections 6 through 9 once, for the \$3,000 expenditure.
2. The candidate reports an amount charged of \$3,000 in section 6(a), the date the expenditure was made in section 6(b), and the date the credit card issuer was paid \$3,000 in section 6(c). He identifies the print shop in section 7 as the payee of the expenditure and includes their address. Section 8’s category for the expenditure is “Advertising Expense,” and the description is “Political Advertising Materials.” In Section 8 of the schedule, the box for “Political” is also checked.
3. For the payment to the credit card issuer: a \$3,000 expenditure is reported on the “Political Expenditures Made from Personal Funds” Schedule (G). The schedule identifies the credit card issuer 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.
4. Both \$3,000 amounts reported on Schedules F4 and G are also 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 (GPAC) uses its credit card to buy \$500 in political advertising in a newspaper. The committee receives the statement from the credit card issuer but does not send a payment until after the reporting period ends. When the committee sends a payment to the credit card issuer, 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. The GPAC fills out one page of the “Expenditures Made by Credit Card” Schedule (F4). The credit card issuer’s name is included in section 5. The GPAC fills out sections 6 through 9 once, for the \$500 expenditure.
2. The GPAC reports an amount charged of \$500 in section 6(a), the date the expenditure was made in section 6(b), and leaves section 6(c) blank. They identify the newspaper in section 7 as the payee of the expenditure and include their address. Section 8’s category for the expenditure is “Advertising Expense,” and the description is “Political Advertising.” In Section 8 of the schedule, the box for “Political” is also checked.
3. 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 issuer, 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 issuer:

1. The GPAC reports a \$500 expenditure on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card issuer 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 issuer but does not send a payment until after the reporting period ends. When the candidate sends a payment to the credit card issuer, 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. The judicial candidate fills out one page of the “Expenditures Made by Credit Card” Schedule (F4). The credit card issuer’s name is included in section 5. The candidate fills out sections 6 through 9 once, for the \$500 expenditure.
2. The judicial candidate reports an amount charged of \$500 in section 6(a), the date the expenditure was made in section 6(b), and leaves section 6(c) blank. She identifies the newspaper in section 7 as the payee of the expenditure and includes their address. Section 8’s category for the expenditure is “Advertising Expense,” and the description is “Political Advertising.” In Section 8 of the schedule, the box for “Political” is also checked.

3. 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 issuer, the judicial 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 issuer was made:

1. The judicial candidate reports a \$500 expenditure on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card issuer 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 #5: Political Committee Using Credit Card to Make a Political Expenditure and Using Political Contributions to Make Partial Payments of the Credit Card Bill in Different Reporting Periods**

A general-purpose committee (GPAC) uses its credit card to buy \$5,000 in political advertising for a mailer from a printing company. The committee receives the statement from the credit card issuer and makes one or more partial payments from political contributions of \$2,000 in that same reporting period. The committee pays the remaining \$3,000 from political contributions to the credit card issuer in a different reporting period.

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. The GPAC fills out one page of the “Expenditures Made by Credit Card” Schedule (F4). The credit card issuer’s name is included in section 5. The GPAC fills out sections 6 through 9 once, for the \$5,000 expenditure.
2. The GPAC reports an amount charged of \$5,000 in section 6(a), the date the expenditure was made in section 6(b), and reports the date (or dates) during that reporting period on which the \$2,000 was paid in section 6(c). They identify the printing company in section 7 as the payee of the expenditure and include their address. Section 8’s category for the expenditure is “Advertising Expense,” and the description is “Political Advertising.” In Section 8 of the schedule, the box for “Political” is also checked.
3. The \$5,000 amount reported on “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 payments to the credit card issuer, the committee’s campaign treasurer would also report all of the following on a campaign finance report (Form GPAC):

1. For the \$2,000 payment(s) made during the same period that the expenditure was made, the GPAC reports a \$2,000 expenditure on the “Political Expenditures from Political

Contributions” Schedule (F1). The schedule identifies the credit card issuer 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. For the \$3,000 payment made during a different reporting period, the GPAC reports a \$3,000 expenditure on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card issuer 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.”
3. The \$2,000 and \$3,000 amounts 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 for each reporting period.

## 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.” An acceptable brief description 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.” An acceptable brief description 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 category is “travel out of district” and an acceptable brief description is “airline ticket to attend [name of seminar] in [city,] [state]. You must also complete “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.” An acceptable brief description 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 description 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 description 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 description 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 description 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 Made From Political Contributions” schedule (Schedule F1).

**Example:** On December 1, 2020, Candidate A spends \$500 of her own personal funds to purchase political advertising signs. She does not use a credit card for this purchase; the purchase is made using cash, check or a debit card. 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, 2020.

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. Candidate B is the payee, 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. Candidate C is the payee, 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 – Itemize the payment (if over the \$220 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 – 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 – Use a 3-step process, disclosing steps 1 and 2 on the same report and step 3 later, when the reimbursement occurs: (1) On Schedule E, disclose the total amount paid from the staff worker's personal funds as a loan from the staff worker to your campaign; (2) On Schedule F1, itemize the payments made by your staff worker separately, with the names of the vendors who sold the goods or services to your staff worker as the payees for the expenditures. **Do not** disclose as the payee the name of your staff worker; and (3) When you reimburse your staff worker, if ever, disclose on Schedule F1 of the report covering the period in which the reimbursement occurs the payment to your staff worker for the reimbursement of the loan.

# CORRECTION/AMENDMENT AFFIDAVIT FOR CANDIDATE/OFFICEHOLDER

FORM COR-C/OH

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

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

Check ONLY if applicable:

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

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

**Please complete either option below:**

**(1) Affidavit**

NOTARY STAMP / SEAL

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

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

**(2) Unsworn Declaration**

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

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

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

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

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

## CORRECTION/AMENDMENT AFFIDAVIT FOR CANDIDATE/OFFICEHOLDER

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

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

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

Attach additional pages as necessary.

### INSTRUCTIONS FOR COMPLETING THIS FORM

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

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

# CANDIDATE / OFFICEHOLDER REPORT OF UNEXPENDED CONTRIBUTIONS

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

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

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

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

**Please complete either option below:**

**(1) Affidavit**

NOTARY STAMP/SEAL

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

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

**OR**

**(2) Unsworn Declaration**

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

My address is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

(street)

(city)

(state)

(zip code)

(country)

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

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

**C/OH REPORT OF UNEXPENDED CONTRIBUTIONS: FORM C/OH-UC**  
**EXPENDITURES PG 2**

<b>8 C/OH NAME</b>			<b>9 Filer ID (Ethics Commission Filers)</b>
<b>10 Date</b>	<b>11 Payee name</b>		<b>13 Amount (\$)</b>
<b>12 Payee address; City; State; Zip Code</b>			
<b>14 Purpose of expenditure (See instructions regarding type of information required.)</b>			<b>15 Is expenditure a contribution to a candidate, officeholder, or political committee?</b> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes         <input type="checkbox"/> No       </div>
<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.			
Date	Payee name		Amount (\$)
<b>Payee address; City; State; Zip Code</b>			
<b>Purpose of expenditure (See instructions regarding type of information required.)</b>			<b>Is expenditure a contribution to a candidate, officeholder, or political committee?</b> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes         <input type="checkbox"/> No       </div>
<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.			
Date	Payee name		Amount (\$)
<b>Payee address; City; State; Zip Code</b>			
<b>Purpose of expenditure (See instructions regarding type of information required.)</b>			<b>Is expenditure a contribution to a candidate, officeholder, or political committee?</b> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes         <input type="checkbox"/> No       </div>
<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.			
Date	Payee name		Amount (\$)
<b>Payee address; City; State; Zip Code</b>			
<b>Purpose of expenditure (See instructions regarding type of information required.)</b>			<b>Is expenditure a contribution to a candidate, officeholder, or political committee?</b> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Yes         <input type="checkbox"/> No       </div>
<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.			

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



# AFFIDAVIT FOR CANDIDATE OR OFFICEHOLDER: ELECTRONIC FILING EXEMPTION

*An exemption affidavit must be submitted with each paper report.*

**Beginning on January 1, 2025, a candidate or officeholder who has accepted more than \$33,910 in political contributions or made more than \$33,910 in political expenditures in any calendar year must file all subsequent reports electronically.**

Filer name	Filer ID #
------------	------------

<b>OFFICE USE ONLY</b>	
Date Received	
Date Hand-delivered or Date Postmarked	
Receipt #	Amount \$
Date Processed	
Date Imaged	

1. I swear or affirm that I have not accepted more than \$33,910 in political contributions or made more than \$33,910 in political expenditures in a calendar year.
  2. I further swear or affirm that I do not use computer equipment to keep current records of political contributions, political expenditures, or persons making political contributions to me.
  3. I further swear or affirm that no person acting as my agent or consultant, and no person with whom I contract, uses computer equipment to keep current records of political contributions, political expenditures, or persons making political contributions to me.
  4. I further swear or affirm that I understand that I am required to file my campaign finance reports electronically if I, my agent or consultant, or a person with whom I contract exceeds \$33,910 in political contributions or political expenditures in a calendar year, or uses computer equipment to keep current records of political contributions, political expenditures, or persons making political contributions to me.
  5. I am filing this affidavit with the \_\_\_\_\_ report due on \_\_\_\_\_. I understand that this affidavit is required to be filed with each campaign finance report for which I am claiming an exemption from electronic filing.

**Please complete either option below:**

## (1) Affidavit

NOTARY STAMP/SEAL

**Signature of Filer**

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

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**Title of officer administering oath**

OR

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**(2) Unsworn Declaration**

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

My address is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

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

Signature of Filer (Declarant)

## **FILERS WHO ARE EXEMPT FROM THE ELECTRONIC FILING REQUIREMENT ARE STILL REQUIRED TO FILE CAMPAIGN FINANCE REPORTS ON PAPER**

# TEXAS ETHICS COMMISSION

## CANDIDATE/OFFICEHOLDER REPORT OF UNEXPENDED CONTRIBUTIONS

### FORM C/OH-UC – INSTRUCTION GUIDE

**(PAPER FILERS ONLY)**



**Revised January 1, 2023**

## 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

**Form C/OH-UC – Instruction Guide**


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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”.

**Form C/OH-UC – Instruction Guide**

**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 AFFIDAVIT.**

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.

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**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 exact 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.

**“Check if Travel Outside of Texas” box:** The law requires detailed information regarding in-kind contributions and political expenditures for travel outside of Texas. This information should be reported on Schedule T and attached to this form. Schedule T can be found on the Commission's website at [https://www.ethics.state.tx.us/forms/Schedule\\_T.pdf](https://www.ethics.state.tx.us/forms/Schedule_T.pdf).

15. **IS THE EXPENDITURE A CONTRIBUTION TO A CANDIDATE, OFFICEHOLDER, OR POLITICAL COMMITTEE?** If the expenditure was a contribution to a candidate, officeholder, or political committee, check the “Yes” box. If you check “Yes,” 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.

# **5. Election / Political Signs**

**Section 5.101 Definitions**

*Political (Election) Sign.* A temporary sign or any other similar written form of advertising that contains "political speech or political expression." Content of this nature shall be regulated as a "political (election) sign," regardless of how that content is displayed, such as on a "flag" or "banner."

**Table A**

Where	Any privately owned lot, parcel, or tract (including property in the ETJ) subject to the location restrictions related to an off-premises sign that is not otherwise exempted by Section 5.104*.
Maximum Number	For signs not exempted by Section 5.104* or Section 5.107*, one sign for each property line that fronts on a street or golf course when placed for viewing from that street or golf course
Location	No minimum setback from any property line required; but prohibited within any public utility or drainage easement
Maximum Display Area	Thirty-six (36) square feet
Maximum Height	Eight (8) feet above grade
Duration	No limitations
Illumination	Not allowed
Permit	Not required

**\*Section 5.104. Exemptions**

*The following signs shall be exempt from the requirements of this Chapter 5, Code of Ordinances:*

- (a) *Official signs in accordance with Section 5.101;*
- (b) *Memorial signs or markers, including headstones on private property;*
- (c) *Works of fine art in accordance with Section 5.101;*
- (d) *Small freestanding or hanging wall signs, not exceeding six (6) square feet in surface display area, displayed on private property for the convenience of the public, such as to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, significant business information and similar information;*
- (e) *Scoreboards and other similar signs or forms of advertisement within or immediately adjacent to publicly owned athletic stadiums or fields that are not intended for view from a public street;*
- (f) *Temporary or permanent signs that public utility companies or construction companies erect to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices;*
- (g) *Wayfinding and directional signs, not to exceed six (6) square feet in display surface area located on a golf course;*
- (h) *Letters, numbers, or symbols that are not legible from 20 feet or less away;*
- (i) *Sponsorship signs or similar forms of advertisement that are placed in parks and golf courses for less than seven days and associated with an event at that location, that are authorized by the park or golf course owner; and*
- (j) *Holiday lights and ornaments.*

**\*Section 5.107. On-Premises and Off-Premises Signs**

- (a) *Off-premises signs are prohibited except as follows, or as otherwise explicitly authorized by this chapter:*
  - (1) *Official signs (see Section 5.101 and 5.104);*
  - (2) *Golf courses may have off-premises signs in accordance with Section 5.104;*
  - (3) *Athletic field signs in accordance with Section 5.104;*
  - (4) *Political (election) signs in accordance with state law (see Section 5.105 and Chapter 5, Table A).*
- (b) *Off premise signs as defined in Section 5.101 cannot be considered an on-premise sign for the purpose of this chapter.*

# POLITICAL ADVERTISING

## What You Need to Know



The Texas Election Code requires certain disclosures and notices on political advertising. The law also prohibits certain types of misrepresentation in political advertising and campaign communications. This brochure explains what you need to know to insure that your political advertising and campaign communications comply with the law.

If you are not sure what the law requires, do the cautious thing. Use the political advertising disclosure statement whenever you think it might be necessary, and do not use any possibly misleading information in political advertising or a campaign communication. If you are using political advertising or campaign communications from a prior campaign, you should check to see if the law has changed since that campaign.

Candidates for federal office should check with the Federal Election Commission at (800) 424-9530 for information on federal political advertising laws.

**NOTICE:** This guide is intended only as a general overview of the disclosure statements that must appear on political advertising as required under [Chapter 255 of the Election Code](#), which is distinct from political reporting requirements under [Chapter 254 of the Election Code](#).

**Texas Ethics Commission**  
**P.O. Box 12070**  
**Austin, Texas 78711-2070**

**(512) 463-5800**

**TDD (800) 735-2989**

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

## REQUIRED DISCLOSURE ON POLITICAL ADVERTISING

### I. What Is Political Advertising?

The disclosure statement and notice requirements discussed in this section apply to “political advertising.” In the law, “political advertising” is a specifically defined term. Do not confuse this special term with your own common-sense understanding of advertising.

To figure out if a communication is political advertising, you must look at what it says and where it appears. If a communication fits in one of the categories listed in Part A (below) and if it fits in one of the categories listed in Part B (below), it is political advertising.

#### Part A. What Does It Say?

1. Political advertising includes communications supporting or opposing a candidate for nomination or election to either a public office or an office of a political party (including county and precinct chairs).
2. Political advertising includes communications supporting or opposing an officeholder, a political party, or a measure (a ballot proposition).

#### Part B. Where Does It Appear?

1. Political advertising includes communications that appear in pamphlets, circulars, fliers, billboards or other signs, bumper stickers, or similar forms of written communication.
2. Political advertising includes communications that are published in newspapers, magazines, or other periodicals in return for consideration.
3. Political advertising includes communications that are broadcast by radio or television in return for consideration.
4. Political advertising includes communications that appear on an Internet website.

### II. When Is a Disclosure Statement Required?

The law provides that political advertising that contains express advocacy is required to include a disclosure statement. The person who causes the political advertising to be published, distributed, or broadcast is responsible for including the disclosure statement.

The law does not define the term “express advocacy.” However, the law does provide that political advertising is deemed to contain express advocacy if it is authorized by a candidate, an agent of a candidate, or a political committee filing campaign finance reports. Therefore, a disclosure statement is required any time a candidate, a candidate’s agent, or a political committee authorizes political advertising.

The precise language of political advertising authorized by someone other than a candidate, the candidate's agent, or a political committee will determine if the advertising contains express advocacy and is therefore required to include a disclosure statement. Generally, the question is whether the communication expressly advocates the election or defeat of an identified candidate, or expressly advocates the passage or defeat of a measure, such as a bond election. The inclusion of words such as "vote for," "elect," "support," "defeat," "reject," or "Smith for Senate" would clearly constitute express advocacy, but express advocacy is not limited to communications that use those words. Similar phrases, such as "Cast your ballot for X," would also constitute express advocacy. Additionally, in 2007, the United States Supreme Court held that an advertisement included express advocacy or its functional equivalent "if the ad is susceptible to no reasonable interpretation other than as an appeal to vote for or against a specific candidate." FEC v. Wis. Right to Life, Inc., 551 U.S. 449 (2007). It is a question of fact whether a particular communication constitutes express advocacy. If you are not sure whether political advertising contains express advocacy, do the cautious thing and include the disclosure statement. That way, there is no need to worry about whether you have violated the law.

Remember: The concept of "express advocacy" is relevant in determining whether political advertising is required to include a disclosure statement. However, the political advertising laws governing the right-of-way notice, misrepresentation, and use of public funds by political subdivisions will apply to political advertising regardless of whether the advertising contains express advocacy.

### **III. What Should the Disclosure Statement Say?**

A disclosure statement must include the following:

1. the words "political advertising" or a recognizable abbreviation such as "pol. adv."; and
2. the full name of one of the following: (a) the person who paid for the political advertising; (b) the political committee authorizing the political advertising; or (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

The disclosure statement must appear on the face of the political advertising or be clearly spoken if the political advertising is audio only and does not include written text.

The advertising should not be attributed to entities such as "Committee to Elect John Doe" unless a specific-purpose committee named "Committee to Elect John Doe" has filed a campaign treasurer appointment with the Ethics Commission or a local filing authority.

### **IV. Are There Any Exceptions to the Disclosure Statement Requirement?**

The following types of political advertising do not need the disclosure statement:

1. t-shirts, balloons, buttons, emery boards, hats, lapel stickers, small magnets, pencils, pens, pins, wooden nickels, candy wrappers, and similar materials;
2. invitations or tickets to political fundraising events or to events held to establish support for a candidate or officeholder;

3. an envelope that is used to transmit political advertising, provided that the political advertising in the envelope includes the disclosure statement;
4. circulars or fliers that cost in the aggregate less than \$500 to publish and distribute;
5. political advertising printed on letterhead stationery, if the letterhead includes the name of one of the following: (a) the person who paid for the advertising, (b) the political committee authorizing the advertising, or, (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. (Note: There is also an exception for holiday greeting cards sent by an officeholder, provided that the officeholder's name and address appear on the card or the envelope.)
6. postings or re-postings on an Internet website if the person posting or re-posting is not an officeholder, candidate, or political committee and did not make an expenditure exceeding \$100 in a reporting period for political advertising beyond the basic cost of hardware messaging software and bandwidth;
7. an Internet social media profile webpage of a candidate or officeholder, if the webpage clearly and conspicuously displays the full name of the candidate or officeholder; and
8. postings or re-postings on an Internet website if the advertising is posted with a link to a publicly viewable Internet webpage that either contains the disclosure statement or is an Internet social media profile webpage of a candidate or officeholder that clearly and conspicuously displays the candidate's or officeholder's full name.

## **V. What Should I Do If I Discover That My Political Advertising Does Not Contain a Disclosure Statement?**

The law prohibits a person from using, causing or permitting to be used, or continuing to use political advertising containing express advocacy if the person knows it does not include the disclosure statement. A person is presumed to know that the use is prohibited if the Texas Ethics Commission notifies the person in writing that the use is prohibited. If you receive notice from the Texas Ethics Commission that your political advertising does not comply with the law, you should stop using it immediately.

If you learn that a political advertising sign designed to be seen from the road does not contain a disclosure statement or contains an inaccurate disclosure statement, you should make a good faith attempt to remove or correct those signs that have been distributed. You are not required to attempt to recover other types of political advertising that have been distributed with a missing or inaccurate disclosure statement.

## **VI. The Fair Campaign Practices Act.**

The [Fair Campaign Practices Act](#) sets out basic rules of decency, honesty, and fair play to be followed by candidates and political committees during a campaign. A candidate or political committee may choose to subscribe to the voluntary code by signing a copy of the code and filing it with the authority with whom the candidate or committee is required to file its campaign

treasurer appointment. A person subscribing to the code may indicate that fact on political advertising by including the following or a substantially similar statement:

**(Name of the candidate or political committee, as appropriate) subscribes to the Code of Fair Campaign Practices.**

## **VII. Special Notice to Political Subdivisions and School Districts.**

You may not use public funds or resources for political advertising. Please see our “Publications and Guides” section of our website for more information.

# **ROAD SIGNS**

### **I. When Is the “Right-Of-Way” Notice Required?**

All written political advertising that is meant to be seen from a road must carry a “right-of-way” notice. It is a criminal offense to omit the “right-of-way” notice in the following circumstances:

1. if you enter into a contract or agreement to print or make written political advertising meant to be seen from a road; or
2. if you instruct another person to place the written political advertising meant to be seen from a road.

### **II. What Should the “Right-Of-Way” Notice Say?**

Section 259.001 of the Texas Election Code prescribes the exact language of the notice:

**NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE) TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY.**

### **III. Do Yard Signs Have to Have the “Right-Of-Way” Notice?**

Yes. The “right-of-way” notice requirement applies to signs meant to be seen from any road. The notice requirement assures that a person responsible for placing signs is aware of the restriction on placing the sign in the right-of-way of a highway.

### **IV. What About Bumper Stickers?**

Bumper stickers do not need the “right-of-way” notice. They do, however, need a political advertising disclosure statement.

### **V. Where May I Place My Signs and How Long May Signs Be Posted?**

For information about exactly where you may or may not place signs, or for information regarding the length of time your signs may be posted, check with your city or county government or your homeowner’s association. The Texas Ethics Commission does not have

jurisdiction over matters involving the location of signs, and the length of time that they may be posted.

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## **MISREPRESENTATION**

### **I. Are There Restrictions on the Contents of Political Advertising?**

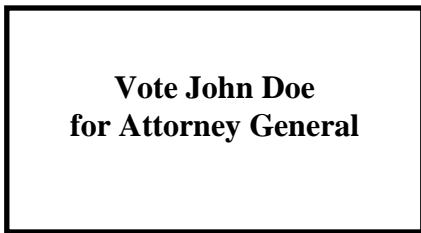
Political advertising and campaign communications may not misrepresent a person's identity or official title, nor may they misrepresent the true source of the advertising or communication. The election law does not address other types of misrepresentation in political advertising or campaign communications.

Note that the misrepresentation rules apply to both political advertising and campaign communications. "Campaign communication" is a broader term than "political advertising."

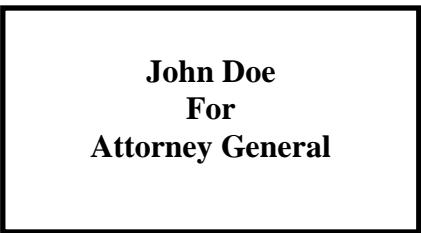
A "campaign communication" means "a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure."

### **II. Misrepresentation of Office Title.**

A candidate may not represent that he or she holds an office that he or she does not hold at the time of the representation. **If you are not the incumbent in the office you are seeking, you must make it clear that you are seeking election rather than reelection by using the word "for" to clarify that you don't hold that office.** The word "for" must be at least one-half the type size as the name of the office and should appear immediately before the name of the office. For example, a non-incumbent may use the following formats:

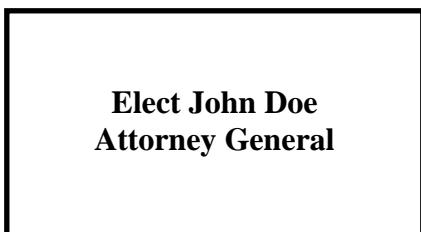


**Vote John Doe  
for Attorney General**

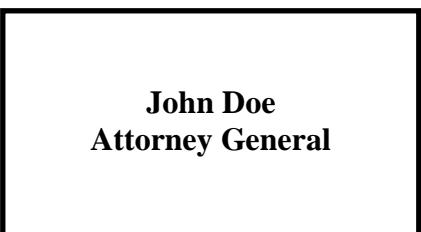


**John Doe  
For  
Attorney General**

A non-incumbent may not be allowed to use the following verbiage:



**Elect John Doe  
Attorney General**



**John Doe  
Attorney General**

**III. Misrepresentation of Identity or Source.**

A person violates the law if, with intent to injure a candidate or influence the result of an election, the person misrepresents the source of political advertising or a campaign communication or if the person misrepresents his or her own identity or the identity of his or her agent in political advertising or in a campaign communication. (If someone else is doing something for you, that person is your agent.) For example, you may not take out an ad in favor of your opponent that purports to be sponsored by a notoriously unpopular group.

**IV. Use of State Seal.**

Only current officeholders may use the state seal in political advertising.

**V. Criminal Offenses.**

Be aware that many violations of the Election Code are criminal offenses. For example, unlawfully using public funds for political advertising can be a Class A misdemeanor. So can misrepresenting one's identity or office title in political advertising. For more details on these offenses and political advertising in general, see [Chapter 255 of the Election Code](#).

# Political and Campaign Signs

## Right of Way Division

### Interstate and Primary Highways

During campaign season, the landscape blooms with a special kind of flower - the political sign. Unlike wildflowers which are welcome anywhere, putting campaign signs on public lands is illegal. So before you plant that sign, learn the law and keep Texas beautiful.

TxDOT only controls the location of commercial signs, and never controls the content of any signage. If you have questions about what may be on a political sign, please contact the Texas Ethics Commission at (512) 463-5800.

### Frequently Asked Questions

#### Where can I place political signs?

You can place your signs anywhere so long as they are:

- 1) not in the highway right of way;
- 2) not in a location that poses a safety hazard (e.g. blocking sight to a driveway); and
- 3) placed with the landowner's permission.

Always make sure to check with local authorities (cities, counties, etc.) as they may have their own restrictions on sign placement.

#### When can I place political signs?

Cities and counties may have their own time restrictions for political signs, however TxDOT does not enforce any timing restrictions.

#### There is a sign on private property posing a safety hazard

If you believe a sign or signs create a safety hazard, contact local law enforcement as they can have the owner remove or relocate their sign(s).

#### There are signs located on the Right of Way (ROW)

Signs cannot be placed on the ROW as per Texas Transportation Code §393.002. "A sheriff, constable, or other trained volunteer authorized by the commissioners court of a county may confiscate a sign placed in violation of Section 393.002." [TEX. TRANS. CODE §393.003]. For state-maintained highways, your local TxDOT district office also has the authority to remove signs located on state owned right of way.

#### Where is the ROW?

If you are unsure where the ROW starts or ends, you should contact your local TxDOT district office.

#### Online Information

This same information is available online on TxDOT's website and can be accessed by the below method:

Go to  
[www.txdot.gov](http://www.txdot.gov)

↓  
 Select "Do business"

↓  
 Select "Right of Way"

↓  
 Select "View campaign sign laws"

OR

Search Online:  
 "TxDOT Campaign Signs"

### Contact Us

The contact information for your local TxDOT office can be found online at:

[www.txdot.gov](http://www.txdot.gov) → About → TxDOT Districts

Then find your county and select the "Discover" link for specific contact information.

For any other questions concerning signs along Texas highways, contact the TxDOT Commercial Signs Regulatory Section:

**ROW\_OutdoorAdvertising@txdot.gov**

or by phone:

**(512) 416-3030**

## **6. Helpful Information**



## Understanding Your Personal Liability as a City Official: A Primer

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Updated September 2021

This paper is meant to provide basic information regarding *state* laws that may result in criminal or personal liability for city officials. A home rule charter, local policy, or ordinance may provide for more stringent requirements in some circumstances. This paper is not comprehensive in nature, but rather is intended to highlight some of the state law provisions that most commonly give rise to personal liability in connection with the holding of or running for a city office. Please consult the individual state laws cited for detailed information about the issues discussed here. You can find additional resources regarding many of the topics discussed in this paper on our website at [www.tml.org](http://www.tml.org).

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## I. OPEN GOVERNMENT

This Section examines Texas open government laws related to meetings and records, both of which can result in personal liability for a local public official.

### A. Open Meetings

The Texas Open Meetings Act (TOMA) is found in chapter 551 of the Government Code. The TOMA works to protect the public's interest in knowing what a governmental body (e.g., a city council) decides and how and why a body reaches a decision. To that end, the general rule is that every regular, special, or called meeting of a governmental body, including a city council and some boards and commissions (depending on membership and authority), must be open to the public and comply with the requirements of the TOMA.<sup>1</sup>

The TOMA does not apply to every gathering of the members of a governmental body. For instance, attendance at purely social gatherings, candidate forums, or conventions and workshops is not a meeting under the TOMA, so long as any discussion of city business is incidental to the gathering and no formal action is taken.<sup>2</sup>

When a governmental body holds a meeting subject to the TOMA, the body must post a notice that includes the date, hour, place, and subject of the meeting.<sup>3</sup> There are additional notice requirements for a meeting held by videoconference.<sup>4</sup> The notice must be posted on a bulletin board at city hall in a place readily accessible to the public at all times for at least 72 hours before the meeting.<sup>5</sup> In addition, the following requirements apply to cities that have a website: (1) a city under 48,000 in population must post meeting notices on the site; and (2) a city over 48,000 in population must post the entire agenda on the site.<sup>6</sup>

Meetings to address an emergency or a matter of urgent public necessity may be called with one hour notice that identifies the nature of the emergency.<sup>7</sup>

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<sup>1</sup> TEX. GOV'T CODE §§ 551.001(3)–(4) (defining the terms “governmental body” and “meeting”), 551.002 (“Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter.”).

<sup>2</sup> *Id.* § 551.001(4).

<sup>3</sup> *Id.* § 551.041.

<sup>4</sup> *Id.* § 551.127.

<sup>5</sup> *Id.* §§ 551.043, 551.050.

<sup>6</sup> *Id.* § 551.056(b)(1), (c)(1). The attorney general has explained that “[t]he terms ‘agenda’ and ‘notice’ have been used interchangeably in discussions of the Open Meetings Act, because of the practice of posting the agenda as the notice or as an appendix to the notice. However, an agenda of a meeting is defined as ‘a list, outline, or plan of things to be considered or done,’ while the notice of the meeting is a written announcement.” Tex. Att'y Gen. Op. No. DM-228 (1993) at n.2 (citations omitted). Though not found in the TOMA, a city in a county with 25,000 or more population, and a city with a population of 5,000 or more in a county with less than 25,000 population, must post the following additional information on a publicly accessible internet website: (1) each notice of a meeting of the city's governing body under the Open Meetings Act; and (2) the minutes of a meeting of the city's governing body. TEX. GOV'T CODE § 2051.201.

<sup>7</sup> TEX. GOV'T CODE § 551.045.

A governmental body must allow members of the public who desire to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item.<sup>8</sup> If, at a meeting, a member of the public or the governmental body inquires about a subject not on the agenda, any response must be limited to either (1) a statement of factual information; or (2) a recitation of existing policy.<sup>9</sup> And any deliberation or decision about the subject must be limited to a proposal to place the subject on a future agenda.<sup>10</sup> The governing body of a city may receive from staff, or a member of the body may make, a report about "items of community interest" without having given notice of the subject matter if no action is taken in regard to the item.<sup>11</sup>

There are various exceptions that authorize closed meetings, also known as "executive sessions." Some of the most commonly-used exceptions include discussions involving: (1) the purchase or lease of real property; (2) the receipt of gifts; (3) consultations with an attorney; (5) personnel matters; (5) economic development negotiations; and (6) certain security matters.<sup>12</sup> The governing body must first convene in open session, identify which issues will be discussed in executive session, and cite the time and applicable exception.<sup>13</sup> All final actions, decisions, or votes must be made in an open meeting.<sup>14</sup>

Cities must keep written minutes (or a "certified agenda" for executive sessions) or recordings of all meetings, except those involving a closed consultation with an attorney.<sup>15</sup> The minutes of an open meeting must state the subject of deliberations and indicate each vote, decision, or other action taken.<sup>16</sup> Minutes do not have to be a verbatim transcript. Minutes of open meetings must be kept forever.<sup>17</sup> Executive session certified agendas or recordings must be kept for at least two years, and longer if litigation is pending.<sup>18</sup> A home-rule city with a population of 50,000 or more must make a video and audio recording of each regularly scheduled open meeting available on its website.<sup>19</sup>

Penalties for violating the TOMA range from having actions voided to the imposition of fines and incarceration. Any action taken in violation of the TOMA is voidable and may be reversed in a

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<sup>8</sup> *Id.* § 551.007; *see also* Tex. Att'y Gen. Op. No. KP-0300 (2020) (concluding a city may have one public comment session at the beginning of the meeting and may adopt reasonable rules to cap the total time given to each person who wishes to testify).

<sup>9</sup> *Id.* § 551.042.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* § 551.0415 (defining "items of community interest" to include things like an expression of thanks, congratulations, or condolence).

<sup>12</sup> *Id.* §§ 551.071, 551.072, 551.073, 551.074, 551.076, 551.087.

<sup>13</sup> *Id.* §§ 551.101, 551.103(c)(3).

<sup>14</sup> *Id.* § 551.102.

<sup>15</sup> *Id.* §§ 551.021, 551.103.

<sup>16</sup> *Id.* § 551.021.

<sup>17</sup> 13 TEX. ADMIN. CODE § 7.125 (Tex. St. Lib. & Archives Comm'n, Local Schedule GR). Local retention schedules are available at <https://www.tsl.texas.gov/slrn/localretention>.

<sup>18</sup> TEX. GOV'T CODE § 551.104.

<sup>19</sup> *Id.* § 551.128. State law outside of the TOMA requires most cities that maintain a publicly accessible website to post the minutes of a meeting on the website. *Id.* §§ 2051.201.

civil lawsuit.<sup>20</sup> There are four criminal provisions under the Act; those provisions prohibit: (1) engaging in a prohibited series of communications;<sup>21</sup> (2) calling or participating in an impermissible closed meeting;<sup>22</sup> (3) participating in a closed session without a certified agenda or tape recording;<sup>23</sup> and (4) disclosing a certified agenda or recording of a closed meeting to a member of the public.<sup>24</sup> Violations are misdemeanor offenses. Depending upon the offense, fines may be up to \$2,000, and incarceration may be up to six months.

As to the second violation—calling or participating in an illegal closed meeting—an official may be convicted for participating even if unaware that the meeting is prohibited.<sup>25</sup> It is a defense that the member or the official acted in reasonable reliance on a: (1) court order; (2) written opinion of a court of record; (3) written attorney general's opinion; or (4) written opinion of the attorney for the governing body.<sup>26</sup>

Elected and appointed officials who are members of a governmental body subject to the TOMA must complete a one hour open meetings training course regarding the Act.<sup>27</sup> If a member of the governmental body fails to attend the required training course, it does not impact the validity of an action taken by the governmental body.<sup>28</sup> A certificate of course completion is admissible as evidence in a criminal prosecution under the TOMA, although it is not *prima facie* evidence that the defendant knowingly violated the TOMA.<sup>29</sup>

## B. Public Information

The Texas Public Information Act (PIA) is found in Government Code Chapter 552. Under the PIA, information that is written, produced, collected, assembled, or maintained in connection with the transaction of official city business is generally available to the public.<sup>30</sup> While many cities have professional staff that manage the city's records and respond to public requests for records, it is important for officials to have an understanding of what constitutes a public record and their duties under the PIA.

The PIA applies to all city records, on practically any media and created on any device.<sup>31</sup> For example, handwritten notes taken by a city councilmember during a city council meeting, an interview, or during an evaluation in connection with the official business of the city are public

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<sup>20</sup> *Id.* §§ 551.141-.142.

<sup>21</sup> *Id.* § 551.143.

<sup>22</sup> *Id.* § 551.144.

<sup>23</sup> *Id.* § 551.145.

<sup>24</sup> *Id.* § 551.146.

<sup>25</sup> *Tovar v. State*, 949 S.W.2d 370 (Tex. App.—San Antonio 1997), *aff'd*, 978 S.W.2d 584 (Tex. Crim. App. 1998).

<sup>26</sup> TEX. GOV'T CODE § 551.144(c).

<sup>27</sup> *Id.* § 551.005(a).

<sup>28</sup> *Id.* § 551.005(f).

<sup>29</sup> *Id.* § 551.005(g).

<sup>30</sup> *Id.* § 552.002.

<sup>31</sup> *Id.*

records.<sup>32</sup> A current or former councilmember does not have a personal or property right to public information the councilmember creates or receives while acting in an official capacity.<sup>33</sup> For instance, an e-mail about city business sent from a councilmember's personal computer to constituents is a public record subject to the PIA.<sup>34</sup> A councilmember or former councilmember with possession, custody, or control of such information must provide the information to the city not later than the 10th day after the date the city requests the information.<sup>35</sup> Failure to do so may subject the councilmember to penalties provided by the PIA or other law.

When a city receives a request, it should never inquire why a person is requesting information, but if a request for information is unclear, a city official may ask for clarification.<sup>36</sup> All requests should be treated the same, without regard to the requestor's identity.<sup>37</sup> Members of the public may request copies of information or inspect information at city hall, and information should be available, at a minimum, during normal business hours.<sup>38</sup>

Certain specifically-listed information is made "automatically" public under the PIA. For example, a completed report, audit, evaluation, or investigation made of, for, or by a governmental body must almost always be released unless made confidential under law.<sup>39</sup> Information must be released "promptly," which is defined in the PIA as being "as soon as possible under the circumstances, that is, within a reasonable time, without delay."<sup>40</sup> If a requestor seeks a large volume of information, a city may certify to the requestor in writing a reasonable date by which it will provide the information.<sup>41</sup>

While certain information has to be disclosed, there are literally hundreds of exceptions that either allow or require (also known as permissive and mandatory exceptions) a city to withhold certain types of information. The exceptions range from information regarding ongoing law enforcement investigations to certain medical information. If a city official believes that requested information is confidential by law or may be withheld pursuant to an exception, the city has ten business days to seek an attorney general ruling to allow it to withhold the information, and an additional five business days to submit samples of the information with arguments as to why the information may

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<sup>32</sup> See, e.g., Open Records Decision Nos. 626 (1994) (concluding handwritten notes taken during oral interview by Texas Department of Public Safety promotion board members are subject to the PIA), 450 (1986) (concluding handwritten notes taken by appraiser while observing teacher's classroom performance are subject to the PIA).

<sup>33</sup> TEX. GOV'T CODE § 552.233.

<sup>34</sup> A current or former councilmember who maintains public information on a privately-owned device must: (1) transfer the information to the city to be preserved; or (2) preserve the information in its original form in a backup or archive and on the privately-owned device for the time required by law. *Id.* § 552.004(b).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* § 552.222.

<sup>37</sup> *Id.* § 552.223. A city is not, however, required to accept or comply with a request for information from a person who is imprisoned or confined in a correctional facility. *Id.* § 552.028.

<sup>38</sup> *Id.* §§ 552.021, 552.221.

<sup>39</sup> *Id.* § 552.022.

<sup>40</sup> *Id.* § 552.221.

<sup>41</sup> *Id.*

be withheld.<sup>42</sup> *Generally*, the only way that a city can withhold information under the PIA is if the attorney general rules that it may do so, and missing the ten-day deadline may waive the city's right to withhold.<sup>43</sup> Because of the strict deadlines, cities should develop procedures for receiving and processing requests for information. Both city staff and officials should be familiar with any such procedures.

A city may charge fees for providing public information.<sup>44</sup> In many cases, the fees may include the reasonable costs of copies and labor.<sup>45</sup> If a city does not act in good faith in calculating the costs, a requestor is entitled to recover three times the amount of the overcharge actually paid.<sup>46</sup>

The PIA provides for both criminal penalties and civil remedies. The criminal provisions prohibit: (1) willfully destroying, mutilating, removing without permission, or altering public information;<sup>47</sup> (2) distributing information that is confidential under the PIA, knowingly using confidential information in an impermissible manner, permitting inspection of confidential information by a person who is not authorized to inspect the information, or disclosing confidential information to an unauthorized person;<sup>48</sup> or (3) with criminal negligence, failing or refusing to give access to or provide copies of public information to a requestor.<sup>49</sup> Violations are misdemeanor offenses. Depending on the offense, fines may be up to \$4,000 and up to six months in jail may be served.<sup>50</sup> A city official may also be ordered to release public information by a civil court.<sup>51</sup> In addition to constituting a crime, violations of the second and third offenses listed above also constitute official misconduct and thus, may be grounds for removal under the "official misconduct" provisions of Texas Local Government Code Sections 21.025(a)(2) and 21.031(a) or through a recall or other removal action authorized by a city charter.

### C. Records Retention

The Local Government Records Act (LGRA) is found in Chapters 201 through 205 of the Local Government Code. Under the LGRA, a city is required to establish a records management

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<sup>42</sup> *Id.* § 552.301; *but see* TEX. OCC. CODE § 1701.662 (establishing a different time frame to request an attorney general decision for body worn camera recordings).

<sup>43</sup> TEX. GOV'T CODE § 552.301. There are a limited number of statutes that allow a city to withhold information without requesting a ruling from the attorney general. *See, e.g.*, *id.* § 552.1175(f) (relating to the address, phone number, social security number and personal family information of peace officers and others).

<sup>44</sup> *Id.* §§ 552.261–.275.

<sup>45</sup> *Id.* § 552.261.

<sup>46</sup> *Id.* § 552.269.

<sup>47</sup> *Id.* § 552.351.

<sup>48</sup> *Id.* § 552.352.

<sup>49</sup> *Id.* § 552.353. It is an affirmative defense that the officer reasonably believed that public access was not required and that (1) the officer relied on a court order or attorney general opinion, (2) the officer requested a decision from the attorney general, (3) the governmental body filed a petition for declaratory judgment after the attorney general issued a ruling; or (4) the person is an agent of an officer for public information and relied on the written instructions of that officer not to disclose the information. *Id.*

<sup>50</sup> *Id.* §§ 552.351–.353.

<sup>51</sup> *Id.* § 552.321.

program.<sup>52</sup> In simple terms, a records management program addresses the creation, use, maintenance, retention, preservation, and disposal of city records.

Local government records created or received in the transaction of official business or the creation or maintenance of which were paid for by public funds are city property and must be preserved and managed in accordance with state law.<sup>53</sup> This includes records held by a councilmember (or former councilmember) who, in the transaction of official city business, creates or receives public information that the officer does not provide to the city's public information officer.<sup>54</sup> There are statutory procedures by which a city can seek to recover a local government record.<sup>55</sup>

It is a Class A misdemeanor for an officer or employee to knowingly or intentionally violate the LGRA or rules adopted pursuant to the LGRA by: (1) impermissibly destroying or alienating a local government record; or (2) intentionally failing to deliver records to a successor in office as required by the LGRA.<sup>56</sup>

## II. CONFLICTS OF INTEREST AND FINANCIAL DISCLOSURE

A common source of alleged wrongdoing revolves around conflicts of interest. Whether real or perceived, these allegations often arise out of a conflict of interest relating to personal financial gain, employment, or special treatment for family members or business relations. This section highlights various state laws that require city officials disclose information about these matters to the public by filling out some type of disclosure or abstaining from voting on a matter. If you have any doubt whether you have a conflict of interest, you should comply with these requirements.

### A. Local Government Code Chapter 171: Real Property and Business Interests

Chapter 171 of the Local Government Code regulates local public officials' conflicts of interest.<sup>57</sup> It prohibits a local public official from voting on or participating in a matter involving a business entity or real property in which the official has a substantial interest if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public, or in the case of a substantial interest in real property, it is reasonably foreseeable that the

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<sup>52</sup> TEX. LOC. GOV'T CODE §§ 203.026, 203.047.

<sup>53</sup> *Id.* § 201.005.

<sup>54</sup> *Id.* §§ 552.003, 552.004(c).

<sup>55</sup> *Id.* § 552.233; TEX. LOC. GOV'T CODE § 202.005.

<sup>56</sup> TEX. LOC. GOV'T CODE § 202.008. As discussed elsewhere, city records are also protected from destruction by state laws outside of the LGRA. *See* TEX. GOV'T CODE § 552.351 (providing that the willful destruction or mutilation of a public record is a criminal offense), TEX. PENAL CODE § 37.10(a)(3) (providing that the intentional destruction of a governmental record is a criminal offense).

<sup>57</sup> TEX. LOC. GOV'T CODE §§ 171.001–.010.

action will have a special economic effect on the value of the property, distinguishable from its effect on the public.<sup>58</sup>

A public official who has such interest is required to file, before a vote or decision on any matter involving the business entity or real property, an affidavit with the city's official record keeper (usually the city secretary), stating the nature and extent of the interest.<sup>59</sup> In addition, a public official is required to abstain from further participation in the matter except when a majority of the members of the governing body also have a substantial interest and are required to file and do file affidavits of similar interests on the same official matter.<sup>60</sup>

The term “local public official” is defined to mean “a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any . . . municipality . . . or other local governmental entity who exercises responsibilities beyond those that are advisory in nature.”<sup>61</sup> This term includes a member of a planning and zoning commission.<sup>62</sup>

A public official has a substantial interest in a business entity if the official:

- (1) owns 10 percent or more of the voting stock or shares of the business entity;
- (2) owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or
- (3) receives funds from the business entity that exceed 10 percent of the person’s gross income for the preceding year.<sup>63</sup>

A public official has a substantial interest in real property if the interest is an equitable or legal ownership interest with a fair market value of \$2,500 or more.<sup>64</sup>

A public official is also considered to have a substantial interest in a business entity or real property if the official’s relative within the first degree of consanguinity (blood) or affinity (marriage) has a substantial interest in the business entity or real property.<sup>65</sup> As such, any “substantial interest” that a public official’s spouse, parent, child, step-child, father or mother-in-law, or son or daughter-in-law has is imputed to the public official. For example, a public official has a “substantial interest” in a business that employs the official’s daughter if the official’s daughter earns a small income, which exceeds ten percent of her gross income.<sup>66</sup>

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<sup>58</sup> *Id.* § 171.004; *see also* Tex. Att’y Gen. Op. No. KP-0244 (2019) (concluding that a city attorney and city administrator who had no authority to vote or make a decision on a proposed agreement were not subject to Local Gov’t Code Section 171.004).

<sup>59</sup> TEX. LOC. GOV’T CODE § 171.004. An example affidavit is available here:

<https://www.tml.org/DocumentCenter/View/276/Chapter-171-Conflict-of-Interest-Affidavit-Sample-PDF>.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.* § 171.001(1).

<sup>62</sup> Tex. Att’y Gen. Op. Nos. KP-0105 (2016), DM-309 (1994).

<sup>63</sup> TEX. LOC. GOV’T CODE § 171.002(a).

<sup>64</sup> *Id.* § 171.002(b).

<sup>65</sup> *Id.* § 171.002(c).

<sup>66</sup> Tex. Att’y Gen. Op. No. JC-0063 (1999).

A business entity is defined as “a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.”<sup>67</sup> A nonprofit corporation is considered a business entity.<sup>68</sup> The term also includes a business entity that represents an entity or person with an interest in a matter before the city council.<sup>69</sup> Public entities such as a city, county, state university or school district, are not business entities.<sup>70</sup>

The limit on “further participation” by a public official who has a conflict does not preclude the public official from attending meetings, including executive session meetings, relevant to the matter in which he has a substantial interest, provided that the official remains silent during the deliberations.<sup>71</sup> Thus, an interested public official does not participate in a matter by merely attending an executive session on the matter and remaining silent during the deliberations.<sup>72</sup>

The question of whether a vote or decision has a “special economic effect” on a business entity or on the value of real property is generally a question of fact.<sup>73</sup> However, a vote or decision will, as a matter of law, have a “special economic effect” if the governing body considers purchasing goods or services from a business entity in which a local public official has a substantial interest.<sup>74</sup> Additionally, the issue of whether a vote or decision has a special economic effect may be answered as a matter of law in the context of the purchase or sale of an interest in real property.<sup>75</sup>

Whether it is “reasonably foreseeable” that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public, is fact specific.<sup>76</sup> In instances where the economic effect is direct and apparent at the time of the action, both a court and the attorney general have concluded that the economic effect was “reasonably foreseeable.”<sup>77</sup>

There are special rules beyond the filing of an affidavit and abstaining from voting that apply to the adoption of a budget. If an item of the budget is specifically dedicated to a contract with a business entity in which a member of the governing body has a substantial interest, the governing body must vote on that line item separately.<sup>78</sup> The affected member may not generally participate in consideration of that item.<sup>79</sup>

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<sup>67</sup> TEX. LOC. GOV’T CODE § 171.001(2).

<sup>68</sup> Tex. Att’y Gen. Op. No. JM-424 (1986), at 2.

<sup>69</sup> Tex. Att’y Gen. Op. No. DM-309 (1994), at 2.

<sup>70</sup> Tex. Att’y Gen. Op. Nos. KP-0355 (2021), GA-0826 (2010), at 1, DM-267 (1993), at 2, JM-852 (1988), at 2.

<sup>71</sup> Tex. Att’y Gen. Op. No. GA-0334 (2005), at 6.

<sup>72</sup> *Id.*

<sup>73</sup> Tex. Att’y Gen. Op. No. GA-0796, at 4 (2010); Tex. Att’y Gen. LO-98-052.

<sup>74</sup> Tex. Att’y Gen. Op. No. GA-0136 (2004), at 3.

<sup>75</sup> Tex. Att’y Gen. Op. No. GA-0796 (2010), at 4 (discussing *Dallas Cty. Flood Control Dist. No. 1 v. Cross*, 815 S.W.2d 271, 281-82 (Tex. App.—Dallas 1991, writ denied)).

<sup>76</sup> Tex. Att’y Gen. LO-96-049.

<sup>77</sup> *Dallas Cty. Flood Control Dist. No. 1 v. Cross*, 815 S.W.2d 271, 278 (Tex. App.—Dallas 1991, writ denied); Tex. Att’y Gen. Op. No. GA-0796 (2010), at 6.

<sup>78</sup> TEX. LOC. GOV’T CODE § 171.005.

<sup>79</sup> *Id.*

If a public official votes on a matter that he or she has a substantial interest in or fails to abstain from further participation, the action of the governing body on the matter is not voidable, unless the matter that was the subject of the action would not have passed without the vote of the person who had a substantial interest.<sup>80</sup> A knowing violation of Chapter 171 is a Class A misdemeanor, which is punishable by a fine and/or confinement.<sup>81</sup>

## **B. Local Government Code Chapter 176: Vendor Relationships**

Chapter 176 of the Local Government Code requires certain local government officers to disclose the receipt of gifts from and certain relationships with vendors who conduct business, or consider conducting business, with local government entities. The requirements apply to most political subdivisions, including cities.<sup>82</sup> The Chapter also applies to a “local government corporation, a board, commission, district, or authority” whose members are appointed by a mayor or the city council.<sup>83</sup>

A “local government officer” (officer) includes: (1) a mayor or city councilmember; (2) a director, administrator, or other person designated as the executive officer of the city; and (3) an agent (including an employee) of the city who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.<sup>84</sup>

An officer is required to file a conflicts disclosure statement in three situations.

1. An officer must file a statement if the officer or officer’s family member<sup>85</sup> has an employment or other business relationship with a vendor that results in the officer or officer’s family member receiving taxable income of more than \$2,500 in the preceding twelve months.<sup>86</sup> An officer who only receives investment income, regardless of amount, is not required to file a disclosure statement. Investment income includes dividends, capital gains, or interest income gained from a personal or business checking or savings account or other similar account, a personal or business investment, or a personal or business loan.<sup>87</sup>
2. An officer is required to file a statement if the officer or officer’s family member accepts one or more gifts (including lodging, transportation, and entertainment accepted as a guest) from a vendor that has an aggregate value of more than \$100 in the preceding twelve months.<sup>88</sup> An officer is not required to file a statement in relation to a gift, regardless of amount, if the gift: (1) is a political contribution; (2) is food accepted as a guest; or (3) is

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<sup>80</sup> *Id.* § 171.006.

<sup>81</sup> *Id.* § 171.003; *see also Marra v. State*, 399 S.W.3d 664 (2013) (overturning a conviction under Local Government Code Section 171.003).

<sup>82</sup> TEX. LOC. GOV’T CODE § 176.001.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> An officer’s family member is a person related to the officer within the first degree by consanguinity (blood) or affinity (marriage). *Id.*

<sup>86</sup> *Id.* § 176.003(a)(2)(A).

<sup>87</sup> *Id.* § 176.001.

<sup>88</sup> *Id.* § 176.003(a)(2)(B) .

offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient.<sup>89</sup>

3. An officer is required to file a statement if the officer has a family relationship with the vendor.<sup>90</sup>

There is at least one exception to the three situations set out above. A local government officer does not have to file a statement if the vendor is an administrative agency supervising the performance of an interlocal agreement.<sup>91</sup>

An officer is required to file a statement no later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of facts that require a filing of the statement.<sup>92</sup>

A “vendor” includes any person that enters or seeks to enter into a contract with a city.<sup>93</sup> The term also includes: (1) an agent of a vendor; (2) an officer or employee of a state agency when that individual is acting in a private capacity; and (3) Texas Correctional Industries (but no other state agency).<sup>94</sup>

Chapter 176 applies to any written contract for the sale or purchase of real property, goods (personal property), or services.<sup>95</sup> A contract for services includes one for skilled or unskilled labor, as well as professional services.<sup>96</sup>

A vendor is required to file a conflict of interest questionnaire if the vendor has a business relationship with the city and has: (1) an employment or other business relationship with an officer or an officer’s family member that results in the officer receiving taxable income that is more than \$2,500 in the preceding twelve months; (2) has given an officer or an officer’s family member one or more gifts totaling more than \$100 in the preceding twelve months; or (3) has a family relationship with an officer.<sup>97</sup>

A vendor is required to file a questionnaire not later than the seventh business day after the later of the following: (1) the date that the vendor begins discussions or negotiations to enter into a contract with the city or submits an application or response to a bid proposal; or (2) the date that the vendor becomes aware of a relationship or gives a gift to an officer or officer’s family member, or becomes aware of a family relationship with an officer.<sup>98</sup>

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<sup>89</sup> *Id.* §§ 176.001(2-b), 176.003(a-1).

<sup>90</sup> *Id.* § 176.003(a)(2)(C). An officer has a family relationship with a vendor if they are related within the third degree by consanguinity (blood) or second degree by affinity (marriage). *Id.* § 176.001.

<sup>91</sup> *Id.* § 176.003(a-2).

<sup>92</sup> *Id.* §176.003(b).

<sup>93</sup> *Id.* §176.001.

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.* §176.006(a).

<sup>98</sup> *Id.* §176.006(a-1).

The statements and disclosures must be filed with the records administrator of the city.<sup>99</sup> A records administrator includes a city secretary, a person responsible for maintaining city records, or a person who is designated by the city to maintain the statements and disclosures filed under Chapter 176.<sup>100</sup>

A city that maintains a website is required to post on that site statements and disclosures that are required to be filed under Chapter 176.<sup>101</sup> However, a city that does not have a website is not required to create or maintain one.<sup>102</sup>

An officer or vendor who knowingly fails to file a statement or a disclosure when required to do so commits a Class A, B, or C misdemeanor, depending on the amount of the contract.<sup>103</sup> It is an exception to prosecution that an officer/vendor files a statement/questionnaire not later than the seventh day after the date the person receives notice from the city of the alleged violation.<sup>104</sup> The validity of a contract between a city and a vendor is not affected solely because a vendor fails to file a questionnaire.<sup>105</sup>

The Texas Ethics Commission is charged with creating statements and disclosure forms. The forms (Form CIS and Form CIQ) may be found at <https://www.ethics.state.tx.us/forms/conflict/>.

### C. Government Code Chapter 553: Property Acquisition

Chapter 553 of the Government Code provides that a “[a] public servant who has a legal or equitable interest in property that is to be acquired with public funds shall file an affidavit within 10 days before the date on which the property is to be acquired by purchase or condemnation.”<sup>106</sup>

Chapter 553’s affidavit requirement applies to a “public servant,” defined as a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as: (1) a candidate for nomination or election to public office; or (2) an officer of government.<sup>107</sup>

The term “public funds” is defined to “include[] only funds collected by or through a government.”<sup>108</sup> The language of Chapter 553 suggests that a public servant is required to disclose his/her interest in property even when the property is to be acquired by a separate governmental entity with which the public servant is not affiliated. There appears to be no case or attorney

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<sup>99</sup> *Id.* §§176.003(b), 176.006(a-1).

<sup>100</sup> *Id.* §176.001(5).

<sup>101</sup> *Id.* § 176.009.

<sup>102</sup> *Id.*

<sup>103</sup> *Id.* §§ 176.013.

<sup>104</sup> *Id.*

<sup>105</sup> *Id.* § 176.006(i).

<sup>106</sup> TEX. GOV’T CODE § 553.002(a).

<sup>107</sup> *Id.* § 553.001(2).

<sup>108</sup> *Id.* § 553.001(1).

general opinion that addresses this issue. Thus, a public servant or official subject to Chapter 553 should consult his/her private legal counsel regarding the application of Chapter 553 in this scenario.

Chapter 553 is not, by its language, limited to real property interests. Thus, if a public servant has a legal or equitable interest in any real (e.g., land) or personal (e.g., a vehicle) property acquired with public funds, and has actual notice of the acquisition or intended acquisition of the property, the public servant should file a Chapter 553 affidavit.<sup>109</sup>

A Chapter 553 affidavit has to be filed within ten days before the date on which the property is to be acquired by purchase or condemnation.<sup>110</sup> The affidavit is filed with the county clerk of the county in which the public servant resides as well as the county clerk of each county in which the property is located.<sup>111</sup>

The affidavit must include: (1) the name of the public servant; (2) the public servant's office, public title, or job designation; (3) a full description of the property; (4) a full description of the nature, type, and amount of interest in the property, including the percentage of ownership interest; (5) the date the public servant acquired an interest in the property; (6) the following verification: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code;" and (7) an acknowledgement of the same type required for recording a deed in the deed records of the county.<sup>112</sup> An affidavit example is available on our website at: <https://www.tml.org/DocumentCenter/View/275/Chapter-553-Property-Affidavit-Sample-PDF>.

A person who violates Section 553.002 of the Government Code by failing to file the required affidavit is presumed to have committed a Class A misdemeanor offense if the person had actual notice of the acquisition or intended acquisition of the legal or equitable interest in the property.<sup>113</sup>

#### **D. Local Government Code Chapter 145: Cities with a Population of 100,000 or More**

Local Government Code Chapter 145's financial disclosure requirements apply *only in a city with a population of 100,000 or more*.<sup>114</sup> In general terms, Chapter 145:

1. requires each mayor, each member of a city council, each city attorney, each city manager, and each candidate for city office filled by election to file an annual financial statement with the city clerk or secretary;<sup>115</sup>

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<sup>109</sup> *Id.* § 553.002.

<sup>110</sup> *Id.* § 553.002(a).

<sup>111</sup> *Id.* § 553.002(c).

<sup>112</sup> *Id.* § 553.002(b).

<sup>113</sup> *Id.* § 553.003.

<sup>114</sup> TEX. LOC. GOV'T CODE § 145.001.

<sup>115</sup> *Id.* §§ 145.002–.003. The requirements seem to apply to interim city managers and city attorneys as well. *Cf.* Tex. Ethics Comm'n Op. Nos. 27 (1992), 265 (1995).

2. requires that the financial statement include an account of the financial activity of the covered individual and the individual's spouse and dependent children, if the individual had control over that activity; and<sup>116</sup>
3. requires that the financial statement include all sources of income; shares of stocks owned, acquired, or sold; bonds, notes, or other paper held, acquired, or sold; any interest, dividend, royalty, or rent exceeding \$500; each person or institution to whom a personal debt of \$1,000 or more exists; all beneficial interests in real property or businesses owned, acquired, or sold; certain gifts received; income in excess of \$500 from a trust; a list of all boards of directors on which the individual serves; and information about certain contracts with a governmental entity.<sup>117</sup>

Candidates for elected city office are required to file the financial disclosure statement not later than the earlier of: (1) the twentieth day after the deadline for filing an application for a place on the ballot in the election; or (2) the fifth day before the date of the election.<sup>118</sup> Annually, the mayor, city councilmembers, the city manager, and the city attorney must file a financial disclosure statement for the preceding year by April 30.<sup>119</sup> A new city manager or a new city attorney must file a financial disclosure statement within forty-five days of assuming the duties of office.<sup>120</sup>

City officers and candidates for elected city office must file the financial statement on a form provided by the Texas Ethics Commission.<sup>121</sup> The form (PFS-Local) is available here: <https://www.ethics.state.tx.us/forms/QuickFindAForm.php>. A detailed listing of the required contents can be found in Section 572.023 of the Texas Government Code. If information in the financial disclosure form is required to be filed by category, Section 572.022 sets forth reporting categories. The city secretary must deliver (by mail, personal delivery, e-mail, or other electronic transfer) copies of the form to city officers and candidates for city office within certain time deadlines.<sup>122</sup>

The completed financial disclosure statement is filed with the city clerk or secretary.<sup>123</sup> Statements are public records and are to be maintained so as to be accessible to the public during regular office hours.<sup>124</sup>

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<sup>116</sup> *Id.* § 145.003(b)(2), TEX. GOV'T CODE § 572.023(a).

<sup>117</sup> TEX. LOC. GOV'T CODE § 145.003(b)(2), TEX. GOV'T CODE § 572.023(b).

<sup>118</sup> TEX. LOC. GOV'T CODE § 145.004(c).

<sup>119</sup> *Id.* § 145.004, TEX. GOV'T CODE § 572.026(a).

<sup>120</sup> TEX. LOC. GOV'T CODE § 145.004, TEX. GOV'T CODE § 572.026(c).

<sup>121</sup> TEX. LOC. GOV'T CODE § 145.005(a).

<sup>122</sup> *Id.* §§ 145.002, 145.005(b).

<sup>123</sup> *Id.* § 145.003(b).

<sup>124</sup> *Id.* § 145.007(a). On the written request of the municipal court judge or a candidate for municipal court judge, the residence address of the judge, the judge's family member, or the candidate for judge shall be removed or redacted before the financial statement is made available to the public. *Id.* § 145.007(d). (Note: A municipal court judge appears to be subject to Chapter 145 only if the office is filled by election.)

Both criminal and civil penalties may be imposed for failure to file a financial disclosure statement. An offense under Chapter 145 is a class B misdemeanor, which is punishable by a fine up to \$2,000 and/or confinement up to 180 days.<sup>125</sup> Section 145.010 sets forth a process whereby a civil penalty up to \$1,000 can be assessed upon failure to comply after notice is received from the city attorney.

The city secretary shall grant an extension of not more than sixty days for the filing of the financial disclosure statement to a city officer or a person appointed to a city office if: (1) the individual makes an extension request before the filing deadline; or (2) the individual's physical or mental capacity prevents either the filing or the request for an extension before the filing date.<sup>126</sup> Extensions shall not be granted to candidates for elected city office.<sup>127</sup>

The city secretary shall maintain a list of the city officers and candidates required to file a financial disclosure statement. No later than ten days after the filing deadline, the city secretary shall provide a list to the city attorney showing for each city officer and candidate for city office: (1) whether the individual filed a timely statement; (2) whether the individual was granted an extension and the new filing deadline; or (3) whether the individual did not timely file a financial statement or receive an extension of time.<sup>128</sup>

## **E. Miscellaneous Conflicts Provisions**

### **1. Plats**

A provision governing conflicts of interest in the plat approval process was added to state law in 1989. It requires a member of a municipal authority responsible for approving plats who has a substantial interest in a subdivided tract to file an affidavit stating the nature and extent of the interest and abstain from further participation in the matter.<sup>129</sup> The affidavit must be filed with the municipal secretary or clerk before a vote or decision regarding the approval of a plat for the tract.

For purposes of this disclosure requirement, “subdivided tract” means a tract of land, as a whole, that is subdivided. The term does not mean an individual lot in a subdivided tract of land.<sup>130</sup>

A person has a substantial interest in a subdivided tract if the person:

- (1) has an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more;
- (2) acts as a developer of the tract;
- (3) owns 10% or more of the voting stock or shares of or owns either 10% or more or \$5,000 or more of the fair market value of a business entity that:
  - (A) has an equitable or legal ownership interest in the tract with a fair market value of 2,500 or more; or

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<sup>125</sup> *Id.* § 145.009.

<sup>126</sup> *Id.* § 145.004(e).

<sup>127</sup> *Id.* § 145.004(f).

<sup>128</sup> *Id.* § 145.008.

<sup>129</sup> *Id.* § 212.017(d).

<sup>130</sup> *Id.* § 212.017(a).

- (B) acts as a developer of the tract; or
- (4) receives in a calendar year funds from a business entity described in (3) that exceed 10% of the person's gross income for the previous year.<sup>131</sup>

A person is also considered to have a substantial interest in a subdivided tract if the person is related in the first degree by consanguinity or affinity to another person who has a substantial interest in the tract. An offense under this subsection is a Class A misdemeanor.<sup>132</sup> The finding by a court of a violation of this requirement does not render voidable an action of the municipal authority responsible for approving plats, unless the measure would not have passed without the vote of the member who violated the requirement.<sup>133</sup>

## 2. Depository

Local Government Code Section 131.903 regulates conflicts of interest with respect to a city's selection of a depository. A bank is disqualified from serving as the depository of the city if an officer or employee of the city who has a duty to select the depository owns or has a beneficial interest, individually or collectively, in more than 10 percent of the outstanding capital stock of the bank.<sup>134</sup> In other words, a city council may not select a bank as the city's depository if a mayor or councilmember owns more than 10 percent of the bank.

If an officer or employee of the city is a director or officer of the bank, or owns 10 percent or less of the capital stock of the bank, the bank is not disqualified from serving as the city's depository so long as: (1) the interested officer or employee does not vote or take part in the proceedings; and (2) a majority of the other members of the city council vote to select the bank as the depository.<sup>135</sup>

The attorney general has concluded that Section 131.903 is an exception to the general conflicts of interest statute in Chapter 171 of the Local Government Code.<sup>136</sup> That being said, TML attorneys advise that any local public official with a "substantial interest" in a bank, as that term is defined by Chapter 171 of the Local Government Code, comply with the Chapter 171 requirements of: (1) filing an affidavit that discloses the potential conflict; and (2) abstaining from participating in the selection of the bank, even if the potential conflict doesn't trigger the specific conflict of interest provision under Local Government Code Section 131.903.

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<sup>131</sup> *Id.* § 212.017(b).

<sup>132</sup> *Id.* § 212.017(e).

<sup>133</sup> *Id.* § 212.017(f).

<sup>134</sup> *Id.* § 131.903(a)(2).

<sup>135</sup> *Id.*

<sup>136</sup> Tex. Att'y Gen. LO-97-093.

### 3. Acting as a Surety

There are various instances in which a city may require an entity with which it contracts to utilize a surety (sometimes referred to as a guarantor or secondary obligor).<sup>137</sup> In addition, certain city officers may be required to execute a bond in conjunction with their office.<sup>138</sup>

A local public official commits a Class A misdemeanor offense if the official knowingly: (1) acts as a surety for a business entity that has work, business, or a contract with the governmental entity or (2) acts as a surety on any official bond required of an officer of the governmental entity.<sup>139</sup> For the purposes of these violations, a “local public official” is defined to mean “a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any . . . municipality . . . who exercises responsibilities beyond those that are advisory in nature.”<sup>140</sup>

### 4. Communication with Chief Appraiser

House Bill 988, adopted during the Eighty Seventh legislative session, provides that a member of the governing body, officer, or employee of a taxing unit commits a Class A misdemeanor if the person directly or indirectly communicates with the chief appraiser or another employee of the appraisal district in which the taxing unit participates for the purpose of influencing the value at which property in the district is appraised, unless the person owns or leases the property that is the subject of the communication. This prohibition, codified at Section 6.155 of the Tax Code, is not effective until January 1, 2022.

## III. PURCHASING

At meetings throughout the budget year, the city council may be called on to approve the purchase of goods, services, and property. With limited exceptions, before a city enters into a contract that requires an expenditure of more than \$50,000, it must comply with the procedures for competitive sealed bidding or competitive sealed proposals in Chapter 252 of the Texas Local Government Code.<sup>141</sup> As an alternative to competitive sealed bidding or proposals, a city may use the following procurement methods: (1) the reverse auction procedure for purchasing in Section 2155.062(d) of the Government Code; (2) a cooperative purchasing program under Subchapters D and F of

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<sup>137</sup> See, e.g., *Wisenbaker v. Johnny Folmar Drilling Co.*, 334 S.W.2d 465, 466 (Tex. Civ. App.—Texarkana 1960, writ dism'd)(describing that the City of Quitman had filed suit against a drilling company and its surety on the company's performance bond for breach of contract).

<sup>138</sup> See, e.g., TEX. LOC. GOV'T CODE § 22.072(c) (authorizing the city council in a type A general law city to require municipal officers to execute a bond payable to the city and conditioned that the officer will faithfully perform the duties of the office).

<sup>139</sup> TEX. LOC. GOV'T CODE § 171.003; *see also* Tex. Att'y Gen. Op. No. KP-0132 (2017) (concluding that 171.003 does not prohibit a local public official from acting as a surety on a bail bond, i.e., a surety for an individual made to secure the release of an individual defendant from the State's custody).

<sup>140</sup> TEX. LOC. GOV'T CODE § 171.001(1).

<sup>141</sup> *Id.* §§ 252.021, 252.022.

Chapter 271 of the Local Government Code; or (3) an alternative procurement method for city construction projects set out in Chapter 2269 of the Texas Government Code.<sup>142</sup>

A city may use competitive sealed proposals for the purchase of any goods or services, including high technology items and insurance.<sup>143</sup> However, construction projects must generally be procured using competitive bidding or specific alternative methods (discussed below).

For general procurement of goods or services (as discussed below, special rules may apply to construction procurement), a contract must be awarded to: (a) the lowest responsible bidder, or (b) the bidder who provides goods or services at the “best value.”<sup>144</sup> When determining “best value,” the city may consider factors other than the purchase price of the goods and services, including among other things: (1) the reputation of the bidder and the bidder’s goods or services; (2) the quality of the bidder’s goods or services; (3) the bidder’s past relationship with the city; and/or (4) any other lawful criteria.<sup>145</sup>

The city must indicate in the bid specifications and requirements that the contract will be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the “best value” for the city.<sup>146</sup>

In addition, two provisions—Local Government Code Sections 271.905 and 271.9051—authorize the use of local preference when awarding a contract *under the Local Government Code*. Section 271.905 allows a city to consider a bidder’s principal place of business when a city awards a contract for real or personal property.<sup>147</sup> Specifically, it provides that if a city receives one or more bids from a bidder whose principal place of business is in the city and whose bid is within three percent of the lowest bid price of a non-resident, the city may pick the resident bidder after a written determination that the decision is in the best interest of the city.<sup>148</sup> This is a useful provision for awarding contracts, but it appears to be directed towards the purchase of tangible items rather than services.

Section 271.9051 authorizes a city to give a preference to a local bidder when awarding a contract for personal property *or services* if: (1) the local bid is within five percent of the lowest bid that isn’t local, and (2) the city’s governing body finds in writing that the local bid offers the best combination of price and economic development factors such as local employment and tax

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<sup>142</sup> *Id.* § 252.021. House Bill 628, passed during the 2011 regular legislative session, consolidated the alternative procurement methods for most governmental entities into a new Chapter 2267 of the Texas Government Code. Senate Bill 1093, passed during the 2013 regular legislative session, moves those methods to Chapter 2269 of the Texas Government Code.

<sup>143</sup> *Id.* § 252.021(b).

<sup>144</sup> *Id.* § 252.043.

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> *Id.* § 271.905.

<sup>148</sup> *Id.* (requiring a written finding that “the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government created by the contract award, including the employment of residents of the local government and increased tax revenues to the local government”).

revenues. Legislation passed in 2009 and 2011 limits the applicability of this provision to contracts for construction services that are less than \$100,000 and contracts for other purchases that are less than \$500,000.

A city does not have to comply with competitive procurement requirements for certain expenditures, even if the expenditure is over \$50,000. The most common exemptions are as follows (see Section 252.022(a) of the Local Government Code for a complete list of exemptions):

- A procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the city's residents or to preserve the property of the municipality.<sup>149</sup>
- A procurement necessary to preserve or protect the public health or safety of the city's residents.<sup>150</sup>
- A procurement necessary because of unforeseen damage to public machinery, equipment, or other property.<sup>151</sup>
- A procurement for personal, professional, or planning services.<sup>152</sup>
- A purchase of land or a right-of-way.<sup>153</sup>
- A procurement of items that are available from only one source.<sup>154</sup>

Whether or not to use any of the exemptions is up to each city, and the decision should be made based on the advice of local legal counsel.

A city, in making an expenditure of more than \$3,000 but less than \$50,000, shall contact at least two historically underutilized businesses (HUB) on a rotating basis, based on information provided by the Texas Comptroller's Office pursuant to Chapter 2161 of the Government Code, see information at <https://comptroller.texas.gov/purchasing/>.<sup>155</sup> If the list fails to identify a HUB in the county in which the city is located, the city is exempt.<sup>156</sup>

For construction projects that involve the construction of a building that is to be designed and constructed in accordance with accepted building codes (commonly referred to as "vertical construction projects"), and those that are civil engineering projects (commonly referred to as "horizontal construction projects"), a city may use many of the alternative procurement methods set out in Chapter 2269 of the Texas Government Code.<sup>157</sup> The alternative methods are:

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<sup>149</sup> *Id.* § 252.022(a)(1).

<sup>150</sup> *Id.* § 252.022(a)(2).

<sup>151</sup> *Id.* § 252.022(a)(3).

<sup>152</sup> *Id.* § 252.022(a)(4). Certain professional services, however, must be procured through a competitive selection process under Chapter 2254 of the Government Code (the Professional Services Procurement Act).

<sup>153</sup> *Id.* § 252.022(a)(6).

<sup>154</sup> *Id.* § 252.022(a)(7).

<sup>155</sup> *Id.* § 252.0215.

<sup>156</sup> *Id.*

<sup>157</sup> House Bill 628, passed during the 2011 regular legislative session, consolidated the alternative procurement methods for most governmental entities into a new Chapter 2267 of the Texas Government Code. Senate Bill 1093,

- Competitive bidding (which is different than the “standard” competitive bidding processes in Chapter 252/Chapter 271, Subchapter B).<sup>158</sup>
- Competitive sealed proposals (may be used for civil engineering projects).<sup>159</sup>
- Construction manager agent.<sup>160</sup>
- Construction manager at risk (may be used for civil engineering projects).<sup>161</sup>
- Design-build<sup>162</sup> (may not generally be used for civil engineering projects, although a handful of very large cities—those over 100,000 in population—may use design-build for a limited number of civil works projects under Government Code Chapter 2269, Subchapter H).
- Job order contract (may not be used for civil engineering projects).<sup>163</sup>

For each of the methods listed above, a city awards the contract to the contractor who provides the “best value” to the city based on the selection criteria established by the city in its procurement documents. The selection criteria may generally include factors other than the construction cost, including among other things: (1) the reputation of the contractor and the contractor’s goods or services; (2) the quality of the contractor’s goods or services; and (3) the contractor’s past relationship with the city.<sup>164</sup>

Any provision in the charter of a home rule city that relates to the notice of contracts, advertisement of the notice, requirements for the taking of sealed bids based on specifications for public improvements or purchases, the manner of publicly opening bids or reading them aloud, or the manner of letting contracts that is in conflict with Chapter 252 controls unless the governing body elects to have Chapter 252 supersede the charter.<sup>165</sup>

Chapter 271, Subchapters D and F, of the Local Government Code (Cooperative Purchasing Programs) authorize cities to enter into cooperatives with the state or other local governments for the purpose of procuring goods and services. The state purchasing cooperative is online at <https://comptroller.texas.gov/purchasing/>, and a joint TML/Texas Association of School Board cooperative is online at <https://www.tasb.org/Services/BuyBoard.aspx>. In addition, several councils of governments offer cooperative purchasing.

Section 2155.062(d) of the Texas Government Code authorizes the use of the reverse auction method for the purchase of goods and services. A reverse auction procedure is: (1) a real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time

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passed during the 2013 regular legislative session, moves those methods to Chapter 2269 of the Texas Government Code.

<sup>158</sup> TEX. GOV’T CODE Chapter 2269, Subchapter C.

<sup>159</sup> *Id.* Chapter 2269, Subchapter D.

<sup>160</sup> *Id.* Chapter 2269, Subchapter E.

<sup>161</sup> *Id.* Chapter 2269, Subchapter F.

<sup>162</sup> *Id.* Chapter 2269, Subchapters G and H.

<sup>163</sup> *Id.* Chapter 2269, Subchapter I.

<sup>164</sup> *Id.* § 2269.056.

<sup>165</sup> TEX. LOC. GOV’T CODE § 252.002.

and Internet location in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or (2) a bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.<sup>166</sup>

A contract made without compliance with competitive procurement laws is void, and performance of the contract may be enjoined by any property tax paying resident or a person who submitted a bid for a contract to which the competitive sealed bidding requirement applies, regardless of residency, if the contract is for the construction of public works.<sup>167</sup> The specific criminal penalties are as follows:

- A municipal officer or employee who intentionally or knowingly makes or authorizes separate, sequential, or component purchases to avoid the competitive procurement requirements of Chapter 252 commits a Class B misdemeanor.<sup>168</sup>
- A municipal officer or employee who intentionally or knowingly violates the competitive procurement requirements of Chapter 252 commits a Class B misdemeanor.<sup>169</sup>
- A municipal officer or employee who intentionally or knowingly violates Chapter 252 other than by conduct described above commits a Class C misdemeanor.<sup>170</sup>

A final conviction for an offense constituting a Class B misdemeanor results in the immediate removal of that person from office or employment. For a period of four years following conviction, the removed officer or employee is ineligible to be appointed or elected to a public office in Texas, to be re-employed by the city, or to receive any compensation through a contract with that city.<sup>171</sup>

A more detailed discussion of these and other purchasing issues are addressed in TML's Municipal Procurement Made Easy paper, available [here](#).

#### IV. NEPOTISM

“Texas was the first state in the nation to recognize ‘the need for nepotism regulations and restrictions’; it first did so in 1907.”<sup>172</sup> Chapter 573 of the Texas Government Code is the primary anti-nepotism law in Texas.<sup>173</sup>

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<sup>166</sup> TEX. GOV'T CODE § 2155.062(d).

<sup>167</sup> TEX. LOC. GOV'T CODE § 252.061.

<sup>168</sup> *Id.* § 252.062.

<sup>169</sup> *Id.*

<sup>170</sup> *Id.*

<sup>171</sup> *Id.* § 252.063.

<sup>172</sup> OFFICE OF THE TEXAS ATTORNEY GENERAL, 2006 PUBLIC OFFICERS: TRAPS FOR THE UNWARY 17 (2006) (citing *Collier v. Firemen's & Policemen's Civil Serv. Comm'n of Wichita Falls*, 817 S.W.2d 404, 408 (Tex. App.—Fort Worth 1991, writ denied); Richard D. White Jr., *Consanguinity by Degrees: Inconsistent Efforts to Restrict Nepotism in State Government*, 32 ST. & LOC. GOV'T REV. 108, 109 (Spring 2000)).

<sup>173</sup> TEX. GOV'T CODE §§ 573.001–084.

In many cities, the city council exercises final control over hiring decisions. In such a city, the general rule is that a councilmember is prohibited from appointing, confirming the appointment of, or voting on the appointment of an individual if: (1) the individual is related to himself or any member of the council within the third degree by consanguinity (blood) or within the second degree by affinity (marriage); and (2) the position will be directly or indirectly compensated from public funds.<sup>174</sup> Chapter 573 does not require that the nepotism problem be disclosed or documented in any particular fashion.

The resignation of a councilmember does not resolve nepotism problems where the councilmember continues to serve in a holdover capacity.<sup>175</sup> However, once the city fills the former officer's position and has qualified and sworn a new person into office, the local entity may then hire a close relative of the former official.

There are two statutory exceptions to the prohibition against the appointment of close relatives. Chapter 573 does not apply to cities with fewer than 200 people.<sup>176</sup> A second exception (referred to as the "continuous employment exception") also exists for relatives who are continuously employed prior to the public official's election or appointment for: (a) thirty days, if the public official was appointed; (b) six months, if the public official is elected at an election other than the general election; or (c) one year, if the public official is elected at the general election.<sup>177</sup> But if an individual continues in an employment position under this exception, the public official to whom the individual is related "may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees."<sup>178</sup>

In some cities, the city council has delegated final hiring authority to an employee. The delegation of final hiring authority, by ordinance, does not relieve a city council of its nepotism problems.<sup>179</sup> However, if final hiring authority has been delegated by city charter, reserving no authority in the city council, it is a valid delegation and may relieve the council of nepotism problems.<sup>180</sup>

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<sup>174</sup>*Id.* § 573.041. A "public official" is defined to mean "(A) an officer of this state or of a district, county, municipality, precinct, school district, or other political subdivision of this state; (B) an officer or member of a board of this state or of a district, county, municipality, school district, or other political subdivision of this state; or (C) a judge of a court created by or under a statute of this state." *Id.* § 573.001(3). The statute prohibits only the appointment of a natural person, not a business entity. Tex. Att'y Gen. Op. No. KP-0376 (2021).

<sup>175</sup> TEX. CONST. art. XVI, § 17; Tex. Att'y Gen. Op. No. JM-636 (1987).

<sup>176</sup> TEX. GOV'T CODE § 573.061(7).

<sup>177</sup> *Id.* § 573.062.

<sup>178</sup> *Id.*; see also Tex. Att'y Gen. Op. No. JC-0558 (2002) (concluding that a city commissioner could not participate in a deliberation regarding a merit salary increase for his sibling who was working under the continuous employment exception and explaining that the term deliberation "embraces any discussion or consideration of a measure").

<sup>179</sup> Tex. Att'y Gen. Op. No. DM-2 (1991) (members of city council of a Type A general law city did not avoid prohibitions of anti-nepotism law by delegating hiring responsibility to the city administrator).

<sup>180</sup> Tex. Att'y Gen. Op. Nos. GA-0226 (2004) (explaining that a home-rule city may delegate final hiring authority to the city manager to avoid application of Section 573.041 to the city council if it delegates full and final authority by charter, reserving no authority in the city council); GA-0595 (2008) ("If the charter provides the city manager with

In addition to placing prohibitions on the hiring of close relatives, Chapter 573 prohibits a public official from trading nepotistic appointments.<sup>181</sup> For instance, a city councilmember is prohibited from appointing an individual who is closely related to a county commissioner where there is an understanding that the county commissioner will return the favor by hiring the city councilmember's close relative.

Chapter 573 also contains prohibitions applicable to candidates. A candidate is prohibited from taking "affirmative action to influence the following individuals regarding the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of another individual related to the candidate within" the third degree by blood or second degree by marriage: (1) an employee of the office to which the candidate seeks election; or (2) an employee or officer of the governmental body to which the candidate seeks election.<sup>182</sup>

Noncompliance with Chapter 573 may subject the appointing officer(s) to severe consequences including removal from office and criminal sanctions.<sup>183</sup>

A more detailed discussion of the state nepotism law is available [here](#).

## V. PENAL CODE PROVISIONS

There are various provisions of the Texas Penal Code commonly used to prosecute crimes committed by government officials. This section highlights some of these provisions.

### A. Bribery, Gifts, and Honorariums

Chapter 36 of the Texas Penal Code, entitled "Bribery and Corrupt Influences," proscribes certain conduct such as bribery, coercion of a public servant or voter, attempts to influence the outcome of certain proceedings, and tampering with a witness.<sup>184</sup> The Chapter deals generally with offenses involving a "public servant," which is defined to include a person elected, selected, appointed, employed or otherwise designated as an "officer, employee, or agent of government," which includes a city.<sup>185</sup> The Texas Ethics Commission is authorized to prepare written advisory opinions regarding Chapter 36<sup>186</sup> and those opinions are available on the Commission's website: <https://www.ethics.state.tx.us/>.

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full and final appointing authority . . . and reserves no authority for the city's governing body . . . the city manager may appoint an individual who is related to a city commissioner, but is not related to the city manager, without contravening the nepotism statutes, Government Code chapter 573.").

<sup>181</sup> TEX. GOV'T CODE § 573.044.

<sup>182</sup> *Id.* § 573.042.

<sup>183</sup> *Id.* §§ 573.081–.084.

<sup>184</sup> TEX. PENAL CODE §§ 36.01–.10.

<sup>185</sup> *Id.* §§ 1.07(a)(24)(B), (41)(A).

<sup>186</sup> TEX. GOV'T CODE § 571.091(a)(8).

## 1. Bribery

“A person commits the offense of bribery if he intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another any benefit as consideration for the recipient’s decision, opinion, recommendation, vote, or other exercise of discretion as a public servant.”<sup>187</sup> It is no defense to prosecution that a person whom the actor sought to influence was not qualified to act in the desired manner because he had not assumed office or, for some other reason, lacked jurisdiction.<sup>188</sup>

A “benefit” is anything reasonably regarded as pecuniary gain or advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest (such as a relative or business partner).<sup>189</sup> At least one Texas Court has indicated that the term should be broadly construed to promote justice.<sup>190</sup>

The offense of bribery is a second degree felony.<sup>191</sup>

## 2. Honorariums and Other Gifts

A councilmember may not solicit, accept, or agree to accept an honorarium in consideration for services that the member would not have been requested to provide but for the member’s official position or duties.<sup>192</sup> The term “‘honorarium’ is commonly understood to be ‘a payment in recognition of acts or professional services for which custom or propriety forbids a price to be set.’”<sup>193</sup> An honorarium may include such things as fees for speaking, fees for teaching, severance pay, and moving expenses.<sup>194</sup>

Not included in the honorarium prohibition are: (1) transportation and lodging expenses in connection with conferences or similar events where the councilmember provides services (e.g., addressing the audience) so long as the service is more than merely perfunctory (i.e., superficial); and (2) meals provided in connection with an event described in (1) above.<sup>195</sup>

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<sup>187</sup> *Valencia v. State*, No. 13-02-020-CR, 2004 WL 1416239 at \*2 (Tex. App.—Corpus Christi June 24, 2004, pet. ref’d)(not desig. for pub.); *see also* TEX. PENAL CODE § 36.02; *U.S. v. Jordan*, 365 F.Supp.3d 776 (E.D. Tex. 2019).

<sup>188</sup> TEX. PENAL CODE § 36.02(b).

<sup>189</sup> *Id.* § 36.01(3).

<sup>190</sup> *Valencia v. State*, No. 13-02-020-CR, 2004 WL 1416239 at \*3 (Tex. App.—Corpus Christi June 24, 2004, pet. ref’d)(not design. for pub.)(concluding that the offer to vote for or recommend the appointment of someone for a constable position is commensurate with an offer of a “benefit”); *but see Gándara v. State*, No. 08-15-00201-CR, 2016 WL 6780081 (Tex. App.—El Paso Nov. 16, 2016) (concluding that a sitting councilmember’s solicitation of a local business for public support of the city’s annexation in exchange for his efforts to “mediate” or “spearhead” favorable initiatives for the business did not constitute bribery).

<sup>191</sup> TEX. PENAL CODE § 36.02(e).

<sup>192</sup> *Id.* § 36.07(a); Texas Ethics Comm’n Op. No. 173 (1993).

<sup>193</sup> Tex. Att’y Gen. Op. No. GA-0354 (2005).

<sup>194</sup> *Id.*

<sup>195</sup> TEX. PENAL CODE § 36.07(b).

A councilmember may not solicit, accept, or agree to accept *any* benefit from a person the councilmember knows is interested in or likely to become interested in any contract, purchase, payment, claims, or transaction involving the exercise of the member's discretion.<sup>196</sup> Texas Penal Code Section 36.10 carves out exceptions under which a city official may accept certain gifts or benefits, including:

- (1) fees prescribed by law to be received by a councilmember or any other benefit to which the member is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a councilmember (e.g., a jury duty fee);
- (2) gifts given by a person with whom the councilmember has a familial, personal, business or professional relationship, independent of the member's official status (e.g., birthday gift from a family member);
- (3) certain benefits for which the councilmember files a statement under Chapter 572, Government Code, or a report under Title 15 of the Texas Election Code (TEX. ELEC. CODE § 251.001 *et seq.*);
- (4) political contributions as defined by Title 15 of the Texas Election Code (TEX. ELEC. CODE § 251.001 *et seq.*);
- (5) items with a value of less than \$50, excluding cash or a negotiable instrument (e.g., a check);<sup>197</sup>
- (6) items issued by a governmental entity that allow the use of property or facilities owned, leased, or operated by the governmental entity;
- (7) transportation, lodging, and meals that are allowed under the honorarium prohibition (Penal Code § 36.07(b));
- (8) certain complimentary legal advice or legal services rendered to a public servant who is a first responder; and
- (9) food, lodging, transportation, or entertainment accepted as a guest, if the donee is required by law to report those items.<sup>198</sup>

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<sup>196</sup> *Id.* § 36.08(d); *see also* Tex. Att'y Gen. Op. No. KP-0003 (2015) (concluding it is a fact question as to whether a sheriff, who has no authority to accept donations from the public to the county, engaged in illegal solicitation by attempting to raise funds to purchase scanning sonar for use in a lake patrol program). Texas Ethics Commission Opinion No. 543 (2017) concluded that, based on the facts described in the opinion, the executive director of a state agency would not receive an "honorarium" for purposes of Section 36.07(a) of the Penal Code or a "benefit" for purposes of Section 36.08 of the Penal Code by accepting a reimbursement of certain travel expenses that are payable by the state agency. The executive director would not be required to report the reimbursement on a personal financial statement.

<sup>197</sup> A prepaid debit card or gift card is considered to be cash for purposes of Section 36.10(a)(6) of the Penal Code. Tex. Ethics Comm'n Op. No. 541 (2017).

<sup>198</sup> TEX. PENAL CODE § 36.10.

If a city official receives an unsolicited benefit from someone under the official's jurisdiction that he is prohibited from accepting under Texas Penal Code Section 36.08, he may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.<sup>199</sup>

A violation of either the bribery or gift laws described above is a Class A misdemeanor.<sup>200</sup> There are no specific provisions in Chapter 36 of the Texas Penal Code providing for removal of a public official or employee due to a conviction under these laws. However, such a conviction may be grounds for removal under the "official misconduct" provisions of Texas Local Government Code Sections 21.025(a)(2) and 21.031(a) or through a recall or other removal action authorized by a city charter.

## **B. Falsification of Government Documents and the Misuse of Information**

City officials have access to and responsibility for documents and information. For instance: (1) under the Public Information Act, a councilmember acting in his official capacity may review records of the city without implicating the PIA's prohibition against selective disclosure;<sup>201</sup> and (2) under the Open Meetings Act, a councilmember may participate in a closed session to discuss the purchase or lease of real property.<sup>202</sup> Once a councilmember has access to city records or is privy to information not available to the public, it is important for a councilmember to understand what liability he or she may have in regard to those documents and that information.

### **1. Falsification of Governmental Records**

Penal Code Section 37.10 works to prevent, among other things, the falsification of governmental records. A governmental record is broadly defined to include, among other things, anything belonging to, received by, or kept by government for information, including court and election records.<sup>203</sup>

The following activities are prohibited: (1) knowingly making a false entry in or false alteration of a governmental record; (2) making, presenting, or using a record, document or thing with knowledge of its falsity and an intent that it be taken as a legitimate government record; (3) intentionally destroying, concealing, removing or impairing the truth, legibility, or availability of a governmental record; (4) possessing, selling, or offering to sell a governmental record or blank

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<sup>199</sup> *Id.* § 36.08(i).

<sup>200</sup> *Id.* §§ 36.07(c), 36.08(h).

<sup>201</sup> See, e.g., Tex. Att'y Gen. Op. No. JM-119 (1983) at 2 ("[W]hen a trustee of a community college district, acting in his official capacity, requests information maintained by the district, he is not a member of the 'public' for purposes of the Open Records Act."); Open Records Decision No. 666 at 2 (2000) ("[A] member of a governmental body who is acting in his or her official capacity is not a member of the public for purposes of access to information in the governmental body's possession. Thus, an authorized official may review records of the governmental body without implicating the Act's prohibition against selective disclosure.").

<sup>202</sup> TEX. GOV'T CODE § 551.072.

<sup>203</sup> TEX. PENAL CODE § 37.01(2).

form with the intent that it be used unlawfully; (5) making, presenting, or using a governmental record with knowledge of its falsity; or (6) possessing, selling, or offering to sell a governmental record or blank form with knowledge that it was obtained unlawfully.<sup>204</sup>

A violation of Section 37.10 can range from a misdemeanor to a third degree felony, depending upon the intent of the actor and type of record involved.

## 2. Misuse of Official Information

Penal Code Section 39.06 proscribes the misuse of official information. A public servant commits an offense if, in reliance on information to which he has access by virtue of his office or employment and that has not been made public, he: (1) acquires or helps another acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information; (2) speculates or helps another speculate on the basis of the information; or (3) coerces another into suppressing or failing to report that information to a law enforcement agency.<sup>205</sup>

A public servant commits an offense if, with intent to obtain a benefit or intent to harm or defraud another, he discloses or uses information for a nongovernmental purpose that: (1) he has access to by means of his office or employment; and (2) is not public.<sup>206</sup> Conversely, a person commits an offense if, with intent to obtain a benefit or intent to harm or defraud another, he solicits or receives from a public servant information that: (1) the public servant has access to by mean of his office or employment; and (2) is not public.<sup>207</sup>

For purposes of this statute, “information that has not been made public” is information to which the public does not generally have access, and that is prohibited from disclosure under Chapter 552 of the Government Code (the Public Information Act),<sup>208</sup> such as the social security number of a peace officer where the officer has chosen to restrict access to that information or the proprietary information received from a third party in response to a request for proposals.

Coercing an employee into suppressing or failing to report information is a Class C misdemeanor.<sup>209</sup> Otherwise, the misuse of official information is a felony, the degree of which depends on the net pecuniary gain.<sup>210</sup>

## 3. Fraudulent Use or Possession of Identifying Information

Penal Code Section 32.51 prohibits the fraudulent use or possession of identifying information (e.g., social security number, date of birth, fingerprints, bank account number). It is an offense,

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<sup>204</sup> *Id.* § 37.10(a).

<sup>205</sup> *Id.* § 39.06(a).

<sup>206</sup> *Id.* § 39.06(b).

<sup>207</sup> *Id.* § 39.06(c).

<sup>208</sup> *Id.* § 39.06(d).

<sup>209</sup> *Id.* § 39.06(f).

<sup>210</sup> *Id.* § 39.06(e).

with the intent to harm or defraud another, to obtain, possess, transfer or use an item of (1) identifying information of another person without that person's consent or effective consent; (2) information concerning a deceased person if obtained, possessed, transferred or used without legal authorization; or (3) identifying information of a child younger than eighteen years.<sup>211</sup> An offense is a felony.<sup>212</sup>

### C. Abuse of Official Capacity

A public servant may not intentionally or knowingly, with the intent to obtain a benefit or harm or defraud another, violate a law relating to the public servant's office or employment.<sup>213</sup> This provision may be best described as a "catch all" for bad government officials and because of its broad language may be used to attach a criminal penalty to varied conduct that may not have another criminal statute tied to it. A violation of this prohibition is a Class A misdemeanor.

A public servant may not intentionally or knowingly, with the intent to obtain a benefit or harm or defraud another, misuse government property, services, personnel or other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of his office or employment.<sup>214</sup> For example, a city councilmember may not: (1) use city staff to gather information for use in a reelection campaign;<sup>215</sup> (2) use city funds to purchase paint for use on his house;<sup>216</sup> or (3) use a city building to create a photo, video, or other communication for political advertising.<sup>217</sup> Items such as frequent flyer miles, rental car or hotel discounts, or food coupons are *not* things of value belonging to the government for the purposes of Penal Code section 39.02.<sup>218</sup>

The penalty for misusing government property, services, or personnel varies, depending upon the value of the thing misused:

- Class C misdemeanor if the value is less than \$100;
- Class B misdemeanor if the value is \$100 or more but less than \$750;
- Class A misdemeanor if the value is \$750 or more but less than \$2,500;
- State jail felony if the value is \$2,500 or more but less than \$30,000;
- Third degree felony if the value is \$30,000 or more but less than \$150,000;

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<sup>211</sup> *Id.* § 32.51(b).

<sup>212</sup> *Id.* § 32.51(c).

<sup>213</sup> *Id.* § 39.02(a).

<sup>214</sup> *Id.*

<sup>215</sup> See Tex. Ethics Comm'n Op. Nos. 522 (2014) (concluding that the work time of state employees is a thing of value belonging to the state and may not be misused by state employees or members of the legislature; and the use of a legislative employee's work time for purely personal activities would not further a state purpose and would constitute a misuse), 431 (2000) (concluding that it is a misuse of state resources for a legislator to use legislative staff members to gather information for use at a campaign fundraiser).

<sup>216</sup> See *State v. Trevino*, 930 S.W.2d 713, 714 (Tex. App.—Corpus Christi 1996, pet. ref'd) (describing the indictment of a city maintenance director who instructed employees to purchase paint for use to paint the city manager's home).

<sup>217</sup> See Tex. Ethics Comm'n Op. Nos. 550 (2019).

<sup>218</sup> TEX. PENAL CODE § 39.02(d).

- Second degree felony if the value is \$150,000 or more but less than \$300,000; and
- First degree felony if the value is \$300,000 or more.<sup>219</sup>

#### **D. Official Oppression**

A public servant commits an offense by acting under color of his office or employment to intentionally: (1) subject another person to mistreatment, arrest, detention, search, seizure, dispossession, assessment, or lien that the public servant knows is unlawful; (2) deny or impede another person in the exercise or enjoyment of a right, privilege, power, or immunity, knowing his conduct is unlawful; or (3) subject another to sexual harassment.<sup>220</sup> These offenses constitute a Class A misdemeanor, except that it's a third degree felony if the public servant tries to impair the accuracy of data reported to the Texas Education Agency through the Public Education Information Management System.<sup>221</sup>

#### **E. Forgery**

To “forge” something means to alter, make complete, execute, or authenticate any writing so that it purports: (1) to be the act of a person who did not authorize that act; (2) to have been executed at a time, place, or in a sequence other than was in fact the case; or (3) to be a copy of an original when no such original exists.<sup>222</sup> The term also means to issue, transfer, register the transfer of, pass, publish, or otherwise utter a writing that is forged or to possess the same.<sup>223</sup>

It is an offense to forge a writing with the intent to defraud or harm another.<sup>224</sup> An offense ranges from a misdemeanor to a felony. With certain exceptions, it is a third degree felony to forge a writing that is or purports to be a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, by another state, or by the United States.<sup>225</sup> And a person is presumed to intend to defraud or harm another if the person acts with respect to two or more writings of the same type and if each writing is one of the government writings listed above.<sup>226</sup>

#### **F. Theft**

It is unlawful to appropriate property with the intent to deprive the owner of the property.<sup>227</sup> There is a value ladder to determine the punishment range such that the higher the value of the property stolen, the more severe the punishment. An offense is increased to the next higher category of offense if: (1) the actor was a public servant at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of his status as a public servant; or

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<sup>219</sup> *Id.* § 39.02(c).

<sup>220</sup> *Id.* § 39.03(a).

<sup>221</sup> *Id.* § 39.03(d).

<sup>222</sup> *Id.* § 32.21(a).

<sup>223</sup> *Id.*

<sup>224</sup> *Id.* § 32.21(b).

<sup>225</sup> *Id.* § 32.21(e).

<sup>226</sup> *Id.* § 32.21(f).

<sup>227</sup> *Id.* § 31.03(a).

(2) the actor was in a contractual relationship with government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of that contractual relationship.<sup>228</sup>

## VI. CEMETERIES

Cities with cemeteries should be aware that an officer, agent, or employee of a city commits a criminal offense (ranging from a Class A misdemeanor to a second degree felony) if the person:

- (1) engages in a business for cemetery purposes other than through a corporation organized for that purpose, if a corporation is required by law;
- (2) fails or refuses to keep records of interment as required by state law;
- (3) sells, offers to sell, or advertises for sale a plot or the exclusive right of sepulture in a plot for purposes of speculation or investment;
- (4) represents through advertising or printed material that a retail department will be established for the resale of the plots of plot purchasers, that improvements will be made in the cemetery, or that merchandise or services will be furnished to a plot owner, unless adequate funds or reserves are created by the cemetery organization for the represented purpose;
- (5) makes more than one interment in a plot in a cemetery operated by a cemetery organization other than as provided by law;
- (6) removes remains from a plot in a cemetery operated by a cemetery organization without complying with state law;
- (7) offers or receives monetary inducement to solicit business for a cemetery broker; or
- (8) fails or refuses to keep records of sales or resales or to collect and remit fees as required by state law.<sup>229</sup>

There are additional prohibitions placed on officers, agents, and employees of cemetery organizations.<sup>230</sup> The Finance Commission of Texas is authorized to adopt rules to implement these prohibitions.<sup>231</sup>

## VII. POLITICAL CONTRIBUTIONS, POLITICAL ADVERTISING, AND CAMPAIGN COMMUNICATIONS

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<sup>228</sup> *Id.* § 31.03(f).

<sup>229</sup> TEX. HEALTH & SAFETY CODE § 711.052.

<sup>230</sup> *Id.* § 711.001(7) (defining "cemetery organization" to mean: (1) an unincorporated association of plot owners not operated for profit that is authorized by its articles of association to conduct a business for cemetery purposes; or (2) a corporation, as defined by Section 712.001(b)(3), that is authorized by its certificate of formation or its registration to conduct a business for cemetery purposes).

<sup>231</sup> *Id.* § 711.012.

The Texas Ethics Commission (TEC) is the best source of information for a candidate or an official regarding unlawful political contributions, political advertising, and campaign communications because TEC is charged by state law with administering and enforcing Title 15 of the Election Code (TEX. ELEC. CODE § 251 *et seq.*), which governs these matters.<sup>232</sup> That said, the following information highlights several key provisions of which candidates and officials should be aware.

#### **A. Political Contributions**

There are various prohibitions related to making and accepting political contributions, including prohibitions against accepting contributions without a campaign treasurer appointment in effect<sup>233</sup> and accepting cash contributions that exceed \$100.<sup>234</sup> Violations of these two prohibitions are Class A misdemeanors. The Election Code also prohibits the conversion of political contributions for personal use.<sup>235</sup>

Chapter 253 of the Election Code provides not only criminal but also civil liability for violations of its provisions. For instance, a person who knowingly makes or accepts a campaign contribution in violation of Chapter 253 may have to pay an opposing candidate damages amounting to twice the value of the unlawful contribution or expenditure and attorney's fees.<sup>236</sup>

#### **B. Political Advertising and Campaign Communications**

Certain disclosures must be made in relation to political advertising. “[P]olitical advertising that contains express advocacy is required to include a disclosure statement. The person who causes the political advertising to be published, distributed, or broadcast is responsible for including the disclosure statement.”<sup>237</sup> A violation may result in a civil penalty in an amount determined by the TEC.

There are restrictions on the contents of political advertising and campaign communications. Political advertising and campaign communications must not misrepresent a person's identity or title or the source of the advertising or communication.<sup>238</sup> A violation is a misdemeanor offense.<sup>239</sup> A TEC publication entitled “Political Advertising: What You Need to Know” is available here [https://www.ethics.state.tx.us/data/resources/advertising/Gpol\\_adv.pdf](https://www.ethics.state.tx.us/data/resources/advertising/Gpol_adv.pdf).

There are restrictions on the use of a city's internal mail system to distribute political advertising. Officers and employees of a city are prohibited from knowingly using or authorizing the use of an

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<sup>232</sup> TEX. GOV'T CODE § 571.061(a)(3).

<sup>233</sup> TEX. ELEC. CODE § 253.031.

<sup>234</sup> *Id.* § 253.033.

<sup>235</sup> *Id.* § 253.035.

<sup>236</sup> *Id.* § 253.131.

<sup>237</sup> TEX. ETHICS COMM'N, POLITICAL ADVERTISING: WHAT YOU NEED TO KNOW (July 16, 2019), *available at* [https://www.ethics.state.tx.us/data/resources/advertising/Gpol\\_adv.pdf](https://www.ethics.state.tx.us/data/resources/advertising/Gpol_adv.pdf); *see also* TEX. ELEC. CODE § 255.001. There are certain exceptions to these rules.

<sup>238</sup> *Id.* §§ 255.004–006.

<sup>239</sup> *Id.*

internal mail system for the distribution of political advertising.<sup>240</sup> The prohibition does not apply to use of the city's mail system to distribute political advertising that: (1) is delivered to the city's premises through the U.S. postal service; or (2) is the subject of or related to an investigation, hearing, or other official proceeding of the city.<sup>241</sup> A violation of the prohibition is a Class A misdemeanor.<sup>242</sup>

Finally, it is important for a city official to understand the limitations on spending city funds or using city resources<sup>243</sup> for political advertising. City officers and employees are prohibited from knowingly spending city funds for political advertising. The prohibition does not apply to a communication that factually describes the purpose of a measure so long as it does not advocate the passage or defeat of the measure.<sup>244</sup> A permissible communication may not, however, contain false information that is likely to influence a voter to vote for or against the measure.<sup>245</sup> A violation of these prohibitions is a Class A misdemeanor. Additionally, an officer or employee could be fined by the TEC. A city council that has ordered an election on a measure (e.g., a bond election), may request the TEC to issue a written advisory opinion as to whether a particular communication violates these prohibitions and the written opinion, among other things, serves as an affirmative defense to prosecution or imposition of a civil penalty. The TEC website has a "A Short Guide to the Prohibition Against Using Political Subdivision Resources for Political Advertising in Connection with an Election" available [here](#).

## VIII. RANGES OF PUNISHMENT

Following is a list of the various levels of punishment prescribed by the Texas Penal Code and referenced throughout this Primer:

- Class C Misdemeanor – punishable by a fine not to exceed \$500.<sup>246</sup>
- Class B Misdemeanor – punishable by a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days, or both.<sup>247</sup>
- Class A Misdemeanor – punishable by a fine not to exceed \$4,000, confinement in jail for a term not to exceed one year, or both.<sup>248</sup>
- State Jail Felony – generally punishable by confinement in jail for a term of not more than two years or less than 180 days, a fine not to exceed \$10,000, or both.<sup>249</sup>

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<sup>240</sup> *Id.* § 255.0031.

<sup>241</sup> *Id.*

<sup>242</sup> *Id.*

<sup>243</sup> See, e.g., Tex. Ethics Comm'n Op. No. 550 (2019) (concluding that a municipal officer is prohibited from using government resources, such as the officer's office in a government building, to create a photo, video, or other communication for political advertising).

<sup>244</sup> TEX. ELEC. CODE § 255.003.

<sup>245</sup> *Id.*

<sup>246</sup> TEX. PENAL CODE § 12.23.

<sup>247</sup> *Id.* § 12.22.

<sup>248</sup> *Id.* § 12.21.

<sup>249</sup> *Id.* § 12.35.

- Third Degree Felony—punishable by imprisonment for a term of not more than ten years or less than two years, a fine not to exceed \$10,000, or both.<sup>250</sup>
- Second Degree Felony—punishable by imprisonment for a term of not more than twenty years or less than two years, a fine not to exceed \$10,000, or both.<sup>251</sup>
- First Degree Felony—punishable by imprisonment for life or for any term of not more than 99 years or less than 5 years, a fine not to exceed \$10,000, or both.<sup>252</sup>

## IX. LEGAL EXPENSES

Service as a city official brings with it duties and responsibilities that are unique to public servants. Public officials often enjoy immunity from suits arising from their actions as a public official. And, to the extent that the Legislature has waived that immunity, the Legislature may have limited an official's liability and/or provided that officials may be indemnified.<sup>253</sup>

In the absence of a governing statute, the attorney general has opined that city officials may have their legal expenses paid for in *civil* suits brought against them personally if a majority of the city council determines: (1) payment of the legal fees serve a public interest and not merely the defendant's private interest; and (2) the officer committed the alleged action or omission forming the basis of the suit while acting in good faith within the scope of his or her official duties.<sup>254</sup> It is common for a city to purchase insurance (sometimes referred to as "errors and omissions insurance") that may provide coverage for officials in this regard.

The payment of legal expenses in relation to a *criminal* prosecution is analyzed differently. An official must pay criminal defense costs up-front because a city may not pay the expenses of an official who is found guilty of criminal charges. In other words, a city must defer payment of criminal legal expenses until they know the outcome of the case.<sup>255</sup> If a public official is found not guilty, a city has discretion to pay for a person's legal expenses in a criminal matter upon findings that the payment furthers a city purpose and that the prosecution was for an act performed in the bona fide performance of official duties.<sup>256</sup> A city councilmember is disqualified from

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<sup>250</sup> *Id.* § 12.34.

<sup>251</sup> *Id.* § 12.33.

<sup>252</sup> *Id.* § 12.32.

<sup>253</sup> See, e.g., TEX. CIV. PRAC. & REM. CODE §§ 102.004 ("A local government may provide legal counsel to represent a defendant for whom the local government may pay damages under this chapter."), 108.002 (discussing a public servant's liability limitation and referencing a city's authority to indemnify the public servant).

<sup>254</sup> See, e.g., Tex. Att'y Gen. Op. Nos. JC-0294 (2000), H-887 (1976); *see also* Tex. Att'y Gen. Op. No. KP-0040 (2015) (concluding that it is unlikely that a public interest is served in paying legal expenses associated with a challenge to an elected official's qualifications for office).

<sup>255</sup> See Tex. Att'y Gen. Op. Nos. KP-0037 (2015), JC-0294 (2000) at 1 ("[A] governmental body may not decide to pay the legal expenses incurred by a public officer or employee in defending against a criminal prosecution until it knows the outcome of the prosecution.").

<sup>256</sup> Tex. Att'y Gen. Op. No. JC-0294 (2000) at 6 (opining that previous cases concluding that public funds could not be used to defend a public officer in a criminal prosecution would likely not be followed today); *see also* Tex. Att'y Gen. Op. No. KP-0016 n.4 (2015) (explaining that JC-0294 "should not be read as precluding the payment of

voting on the issue of whether to pay his or her own legal fees, or the legal fees of another city councilmember indicted on the same facts for the same offense.<sup>257</sup> If a public official is found guilty, the city is prohibited from paying the expenses.<sup>258</sup>

Some cities also have ordinances and/or charter provisions that address the payment of legal defense costs and indemnification of city officials.

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attorney's fees for services rendered in a criminal matter that concludes favorably at the grand jury stage", i.e., before charges are filed).

<sup>257</sup> Tex. Att'y Gen. Op. Nos. KP-0016 (2015) at 3, JC-0294 (2000) at 1, 6 (citing *City of Del Rio v. Lowe*, 111 S.W.2d 1208 (Tex. Civ. App.—San Antonio 1937), *rev'd on other grounds*, 122 S.W.2d 1919 (Tex. 1938)).

<sup>258</sup> *Id.* at 1, 9.



## Texas Municipal League

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### *Key Legal Requirements for Texas City Officials*

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### 2024 Edition

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The explanations herein are for informational purposes only and should never be substituted for adequate legal advice. Prior to taking action on anything contained herein, a city official should consult with local legal counsel. Please contact the TML Legal Services Department at 512-231-7400 or [legalinfo@tml.org](mailto:legalinfo@tml.org) for more information. This document is available online at [www.tml.org](http://www.tml.org).

## Open Government Training

Each elected or appointed member of a governmental body must take at least one hour of training in both the Texas Open Meetings Act and the Texas Public Information Act. Under certain circumstances, the Office of the Attorney General may require a public official to complete additional training on a determination that a city has failed to comply with the Texas Public Information Act. For more information, please visit the attorney general's website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov).

### Texas Open Meetings Act (TOMA)

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

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

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

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

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

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

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

**Records of meetings** - Cities must keep written minutes or recordings of all open meetings, and a certified agenda or recording of executive/closed meetings, except for

closed consultations with an attorney. The minutes must state the subject and indicate each vote, decision, or other action taken, and a city that has a website must post the approved minutes on that website.

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

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

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

## Texas Public Information Act (PIA)

**Definition of "public information"** - Public information includes any information that is collected, assembled, or maintained by or for a governmental entity (including information held by an individual officer or employee in the transaction of official business), regardless of the format.

**General rule** - Most information held by a city (or a city official or employee) is presumed to be public information and must be released pursuant to a written request.

**Procedure** - Any member of the public may request information in writing. A city official is prohibited from inquiring into the requestor's motives, and is generally limited to:

- (1) Releasing the information as quickly as is practicable, but generally not later than ten business days following the request; or
- (2) Requesting an opinion from the Texas attorney general's office within ten business days of the request as to whether the information may be withheld.

**Penalties** - Penalties for violating the PIA range from a civil lawsuit against the city or a city official to the imposition of fines and incarceration.

There are three general prohibitions carrying criminal penalties under the PIA, including:

- (1) Refusing to provide public information;

- (2) Providing confidential information; and
- (3) Destroying government information improperly.

## Ethics

### Chapter 171 – Conflicts of Interest

**Definition of "conflict of interest"** - A local public official has a conflict of interest in a matter if any action on the matter would involve a business entity or real property in which the official has a substantial interest, and action on the matter would confer an economic benefit on the official.

**General rule** - If a local public official has a substantial interest in a business entity or real property, the official must file an affidavit with the city secretary stating the interest and abstain from any participation or vote on the matter. A local public official is considered to have a substantial interest if a close relative has such an interest.

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

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

### Chapter 176 – Conflicts Disclosure

**General rule** - Chapter 176 of the Local Government Code requires that mayors, councilmembers, and certain other executive city officers and agents file a "conflicts disclosure statement" with a city's records administrator within seven days of becoming aware of any of the following situations:

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

The chapter also requires a vendor to file a conflict of interest questionnaire if the vendor has a business relationship with the city and an employment or other relationship with an officer or officer's family members, has given a gift to either, or has a family relationship with a city officer. The conflicts disclosure statement and the conflict of interest questionnaire are created by the Texas Ethics Commission and are available online at [www.ethics.state.tx.us](http://www.ethics.state.tx.us).

**Penalties** - An officer who knowingly fails to file the statement commits either a class A, B, or C misdemeanor, depending on the amount of the contract.

### Chapter 553 – Conflicts Disclosure

**General Rule** - Chapter 553 of the Government Code requires a “public servant” who has a legal or equitable interest in property that is to be acquired with public funds to file an affidavit within ten days before the date on which the property is to be acquired by purchase or condemnation. Chapter 553 applies to the acquisition of both real property (e.g., land) and personal property (e.g., a vehicle). In addition, Chapter 553 seems to apply even when the property is to be acquired by a governmental entity with which the public servant is not affiliated. The affidavit must be filed with the county clerk of the county in which the public servant resides as well as the county clerk of each county in which the property is located.

**Penalties** - A person who fails to file the required affidavit is presumed to have committed a Class A misdemeanor offense if the person had actual notice of the acquisition or intended acquisition of the property. A Class A misdemeanor is punishable by a fine not to exceed \$4,000, confinement in jail for a term not to exceed one year, or both.

## Nepotism

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

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

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

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

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

## Dual Office Holding/Incompatibility

**Definition of "dual office holding" and general rule** - The Texas Constitution generally prohibits one person from holding more than one paid public office at the same time.

**Definition of "incompatibility" and general rule** - Texas law prohibits one person from holding two public offices at the same time, regardless of whether one or both offices are paid, if one position might impose its policies on the other or subject it to control in some other way. There are three types of incompatibility:

- (1) "Self-appointment" incompatibility prohibits a member of a governing body from being appointed to another public office over which the governing body has appointment authority;
- (2) "Self-employment" incompatibility prohibits a member of a governing body from being employed in another public office over which the governing body has employment authority; and
- (3) "Conflicting loyalties" incompatibility prohibits one person from holding two public offices in which the duties of one office might negatively affect the duties of the other office.

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

## Bribery/Gifts

**Definition of "bribery"** - A public official or public employee commits the crime of bribery when he accepts, agrees to accept, or solicits any benefit as consideration for a decision, opinion, recommendation, vote, or other exercise of discretion. The fact that a benefit or gift was not offered until after the exercise of official discretion is not considered a defense to a prosecution for bribery.

**Bribery penalty** - The penalty for violating the bribery law is a second degree felony, punishable by two to twenty years imprisonment and a fine of up to \$10,000.

**Gifts** - Public officials and employees are generally prohibited from accepting gifts from any person subject to their jurisdiction, whether or not the gift is related to a specific official action.

**Allowable gifts** - Certain exceptions may apply, such as: (1) an item with a value of less than \$50 (excluding cash or a negotiable instrument, such as a check or gift card); (2) a gift given by a person with whom the official or employee has a familial, personal, business, or professional relationship, independent of the official or employee's status or work; (3) any benefit that the official or employee is entitled to receive by law or for which the person has performed a duty independent of the person's status as a public service (for example, a jury duty fee); or (4) any political contributions as defined by the

Texas Election Code. In addition, a public employee or official may in certain circumstances accept as a guest an unsolicited gift or benefit of food, lodging, transportation, or entertainment, so long as the gift is not related to a specific official action.

**Gifts penalty** - The penalty for violating the acceptance of gifts prohibition is, with some exceptions, a class A misdemeanor, punishable by a fine of up to \$4,000 and/or jail time of up to one year.

# POLL WATCHER'S GUIDE



*Issued by the*

## **SECRETARY OF STATE ELECTIONS DIVISION**

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## INTRODUCTION

This “Poll Watcher’s Guide” has been designed to familiarize poll watchers with their basic rights and responsibilities. The integrity of elections is a concern of all citizens, and although poll watchers may represent particular candidates, political parties, or specific-purpose political action committees, their main interest is in the conduct of a fair and honest election.

A poll watcher’s role in an election is established by Chapter 33 of the Texas Election Code and is defined as follows:

**Poll Watcher** – a person appointed to observe the conduct of an election on behalf of:

- a candidate,
- a political party, or
- the proponents or opponents of a measure (specific-purpose political action committees).

It is the intent of the legislature that watchers duly accepted for service under Chapter 33 be allowed to observe and report on irregularities in the conduct of any election, but may not interfere in the orderly conduct of an election. A watcher appointed under Chapter 33 shall observe without obstructing the conduct of an election and call to the attention of an election officer any observed or suspected irregularity or violation of law in the conduct of the election. [Sec. 33.0015].

Throughout this guide, all references are made to appropriate sections in the Texas Election Code, unless otherwise noted.

## QUICK POINTS TO REMEMBER

- In order to serve as a poll watcher, you must show up with a certificate of appointment that includes:
  - Name, residence address, and voter registration number of the poll watcher;
  - The signature of the person(s) making the appointment;
  - The election and the number of the precinct where the poll watcher is to serve;
  - An indication of the capacity in which the appointing authority is acting;
  - In an election on a measure, an identification of the measure (if more than one is to be voted on) and a statement of which side the appointee represents;
  - An affidavit to be executed by the poll watcher stating that the poll watcher will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher unless the poll watcher disables or deactivates the device; and
  - The signature of the poll watcher.
- You must complete the poll watcher training administered by the SOS and present the certificate of completion to the presiding judge.

- Be ready to counter-sign the certificate of appointment in front of the election judge. This serves not only to certify that the person presenting themselves as a poll watcher is the person named on the appointment, but also as the execution of the affidavit that the watcher does not have possession of any prohibited recording devices.
- If you are serving on election day and want to vote in a different precinct (from the location of service), we recommend voting during the early voting period, before your service as a poll watcher.
- Take the oath administered by the election officer.

### **QUALIFICATIONS OF WATCHER**

**Q. What are the qualifications of a watcher?**

A. A watcher must:

1. be a registered voter of the territory (e.g., city, school district) covered by the election and of the county for November general elections for state and county officers (held on even-numbered years), primary elections, or other countywide elections; [Sec. 33.031]
2. NOT be a candidate for public office in an election held on the day the watcher seeks to serve; [Sec. 33.032]
3. NOT hold an elective public office; [Sec. 33.034]
4. NOT be an employee of an election judge or clerk serving at the same polling place; [Sec. 33.033]
5. NOT have been finally convicted of an offense in connection with conduct directly attributable to an election; [Sec. 33.035] and
6. NOT be related within the second degree of consanguinity or affinity (as determined by Tex. Gov't Code, Secs. 573.022-573.025) to an election judge or clerk serving at that polling place. These include spouses, siblings, grandparents, and grandchildren. A watcher may be related to the candidate the watcher is representing. [Sec. 33.033].

**Q: Can a person who has been finally convicted of an election offense serve as a watcher?**

A: No. A person convicted of any election offense cannot serve as a watcher. [Sec. 33.035].

**Q. Does a poll watcher need to live within the election precinct in which the watcher is serving?**

A. No.

**Q. Can a person serve as a watcher in an election if they are a candidate running for a public office?**

A. No. A person is ineligible to serve as a watcher in an election if the person is a candidate for public office in an election to be held on the same day. [Sec. 33.032].

**Q. Are elected public officials allowed to serve as watchers in any election?**

A. No. A person who holds an elective public office is ineligible to serve as a watcher. [Sec. 33.034].

**Q. Can officers of a political party serve as watchers?**

A. Yes. They may serve because they are not elected public officers. [Sec. 33.034].

**Q. Can a watcher work for, or be related to, any of the election officials?**

A. No. The watcher cannot be an employer or employee of, or related within the second degree by consanguinity or affinity to, an election judge, election clerk, early voting clerk, or deputy clerk serving at the same location. [Sec. 33.033].

**Q. Can a candidate's spouse or child serve as a watcher?**

A. Yes.

### **APPOINTMENT OF WATCHER**

#### **APPOINTMENT OF WATCHER BY POLITICAL PARTIES:**

**Q. Who appoints a watcher on behalf of political parties?**

- A. 1. The county chair of each political party that has a nominee(s) on the official ballot may appoint watchers. [Sec. 33.003(a)].
2. Any three members of the county executive committee may appoint watchers, if the county chair fails to act. [Sec. 33.003(b)].

#### **APPOINTMENT OF WATCHER BY A CANDIDATE:**

**Q. Who appoints a watcher on behalf of candidates?**

- A. 1. A candidate whose name appears on the official ballot or on the list of declared write-in candidates in an election for any office (other than the office of Vice President of the United States) may appoint a watcher. In other words, watchers may be appointed by any candidate whose name appears on the ballot other than the candidate for Vice President. For a state office that is filled by voters of more than one county, the candidate's campaign treasurer also may appoint a watcher. [Sec. 33.002(a) & (b)].
2. For a federal office that is filled by voters of more than one county, the chair or treasurer of the candidate's principal campaign committee or a designated agent of the campaign chair or treasurer may appoint a watcher. [Sec. 33.002(c)].
3. A group of registered voters may appoint watchers on behalf of a write-in candidate in an election in which declarations of write-in candidacy are not required to be filed. The minimum number of voters required to make an appointment under this section is the lesser of 15 or five percent of the registered voters of the appropriate territory as determined from the list of registered voters to be used for the election. [Sec. 33.004].

- To be eligible to sign an appointment of a watcher to a precinct polling place, a person must be a registered voter of the precinct.

**NOTE:** To be eligible to sign an appointment of a watcher to a countywide polling place, a person must be a registered voter of the entity ordering the election.

- To be eligible to appoint a watcher to an early voting polling place, early ballot board meeting, or a central counting station, a person must be a registered voter of the county, city, school district, or other political subdivision conducting the election. [Sec. 33.004].

#### **APPOINTMENT OF WATCHER FOR ELECTIONS ON MEASURES:**

##### **Q. Who appoints a watcher for elections on measures?**

- A. The campaign treasurer or an assistant campaign treasurer of a **specific**-purpose political action committee that supports or opposes a measure may appoint watchers. [Sec. 33.005(a)]. For information on establishing a specific-purpose political action committee, please contact the Texas Ethics Commission at 512-463-5800 or [www.ethics.state.tx.us](http://www.ethics.state.tx.us).

**NOTE:** Section 33.005 does not apply to a referendum measure submitted at a primary election. [Sec. 33.005(b)].

#### **MAXIMUM NUMBER OF WATCHERS:**

##### **Q. What is the maximum number of watchers that can be appointed by each appointing authority?**

- A. 1. A maximum of seven (7) watchers may be appointed for each early voting polling place (no more than two may be on duty at the same location and at the same time); and
2. A maximum of two (2) watchers may be appointed for each precinct polling place, meeting place for an early voting ballot board (and signature verification committee, if one is appointed), or central counting station involved in the election. [Sec. 33.007].

#### **ACTIVITIES A POLL WATCHER MAY OBSERVE:**

A poll watcher is entitled to observe the following activities at early voting by personal appearance locations and election day locations:

1. Early voting by personal appearance polling place activities, including time before and after the polls close. [Secs. 33.052 and 81.002].

**NOTE:** If present, a poll watcher should sign the record of early voting ballot box seals or other specific chain of custody forms, if applicable.

2. Election day polling place activities, including time before and after the polls close. [Sec. 33.052].

**NOTE:** If present, a poll watcher should sign zero tapes before the polls open and after the polls close pursuant to Section 61.002 of the Election Code. See Tex. Sec'y of State [Election Advisory No. 2019-23](#).

3. Any activity related to curbside voting, except as provided by Section 33.057. [Sec. 64.009(e)].
4. Early voting ballot board meeting activities.
5. Central counting station activities.
6. Central accumulation station activities.
7. Signature verification committee activities.
8. Voter being assisted by an election official.

**NOTE:** A watcher may not be present at the voting station when a voter is preparing the voter's ballot or is being assisted by a person of the voter's choice, including by a person also serving as an interpreter at the voting station. [Sec. 33.057(b)].

9. Inspecting and securing the voting equipment. (Must present certificate of appointment; certificate must be returned to the watcher.) [Sec. 33.059].
10. Delivery of election results from polling place. [Sec. 33.060].
11. All election activities relating to closing the polling place, including the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed for use with voting system equipment. [Sec. 33.0605(a)].
12. Follow the transfer of election materials from the polling place to the regional tabulating center, central counting station, or other location designated to process election materials. [Sec. 33.0605(b)].

### TRAINING PROGRAM

To be eligible to serve as a watcher, a person must complete the training program developed by the Secretary of State's office. [Sects. 33.008, 33.031(b)]. The training program can be found on [VoteTexas.Gov](#).

### CERTIFICATE OF COMPLETION

The watcher must deliver a certificate of completion from training to the presiding judge at the time the watcher reports for service. [Sec. 33.051].

A person appointed to serve as a watcher must complete watcher training prior to every election for which the person is appointed to serve as a watcher. A person is not required to complete training for a resulting runoff election, or a second election to resolve a tie, if the watcher completed training for the initial election.

A separate certificate of completion must be delivered at each place the watcher is appointed to serve. The certificate of completion and the certificate of appointment must be delivered to the presiding judge at the time the watcher presents to serve. The presiding judge shall retain the certificate of completion and certificate of appointment with the election records. If a watcher intends to serve at multiple locations, the watcher should make multiple copies of their

certificate of completion to present at each location the watcher is appointed to serve. [Sec. 33.051].

**NOTE:** A watcher **may** complete additional training; however, a watcher **must** complete the prescribed SOS training and present the certificate of completion to the presiding judge at the time the watcher reports for service.

### **ACCEPTANCE OF WATCHER**

A watcher appointed to serve at a polling place, meeting of the early voting ballot board, or central counting station must deliver 1) their certificate of appointment; and 2) their certificate of completion from SOS training to the presiding judge at the time the watcher reports for service. Before being accepted for service, a watcher must take an oath administered by the election officer. [Sec. 33.051(a), (h)].

It is a Class A misdemeanor for an election officer to intentionally or knowingly refuse to accept a watcher for service when acceptance of the watcher is required. [Sec. 33.051(g)].

#### **TIME FOR REPORTING TO THE POLLING PLACE:**

**Q. At what time do watchers need to report to the polling place, and how long do they need to stay at that polling place?**

**A.** 1. At the polling place on **Election Day**, a poll watcher may begin service at any time after the presiding judge arrives and may stay at the polling place until election officials complete their duties. [Sec. 33.052].

**NEW LAW:** HB 1631 (2023, R.S.) eliminated the requirement for poll watchers to serve for five continuous hours at a polling place on election day in order for the watcher to serve the hours they choose.

2. At an **early voting** polling place, a poll watcher:

- may be present at the polling place at any time it is open and until voting equipment is secured on the close of voting each day; and
- may serve during the hours the watcher chooses. [Sec. 33.053].

**NOTE:** A poll watcher may be appointed to observe early voting by personal appearance only; a poll watcher is not entitled to observe the procedures related to early voting by mail.

**NOTE:** The information placed on the early voting roster of people who voted by personal appearance, and those for whom an early voting ballot by mail has been received, is not available for public inspection by anyone until 11 a.m. on the first business day following the day the voter voted in person or the voter's ballot is received by the early voting clerk. [Sec. 87.121].

A poll watcher cannot obtain a copy of an application for a ballot to be voted by mail from the early voting clerk until the first business day after the election day

of the earliest election for which the application is valid. Therefore, an Annual ABBM will not be available for public inspection or copying until the first business day after the election day of the earliest election held each calendar year for which the application is valid, except to the voter seeking to verify that the information is accurate. [Sec. 86.014].

3. At an **early voting ballot board meeting** (including the signature verification committee), a poll watcher:

- may be present at any time the board is processing or counting ballots and until the board completes its duties; and
- may not leave during voting hours on election day without the early voting ballot board judge's permission once the board has begun counting the ballots. [Sec. 33.054].

4. At the **central counting station**, a poll watcher:

- may be present at any time the central counting station is open and has convened for the purpose of processing or preparing to process election results and until the election officers complete their duties at the station; and
- may not leave during voting hours without the presiding judge's permission if the counting of ballots at the central counting station has begun. [Sec. 33.055].

**NOTE:** The presiding judge of the central counting station, in cooperation with the county clerk/elections administrator, may choose to withhold the release of vote totals until the last voter has voted. [Sec. 127.1311].

#### **CERTIFICATE OF APPOINTMENT**

##### **ISSUANCE OF CERTIFICATE:**

The appointing authority must issue a certificate of appointment to the watcher. [Sec. 33.006(a)].

**Q. What information needs to be on the certificate?**

A. The certificate of appointment must be in writing and must include the following:

1. Name, residence address, voter registration number, and signature of the watcher;
2. The election and the number of the precinct (or other location, for example, early voting ballot board meeting) at which the watcher is appointed to serve;
3. The signature of the person(s) making the appointment;
4. An indication of the capacity in which the appointing authority is acting (example: as a candidate, a campaign treasurer or assistant campaign treasurer of a specific-purpose political action committee);
5. In an election on a measure, an identification of the measure (if more than one is to be voted on) and a statement identifying which side the appointee represents; and
6. An affidavit executed by the poll watcher stating that the poll watcher will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher unless the poll watcher disables or deactivates the device. (This

affidavit is signed in the presence of the presiding judge; that signature also serves as the countersignature, which is discussed below.) [Sec. 33.006(b)].

**NOTE:** Officially-prescribed poll watcher appointment forms may be found on our website at <https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml>

**Q. What are the requirements for a certificate of a watcher appointed on behalf of a non-declared write-in candidate?**

A. Additional requirements necessary for a certificate of appointment of a watcher for a non-declared write-in candidate include:

1. the residence address and voter registration number of the lesser of 15 voters or 5 percent of the registered voters in the precinct or political subdivision, as applicable;
2. the signed statement of the candidate, or a person who would be authorized to make appointments on the candidate's behalf if the candidate's name appeared on the ballot, that the appointment is made with the signer's consent; and
3. the residence or office address of the write-in candidate or the person who would be authorized to make appointments on the candidate's behalf if the candidate's name appeared on the ballot. If the candidate does not sign, the signer must indicate his or her relationship to the candidate. [Sec. 33.006(c)].

**Q. How does one deliver a certificate of appointment?**

1. A watcher must deliver a certificate of appointment and certificate of completion to the presiding judge at the time the watcher reports for service. [Sec. 33.051(a)].
2. The officer presented with a watcher's certificates must require the watcher to countersign the certificate of appointment in the officer's presence to verify that the watcher is the same person who originally signed the certificate. The watcher's signature is in the portion of the certificate containing the affidavit that the watcher does not have possession of any prohibited recording devices; this serves as the acknowledgement of the affidavit, acknowledgement of the required training, and the countersignature. [Sec. 33.051(b)].
3. A watcher may not be accepted for service unless he or she provides an affidavit executed by the poll watcher stating that the poll watcher will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher unless the poll watcher disables or deactivates the device.
4. The judge must keep the certificate of appointment and certificate of completion in envelope no. 2 (or other designated container), which is returned to the custodian of election records after the election. [Sec. 66.023(7)].
5. The certificates of a watcher serving at an early voting polling place must be retained at the polling place until the voting period has concluded at the polling place. At each subsequent time that the watcher reports for service at that location, the watcher shall inform the clerk or deputy in charge. The officer may require the watcher to sign the watcher's name in the officer's presence, for comparison with the signature on the

certificate of appointment, if the officer is uncertain of the watcher's identity. [Sec. 33.051(d)].

6. If the watcher is rejected, the certificates should be returned to the watcher with a signed statement of the reason for the rejection. [Sec. 33.051(e)].
7. Before accepting a watcher, the officer presented with a watcher's certificate of appointment shall require the watcher to take the following oath, administered by the officer:

*"I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties."* [Sec. 33.051(h)].

### **DUTIES AND PRIVILEGES OF A WATCHER**

A watcher is entitled to sit or stand near enough to see and hear the election officers conducting the observed activity, except as otherwise prohibited by Chapter 33. A watcher **may not** be denied free movement where election activity is occurring within the location at which the watcher is serving. A watcher who is entitled to "observe" an election activity under the Election Code is entitled to sit or stand near enough to see and hear the activity. [Sec. 33.056].

Additionally, under Section 33.061, it is an offense if a person serving in an official capacity takes any action to obstruct the view of a watcher or distance the watcher from the activity or procedure to be observed in a manner that would make observation not reasonably effective. Under Section 33.063, the appointing authority for a watcher who believes that the watcher was unlawfully prevented or obstructed from the performance of the watcher's duties may seek:

- 1) injunctive relief under Section 273.081, including issuance of temporary orders;
- 2) a writ of mandamus under Section 161.009 or 273.061; and
- 3) any other remedy available under law.

**Q. What are a watcher's duties?**

A. The primary duty of a watcher is to observe the conduct of the election at the location where the watcher has been appointed. A watcher is entitled to sit or stand near enough to see and hear the election officers conducting the observed activity except as prohibited by law. [Sec. 33.056(a)]. A watcher may point out to an election judge or clerk any observed irregularity or violation of law. However, if the clerk refers the watcher to the judge, the watcher may not discuss the matter further with the clerk unless the presiding judge invites the discussion. [Sec. 33.058(b)].

**Q: May watchers wear name tags?**

A: In fact, they must. A poll watcher **MUST** wear a form of identification prescribed by the Secretary of State and provided by the presiding judge or other election officer (such as the deputy early voting clerk). [Sec. 33.051(f)].

**Q. What are watchers NOT allowed to do while on duty?**

- A. 1. Talk with an election worker regarding the election except to call attention to an irregularity or violation of law. [Sec. 33.058(a)(1)].
2. Converse with a voter. [Sec. 33.058(a)(2)].
3. Communicate in any manner with a voter regarding the election. [Sec. 33.058(a)(3)].
4. Use certain devices in the polling place. A watcher may not have possession of a device capable of recording images or sound. If the watcher does have such a device, the watcher must disable or deactivate the device while serving as a watcher. [Sec. 33.006(b)(6)].
5. Observe a voter voting independently or a voter being assisted by a person of the voter's choice. A watcher may not be present at the voting station when a voter is preparing the voter's ballot or being assisted by a person of his choice. [Sec. 33.057(b)].
6. **Cause a disruption or breach of the peace or harass voters.** A watcher **may not violate** the Election Code either in the polling area or within 100 feet of the entrance to the building where the polling place is located; otherwise, the watcher may be subject to removal. [Sec. 32.075].
7. Reveal the following information before the polls close:
  - How a voter has voted; this offense is a third-degree felony. [Sec. 61.006(b)].
  - The number of votes that have been received for a candidate or for or against a measure; this offense is a Class A misdemeanor. [Sec. 61.007(a)(1)].
  - A candidate's position relative to other candidates in the tabulation of the votes; this offense is a Class A misdemeanor. [Sec. 61.007(a)(2)].
  - Whether a measure is passing or failing; this offense is a Class A misdemeanor. [Sec. 61.007(a)(3)].
  - The names of persons who have or have not voted in the election; this offense is a Class A misdemeanor. [Sec. 61.007(a)(4)].

**Q. What is a watcher permitted to do while on duty?**

- A. A watcher must be permitted, but is not required, to:
  1. Witness the installation of voting system equipment at the polling place. [Sec. 33.059].
  2. Observe the securing of voting system equipment before the election. [Sec. 33.059].
  3. Observe any activity conducted at the location at which the watcher is serving, and sit or stand near enough to see and hear the election officials to observe the activities of the election. [Sec. 33.056(a)].
  4. Observe any activity related to curbside voting, except as provided by Section 33.057. [Sec. 64.009(e)].
  5. Make written notes while on duty. However, if the watcher is permitted to leave the polling place while the polls are open, the watcher may be required to leave his or her written notes with another person selected by the watcher who is on duty at the polling place. [Sec. 33.056(d)].
  6. Observe assistance given to voters by election officials and inspect the ballot before it is deposited in the ballot box to determine if it was prepared in accordance with the voter's wishes. [Sec. 33.057(a)].

**NOTE:** A watcher may not be present at the voting station when a voter is preparing the voter's ballot or is being assisted by a person of the voter's choice, including by a person also serving as an interpreter at the voting station. [Sec. 33.057(b)].

7. Inspect the returns and other records prepared by the election officers. [Sec. 33.056(c)].
8. Observe, but not participate in, the tallying and counting of the votes to verify that the votes are tallied and read correctly. [Sec. 33.056(b)].
9. Observe all election activities relating to closing the polling place, including the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed for use with voting system equipment. [Sec. 33.0605(a)].
10. Accompany authorized election officials in delivering election records from a precinct polling place, an early voting polling place, a meeting place for an early voting ballot board, or a central counting station. [Sec. 33.060(a)].

**NOTE:** Poll watcher and election officials do not need to ride in the same vehicle. [Sec. 33.060(b)].

11. Witness the securing of the voting system equipment at the time the polls close. [Sec. 125.063].
12. Follow the transfer of election materials from the polling place to the regional tabulating center, central counting station, or other location designated to process election materials. [Sec. 33.0605(b)].
13. Receive an English translation of any language spoken other than English between an election official and a voter. [Sec. 61.036].

**Q. Can a watcher leave the election day polling place temporarily during the time the polls are open?**

- A. Yes. A watcher may begin service at any time after the presiding judge arrives at the polling place on election day and may remain at the polling place until the presiding judge and the clerks complete their duties. A watcher may serve at the polling place during the hours the watcher chooses, except that if the watcher is present at the polling place when ballots are counted, the watcher may not leave until the counting is complete. [Sec. 33.052].

**NEW LAW:** HB 1631 (2023, R.S.) eliminated the requirement for poll watchers to serve for five continuous hours at a polling place on election day in order for the watcher to serve the hours they choose.

**Q. Can a watcher leave the polling place after the time for closing the polls without obtaining permission from the presiding judge?**

- A. The watcher may leave without permission from the judge, except that if the watcher is present at the polling place when ballots are being counted, the watcher may not leave until the counting is complete. [Sec. 33.052].

**MISCELLANEOUS**  
**REMOVAL OF A POLL WATCHER**

A presiding judge may not have a watcher removed from the polling place for violating a provision of the Election Code or any other provision of law relating to the conduct of elections unless the violation was observed by an election judge or clerk. However, a presiding judge may remove a poll watcher for a violation of the Penal Code, regardless of whether the election judge or clerk observed the violation. Additionally, a presiding judge may call a law enforcement officer to request a poll watcher be removed if the poll watcher commits a breach of the peace or a violation of law. [Sec. 32.075(g), (h)].

**POSSIBLE ILLEGAL ACTIVITIES:**

**Q. What illegal activities should a watcher look for?**

A. The election judge may be notified of any activity that appears to be prohibited by law. If any of the following activities occur, bring it to the election judge's attention and note the individual(s) involved, including time and place of occurrence:

1. Election workers allowing voters to vote a regular ballot who do not (1) present an acceptable form of photo identification; (2) present a supporting form of ID and execute a Reasonable Impediment Declaration, if a voter does not possess and cannot reasonably obtain an acceptable form of photo identification; or (3) present a Voter Registration Certificate with an "E" notation on it. [Sec. 63.001].

Please see Pages 15-16 for a list of acceptable forms of photo ID and a list of supporting forms of ID.

2. Electioneering and loitering within 100 feet of the entrance of the building in which a polling place is located. [Secs. 61.003 and 85.036]. Examples of electioneering include, but are not limited to, the following:

- a. wearing or exhibiting a badge, insignia, emblem, or other similar communicative device item relating to a candidate, measure, or political party appearing on the ballot in the current election. [Sec. 61.010].

**NOTE:** An election judge, an election clerk, a state or federal election inspector, a certified peace officer, or a special peace officer appointed for the polling place by the presiding judge shall wear while on duty a tag or official badge that indicates their name and title or position. [Sec. 61.010]. **A poll watcher must also wear a badge indicating the person is a poll watcher.** The badge will be issued to the poll watcher by the election judge.

- b. unauthorized posting of signs, posters, or other similar items. [Sec. 62.013]
3. A candidate in an election commits a Class C misdemeanor if he or she is in the polling place for a purpose other than (1) voting or (2) official business in the building in which the polling place is located. However, a candidate may assist a voter without violating this section. [Sec. 61.001(b)].

**EXCEPTION:** It is a defense to prosecution under Section 61.001(b) if the candidate is (1) not in plain view or hearing of persons in the voting area or the area where voters are being qualified and (2) not engaged in campaign activity. [Sec. 61.001(c)].

4. Unlawful operation of a sound amplification device or sound truck used for campaigning purposes within 1,000 feet of a building in which a polling place is located [Sec. 61.004];
5. Bribing voters [Sec. 36.02, Penal Code];
6. Tampering with a direct recording electronic voting machine [Sec. 33.05, Penal Code];
7. Unlawfully influencing voters [Sec. 61.008];
8. Coercing voters [Sec. 36.03, Penal Code];
9. Unlawfully telling another person information that was obtained at the polling place about how a voter has voted [Sec. 61.006];
10. Unlawfully giving information about the status of the vote count or the names of people who have voted before the polls close [Sec. 61.007];
11. Tampering with voting equipment [Sec. 127.127];
12. Voting illegally [Sec. 64.012];
13. Unlawfully removing ballots from ballot box [Sec. 276.003];
14. Violation of the Election Code observed by an election judge or clerk [Sec. 32.075];
15. Unlawfully assisting voters [Sec. 64.036];
16. Unlawfully accepting or refusing to accept voters [Sec. 63.012];
17. Using a wireless communication device within 100 feet of a voting station [Sec. 61.014];
18. Interfering with the voting process; and/or
19. Violating any other Texas election laws.

**PERSONS ALLOWED IN LOCATIONS RELATED TO ELECTIONS:**

**Q. Who is allowed inside certain locations related to elections?**

- A. The Election Code lists individuals who are permitted to be lawfully present in certain locations related to elections. [Secs. 61.001, 87.026, 127.008].

- **Polling Place/Early Voting Locations:** The following individuals may be lawfully present in a polling place from the time the presiding judge arrives until the precinct returns have been certified and the election records have been assembled for distribution following the election:
  - an election judge or clerk;
  - a watcher;
  - the Secretary of State;
  - a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with the Election Code;
  - an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
  - a state inspector;

- a person admitted to vote;
  - a child under 18 years of age who is accompanying a parent who has been admitted to vote;
  - a person providing assistance to a voter under Section 61.032 or 64.032;
  - a person accompanying a voter who has a disability;
  - a special peace officer appointed by the presiding judge under Section 32.075;
  - the county chair of a political party conducting a primary election, as authorized by Section 172.1113;
  - a voting system technician, as authorized by Section 125.010;
  - the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
  - a person whose presence has been authorized by the presiding judge in accordance with the Election Code.
- **Early Voting Ballot Board:** A person may be lawfully present in the meeting place of an early voting ballot board during the time of the board's operations if the person is:
    - a presiding judge or member of the board;
    - a watcher;
    - a state inspector;
    - a voting system technician, as authorized by Section 125.010;
    - the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
    - a person whose presence has been authorized by the presiding judge in accordance with the Election Code.
  - **Central Counting Station:** A person may be lawfully present in the central counting station while ballots are being counted if the person is:
    - a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk;
    - a watcher;
    - a state inspector;
    - a voting system technician, as authorized by Section 125.010;
    - the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
    - a person whose presence has been authorized by the counting station manager in accordance with the Election Code.

## VOTER ID PROCEDURES

A voter who possesses an acceptable form of photo ID listed below and in Section 63.0101(a) of the Texas Election Code must present such acceptable form of photo ID. Voters who do not possess one of the forms of acceptable photo identification listed below, and cannot reasonably obtain one of these forms of acceptable photo identification listed below, may present a supporting form of identification of the voter and execute a Reasonable Impediment Declaration,

noting the voter's reasonable impediment to obtaining an acceptable form of photo identification, stating that the information contained in the declaration is true, that the voter is the same person appearing at the polling place to sign the declaration, and that the voter faces a reasonable impediment to procuring an acceptable form of photo identification.

List of Acceptable Forms of Photo ID ("List A"):

- Texas Driver License issued by the Texas Department of Public Safety ("DPS")
- Texas Election Identification Certificate issued by DPS
- Texas Personal Identification Card issued by DPS
- Texas Handgun License issued by DPS
- United States Military Identification Card containing the person's photograph
- United States Citizenship Certificate containing the person's photograph
- United States Passport (book or card)

With the exception of the U.S. Citizenship Certificate, which does not expire, the identification must be current or, for voters aged 18-69, have expired no more than 4 years before being presented for voter qualification at the polling place. A person 70 years of age or older may use a form of photo identification listed above that has expired for any length of time if the identification is otherwise valid.

If a voter does not possess one of the forms of acceptable photo identification listed above, and the voter cannot reasonably obtain such identification, the voter may execute a Reasonable Impediment Declaration and present one of the following supporting forms of identification:

List of Supporting Forms of ID ("List B"):

- copy or original of a government document that shows the voter's name and an address, including the voter's voter registration certificate;
- copy of or original current utility bill;
- copy of or original bank statement;
- copy of or original government check;
- copy of or original paycheck; or
- copy of or original of (a) a certified domestic (from a U.S. state or territory) birth certificate or (b) a document confirming birth admissible in a court of law which establishes the voter's identity (which may include a foreign birth document).

The voter must execute a Reasonable Impediment Declaration and present a supporting form of identification to complete the procedure. The election judge, election clerk, or poll watcher cannot question the reasonableness of the impediment claimed by the voter. The poll watcher is not permitted to converse with any voter or communicate in any manner with any voter regarding the election, including, but not necessarily limited to, the Reasonable Impediment Declaration procedures or the presentation of voter identification.

On the Reasonable Impediment Declaration, the voter must enter their name, indicate the voter's reasonable impediment to obtaining one of the seven forms of acceptable photo ID, and then sign and date the form in the presence of the election judge. The election judge must then indicate that the form was signed and sworn before the judge by also signing and dating the form. Either the poll worker or the election judge should also check the box listing the form of supporting documentation the voter presented, fill in the Date of Election and Location fields, and fill in the voter's Voter Unique Identification Number ("VUID") in the appropriate box or affix a sticker that contains that information across the box, and note on the Combination Form that the declaration was used by the voter.

**NOTE: The address on either an acceptable form of photo identification or, if applicable, a supporting form of identification does not need to match the address on the list of registered voters.**

If the voter's name on the list of registered voters does not match exactly to the ID presented (either an acceptable form of photo ID or, if applicable, a supporting form of identification), the voter must complete the "Substantially Similar Name Affidavit" on the Combination Form. [Sec. 63.001(c)].

#### **PROVISIONAL VOTING:**

Provisional voting is helpful in multiple scenarios, and provisional ballots must be offered to voters when required by the situations described below. However, a voter CANNOT be denied a provisional ballot in any circumstance.

An election judge commits an offense if the judge knowingly provides a voter with a form for an affidavit if the form contains information that the judge entered on the form knowing it was false. [Sec. 63.0111].

If a voter (a) does not possess one of the seven (7) acceptable forms of photo identification, which, for voters aged 18-69, is not expired for more than four years, or, for voters aged 70 and older, may be expired for any length of time but is otherwise valid, and the voter can reasonably obtain one of these forms of identification; or (b) possesses, but did not bring to the polling place, one of the seven forms of acceptable photo identification; or (c) does not possess one of the seven forms of acceptable photo identification, could otherwise not reasonably obtain one, but did not bring a supporting form of identification to the polling place; and the voter does not have a permanent disability exemption indicated on their voter registration certificate, the voter may cast a provisional ballot at the polls.

However, in order to have the provisional ballot counted, the voter will be required to visit the voter registrar's office within six calendar days of the date of the election to (1) present one of the seven (7) acceptable forms of photo identification; (2) present one of the supporting forms

of ID and execute a Reasonable Impediment Declaration, if the voter does not possess and cannot reasonably obtain one of the acceptable forms of photo identification; (3) if applicable, submit one of the temporary forms (e.g., religious objection or natural disaster) in the presence of the county voter registrar; OR (4) if applicable, qualify for the disability exemption to presenting an acceptable form of photo identification or following the Reasonable Impediment Declaration procedure at the polls. Specifically, forms are available for voters who have a consistent religious objection to being photographed and for voters who do not present a form of acceptable photo identification or follow the Reasonable Impediment Declaration procedure because of certain natural disasters as declared by the President of the United States or the Texas Governor within 45 days of the day the ballot was cast. In addition, voters with a disability may apply with the county voter registrar for a permanent exemption to presenting an acceptable form of photo identification or following the Reasonable Impediment Declaration procedure at the polls. The application must contain written documentation from the U.S. Social Security Administration evidencing the applicant's disability or from the U.S. Department of Veterans Affairs evidencing a disability rating of at least 50 percent. In addition, the applicant must state that he or she has no valid form of photo identification prescribed by Section 63.0101 of the Texas Election Code.

**NOTE:** If a voter has continued access to their acceptable form of photo ID, but, for example, forgets to bring their acceptable form of photo ID to the polling place and/or left it, for example, at home or in their car, the voter still possesses the acceptable photo ID and must use it to vote. Accordingly, if a voter possesses an acceptable form of photo ID but does not have it with them at the polling place and there is enough time left when polls are open, the voter may choose to return at a later time with an acceptable form of photo ID, or the voter may vote provisionally. A voter who does not possess an acceptable form of photo ID, and could not otherwise reasonably obtain one, but just did not bring a form of supporting ID to the polling place, may also opt to leave the polling place, and return at a later time with their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration, or the voter may vote provisionally. Provisional ballots are not counted until the voter registrar and early voting ballot board verify the voter's eligibility. The affidavit that provisional voters must sign also acts as a voter registration application, ensuring that those individuals who are not registered voters will be registered for future elections for which they are eligible.

#### **Q. When would an individual need to cast a provisional ballot?**

A. The following individuals may cast a provisional ballot:

- A voter who states they do not possess an acceptable form of photo ID, and that they can reasonably obtain an acceptable form of photo ID.
- A voter who states that they do not possess an acceptable form of photo ID, and that they cannot otherwise reasonably obtain an acceptable form of photo ID, but they did not bring their form of supporting ID to the polling place.

- **NOTE:** A voter who does not possess and could otherwise not reasonably obtain an acceptable form of photo ID but just did not bring a form of supporting ID to the polling place may opt to leave the polling place and return at a later time with their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration.
- A voter who states they possess an acceptable form of photo ID, but do not have it with them to present at the polling place.
  - **NOTE:** If a voter has continued access to their acceptable form of photo ID but, for example, forgets to bring their acceptable form of approved photo ID to the polling place and/or left it at home or in their car, the voter still possesses the acceptable photo ID and must use it to vote. This voter may opt to leave the polling place and return at a later time with their acceptable form of photo ID and vote a regular ballot.
- A voter who does not present an acceptable form of photo ID or follow the Reasonable Impediment Declaration procedure and has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief. [Sec. 65.054(b)(2)(B)].
- A voter who does not present an acceptable form of photo ID or follow the Reasonable Impediment Declaration procedure because of a natural disaster that was declared by the President of the United States or the Texas Governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification. [Sec. 65.054(b)(2)(C)].
- A voter whose name on the form of identification presented (either an acceptable form of photo identification or, if applicable, a supporting form of identification with a Reasonable Impediment Declaration) is determined by the election officer not to exactly match or be substantially similar to the name as it appears on the list of registered voters.
  - **NOTE:** A voter's name as listed on the identification presented (either an acceptable form of photo ID or, if applicable, a supporting form of ID with a Reasonable Impediment Declaration) for voting is considered **substantially similar** to the form of the name as listed on the list of registered voters if one or more of the following circumstances applies: 1) The name on the presented ID is slightly different from one or more of the name fields on the official list of registered voters; 2) The name on the presented ID or on the list of registered voters is a customary variation of the voter's formal name (for example, Bill for William); 3) the voter's name contains an initial, middle name, or former name that is either not on the official list of registered voters or on the presented ID; 4) a first name, middle name, former name, or initial of the voter's name occupies a different field on the presented ID than it does on the list of registered voters. In considering whether a name is substantially similar, election officials will also look at whether information on the presented ID matches elements of the voter's

information on the official list of registered voters such as the residence address or date of birth.

- A voter who presented a form of identification (either an acceptable form of photo identification or, if applicable, a supporting form of identification with a Reasonable Impediment Declaration) but whose identity cannot be verified by the identification presented, as determined by the polling place official per Section 63.001(d) of the Code.
- A voter who has received a disability exemption under Section 13.002(i) of the Code, but does not have or otherwise fails to present the voter's voter registration certificate at the polling place indicating such exemption, or a voter who is eligible for a disability exemption under Section 13.002(i) of the Code but has not yet submitted the documentation required to receive such exemption.
- A voter who claims to be properly registered and eligible to vote at the election precinct where the voter presents himself or herself to vote, but the voter's name does not appear on the precinct list of registered voters and the voter does not present a voter registration certificate indicating that the voter is currently registered as described in Section 63.006 of the Code.
  - **NOTE:** If the provisional voter indicates he or she is registered, the election officer must ask the person if they registered at DPS. If the person states they registered at DPS, the election officer must ask the person if he or she knows the approximate date that the person went to DPS. The election officer must then note that the voter went to DPS and, if the person knows, the approximate date of the DPS visit, on the Provisional Ballot Affidavit Envelope in the "Other" line.
- A voter who has applied for a ballot by mail, but does not have any of the following:
  - The mail ballot to surrender;
  - Notice of Improper Delivery; or
  - Notice of Surrendered Ballot
- A voter who votes during the polling hours that are extended by a state or federal court.
- A voter who is registered to vote but attempting to vote in a precinct other than the one in which the voter is registered.
- A voter who is on the election precinct list of registered voters, but whose registered residence address is outside the political subdivision in which the voter is presenting himself or herself to vote.
- Other: \_\_\_\_\_ (with an explanation). [See, e.g., Sec. 63.011; 1 T.A.C. §§ 81.172—81.176; Tex. Water Code § 49.1025].

**Q. Who makes the determination if an individual is qualified to vote provisionally?**

- A. A worker CANNOT deny a voter the right to vote a provisional ballot. However, an election judge may determine that a voter is eligible to cast a provisional ballot, and immediately inform the voter of that right.

Section 63.0111 states that an election judge commits an offense if the judge knowingly provides a voter with a form for an affidavit if the form contains information that the judge entered on the form knowing it was false.

In order to vote provisionally, the voter must complete and sign an “Affidavit of Provisional Voter,” a form which will also serve as a voter registration application in the event the voter is not registered or as an update to the voter's registration record if the information is different.

**Q. Are there cases when a provisional ballot will not be counted? When is a voter notified?**

- A. While a provisional voter may be allowed to vote at the polling place, there are certain circumstances in which they will immediately be informed that their ballot will not be counted. For example, the election judge will notify the voter that their ballot will not be counted if:

- The voter does not present an acceptable form of photo identification, or, if the voter does not possess and cannot reasonably obtain an acceptable form of photo identification, the voter does not execute a Reasonable Impediment Declaration and present one of the acceptable forms of supporting identification, or submit one of the temporary forms (religious objection or natural disaster exemption), or submit the paperwork required to obtain a permanent disability exemption, to the county voter registrar within 6 calendar days from election day, or
- the ballot is cast at a precinct in which the voter is not registered (regardless of whether the voter is registered in another precinct in the same political subdivision).

**Q. If a voter applied for a ballot by mail, may the voter vote provisionally at the election day precinct polling place without returning the mail ballot to the election judge?**

- A. Yes. A voter who appears on the list of registered voters as having applied for and/or received a ballot by mail may go to the polling place and vote. If the voter does not have the ballot to return to the judge, he will have to vote a provisional ballot. If the mail ballot does not arrive at the ballot board before the provisional ballot, the provisional ballot will be counted. If the mail ballot arrives at the ballot board before the provisional ballot, the mail ballot will be counted. [Sec. 63.011].

**Q. How are provisional ballots reviewed and handled?**

- A. At the polling place, the election judge provides the provisional voter written notice informing the voter that they will be notified within 10 days after the local canvass as to whether or not their ballot was counted and, if not, why it was not counted. The notice also includes instructions and additional details regarding the provisional voting process.

The voter's eligibility to vote is reviewed by the voter registrar and the early voting ballot board must complete the processing and counting, where applicable, of the provisional ballots. Notice must be delivered to provisional voters regarding whether their ballot was counted and noting a reason if their ballot was not counted.

**Q. How is the secrecy of the ballot preserved?**

- A. The voter places the voted provisional ballot in a plain white ballot secrecy envelope, which is placed inside the Provisional Affidavit Ballot Envelope. Provisional ballots are placed either in a designated, secure container or Ballot Box No. 4 until the voter registrar and early voting ballot board complete their review. The transfer and tabulation of these ballots are handled with the same care, secrecy, and security as other ballots and voting system equipment. Note: If the voter is casting an electronic provisional ballot, the voter completes the affidavit on the provisional envelope but does not include a ballot.

**Q. What is the deadline for reviewing provisional affidavits?**

- A. The early voting ballot board must complete the processing and counting, where applicable, of the provisional ballots by the ninth day after the election (13th day after election day in the general election for state and county officers). Notice must be delivered to provisional voters regarding whether their ballot was counted and noting a reason if their ballot was not counted. This notice must be delivered no later than the 10th day after the local canvass. [Sec. 65.051; 1 T.A.C. §§ 81.172-81.174, 81.176].

**USING ENGLISH AND INTERPRETERS:**

All election officials, while performing their duties at the polling place, must use English, except when helping a voter who does not understand English. [Sec. 61.031(a)].

**Q. What is an interpreter and when is one used?**

- A. 1. If a voter cannot communicate in English, an election official may communicate with the voter in a language both the election official and the voter (or the voter's interpreter) understand. [Sec. 61.031(b)].
2. The voter may also select an interpreter to communicate with the election officer(s) attending to the voter in a language that is not English, regardless of whether the election officer who attempts to communicate with the voter understands or does not understand the language used by the voter, as long as the interpreter meets the qualifications in paragraphs 3 and 4 below. [Sec. 61.032].
3. Upon taking the oath of interpreter, any person selected by the voter other than the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's labor union, may act as an interpreter for one or more voters. [Secs. 61.033(1), 61.035].
4. The interpreter may be a person provided by the authority conducting the election. If the interpreter is appointed to serve as an interpreter by an election official, the person must be a registered voter of the county in which the voter needing the interpreter resides or

a registered voter of an adjacent county. However, even if an interpreter is provided, a voter may use his own interpreter. [Secs. 61.032, 61.033(2)].

5. If the voter cannot comprehend the language in which the ballot is printed, the voter may receive assistance in accordance with Subchapter B, Chapter 64. [Sec. 61.034].
6. A watcher may request and receive an English translation of a language spoken other than English between an election official and a voter. [Sec. 61.036].

**CASTING THE BALLOT:**

**Q. If voters make a mistake marking their ballot, can they start over?**

- A. Yes, but there is a limit to how many times a voter may attempt to cast a ballot. Voters who make mistakes while marking their paper or optical scan ballots may take the spoiled ballot to an election official and exchange it for a new ballot. A voter may only receive up to two replacement ballots (the original ballot, plus two replacement ballots yields a total of **three possible ballots per voter**). [Sec. 64.007(a) & (b)].

**Q: If a voter is voting provisionally on paper or optical scan ballot, does he or she use the same type of ballot as a regular voter?**

- A: Yes, but the election officials may have a few ballots pre-stamped “provisional” in a separate stack from regular ballots. The following steps must occur:

- (1) the voter votes the ballot;
- (2) the voter seals the ballot in the ballot secrecy envelope;
- (3) the voter seals the privacy envelope in the provisional ballot affidavit envelope; and
- (4) the voter casts the ballot in the regular ballot box or other designated secured container as directed by the election officials.

**NOTE:** Some electronic voting systems allow the voter to cast a provisional ballot directly on the machine.

**Q. If a voter leaves a voted ballot in the voting station or elsewhere in the polling place rather than putting it in the ballot box, or if a voter voting on an electronic voting system leaves without finally casting his or her ballot, is the ballot counted?**

- A. No. A ballot that has not been deposited in the ballot box used for the deposit of marked ballots may not be counted. The judge should treat it as a cancelled ballot. [Sec. 65.010(a)(4)]. On an electronic voting system, the ballot must be cancelled using the procedures for cancellation on the system particular to the entity holding the election. The ballot left uncast by a “fleeing” voter may not be counted.

## **RECOUNT WATCHER**

Similar to a poll watcher, a recount watcher (formerly termed a representative) is a person appointed to observe the conduct of the recount on behalf of:

- a candidate,
- a political party, or
- the proponents or opponents of a measure (specific-purpose political action committee). [Sec. 213.013].

### **RECOUNT WATCHER QUALIFICATIONS**

Unlike a poll watcher, a recount watcher is not required to meet any particular qualifications to serve. A recount watcher is NOT required to complete the training under Section 33.008. The recount watcher is not required to be a registered voter of the territory in which the election was held. The recount watcher does not have to satisfy any age or citizenship requirements. Public officials are not prohibited from serving as recount watchers; nor is the recount watcher's eligibility affected by the familial relationship of a watcher to a person serving on the recount committee. For more information on recount procedures, please see the SOS's [Recount Outline](#).

### **PERMITTED NUMBER OF RECOUNT WATCHERS**

As the recount is conducted, each authority eligible to appoint a recount watcher is permitted to have watchers present in a number corresponding to the number of counting teams designated for the recount; however, if there is a single counting team, two recount watchers may be present. [Sec. 213.013(b)].

### **RECOUNT WATCHER APPOINTMENT**

The watcher must deliver a certificate of appointment to the recount chair at the time the watcher reports for service. The certificate must be in writing and must contain:

- (1) the printed name and the signature of the recount watcher;
  - (2) the election subject to the recount;
  - (3) the time and place of the recount;
  - (4) the measure, candidate, or political party being represented;
  - (5) the signature and the printed name of the person making the appointment; and
  - (6) an indication of the capacity in which the appointing authority is acting.
- [Sec. 213.013(f)].

**NOTE:** No one entitled to be present at a recount may be in possession of a device capable of recording images or sound, unless the person agrees to disable or deactivate the device while present at the recount. [Sec. 213.013(i)].

The officially prescribed recount watcher appointment form may be found on our website at <https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml>

A recount watcher who submits a valid appointment form to the recount chair must be admitted to the recount unless the specific authority's maximum number of watchers have already been accepted. [Sec. 213.013(e)].

## RECOUNT WATCHER'S DUTIES

Similar to a poll watcher, a recount watcher is entitled to observe any activity conducted in connection with the recount. Watchers are entitled to stand or sit conveniently near the officers engaged in the observed activity or near the officers counting or processing the ballots to verify that they are being counted correctly. Rules on the watcher's rights, duties, and privileges are otherwise the same as for a poll watcher to the extent applicable. [Sec. 213.013(h)].

Recount watchers may also be present in the same numbers prescribed under Section 213.013(b) to observe the printing of ballot images cast on direct recording electronic voting systems prior to the recount. [Sec. 213.016].

## CONCLUSION

As a poll watcher or a recount watcher, you are entitled to observe the conduct of the election at the location to which you are assigned or the activities at a recount. You must keep in mind your responsibility to ensure the fair conduct of elections. Please remember, however, that the presiding officers are responsible for maintaining control and order. You should establish a cooperative relationship with these presiding officers and work with them to ensure that the voting process works smoothly. **Remember that you are not allowed to address voters directly.**

If any questions arise during your service that the presiding officer cannot answer or you question the accuracy of the information provided, you may call the Elections Division at our toll-free number, 1-800-252-VOTE(8683). The Elections Division is open Monday through Friday from 8:00 a.m. to 5:00 p.m., and during all uniform election dates from before the polls open until after they close. If you desire to learn more about the election process, please call our office to request one of our handbooks for election day officials and the early voting ballot board or our detailed recount procedures. You may also wish to review our online poll worker training at <https://pollworkertraining.sos.texas.gov>.

Thank you for your participation in the election process!

City of Lago Vista Cumulative Report  
Travis County Joint General and Special Elections  
November 7, 2023

3601362 RESULTS

Travis County

City of Lago Vista, Mayor

Vote For 1

	TOTAL	VOTE %	By Mail	Early Voting	Election Day
Kevin Sullivan	1,050	48.36%	14	559	477
Jim Peck	260	11.98%	4	133	123
Edward (Ed) Tidwell	861	39.66%	12	449	400
Total Votes Cast	2,171	100.00%	30	1,141	1,000

City of Lago Vista, Council Member, Place 1

Vote For 1

	TOTAL	VOTE %	By Mail	Early Voting	Election Day
Shane R. Saum	1,318	65.54%	16	723	579
Arch Davila	693	34.46%	14	356	323
Total Votes Cast	2,011	100.00%	30	1,079	902

City of Lago Vista, Council Member, Place 3

Vote For 1

	TOTAL	VOTE %	By Mail	Early Voting	Election Day
Rob Durbin	1,298	65.16%	23	709	566
Dick Weatherly	694	34.84%	7	357	330
Total Votes Cast	1,992	100.00%	30	1,066	896

City of Lago Vista, Council Member, Place 5

Vote For 1

	TOTAL	VOTE %	By Mail	Early Voting	Election Day
Paul Roberts	1,698	100.00%	25	909	764
Total Votes Cast	1,698	100.00%	25	909	764

City of Lago Vista Cumulative Report  
 Travis County Joint General and Special Elections  
 November 5, 2024

RESULTS

Travis County

## City of Lago Vista Council Member Place 2

Vote For 1

	TOTAL	VOTE %	Ballot by Mail	Early Voting	Election Day	EV Provisional	ED Provisional
Adam C. Benefield	3,570	100.00%	154	2,927	482	7	0
Total Votes Cast	3,570	100.00%	154	2,927	482	7	0

## City of Lago Vista Council Member Place 4

Vote For 1

	TOTAL	VOTE %	Ballot by Mail	Early Voting	Election Day	EV Provisional	ED Provisional
Norma Owen	3,533	100.00%	156	2,903	467	7	0
Total Votes Cast	3,533	100.00%	156	2,903	467	7	0

## City of Lago Vista Council Member Place 6

Vote For 1

	TOTAL	VOTE %	Ballot by Mail	Early Voting	Election Day	EV Provisional	ED Provisional
Stephen R. Liebel	2,067	41.70%	76	1,675	312	3	1
Paul Prince	2,890	58.30%	128	2,436	321	5	0
Total Votes Cast	4,957	100.00%	204	4,111	633	8	1