



# MABANK INDEPENDENT SCHOOL DISTRICT

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## MABANK ISD BOARD OF TRUSTEES CANDIDATE ELECTION PACKET 2023

A school board election for the Mabank Independent School District will be held on Saturday, May 6, 2023. The following places are up for election:

Place 4 – three-year term – Currently held by Erik Tijerina  
Place 5 – three-year term – Currently held by Todd Grimes

The first business day to file for place on the ballot in person is Wednesday, January 18, 2023. The deadline for filing for a place on the ballot is Friday, February 17, 2023, at 5:00 P.M. You may pick up a candidate packet at the Mabank ISD Administration Office located at 310 E Market St., Mabank, TX 75147. Please ask for Evelyn Carter.

Applications will be accepted from 8:00 A.M. to 4:00 P.M., Monday through Friday, beginning Wednesday, January 18 – Friday, February 16, 2023. The office will be open from 8:00 A.M. until 5:00 P.M. on the filing deadline date of February 17, 2023.

The candidate packet includes:

- Election Schedule
- What You Need to Know about Running for Your School Board
- New Trustee Checklist
- What Are a Texas School Board's Roles and Responsibilities?
- School Board Trustees Training
- Training Requirements for School Board Members
- Application for a Place on the Mabank ISD General Ballot
- Policy BAA(LEGAL): Legal Status, Powers, and Duties
- Policy BBA(LEGAL): Board Members Eligibility/Qualifications
- Policy BBBC(LEGAL): Campaign Finance
- Policy BBBD(LEGAL): Campaign Ethics
- Policy BBD(LEGAL): Board Member Training and Orientation
- **Texas Ethics Commission Forms:**
- 2023 Filing Schedule
- Political Advertising What You Need to Know
- A Short Guide to the Prohibition Against Using School District Resources for Political Advertising
- Form CFCP - Code of Fair Campaign Practices
- Form CTA - Appointment of a Campaign Treasurer by a Candidate – Instruction Guide and Form
- Form C/OH - Candidate/Officeholder Campaign Financial Report –Instruction Guide and Form
- Campaign Finance Guide for Candidates and Officeholders Who File with Local Filing Authorities

For answers to questions on financial reports or ethics, contact the Texas Ethics Commission at 1.800.325.8506 or visit their website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us)

Information regarding elections can be found on the Secretary of State's website at [www.sos.tx.us](http://www.sos.tx.us)

For local assistance, please contact Evelyn Carter, Administrative Asst. to the Superintendent at 903.880.1302 or [ecarter@mabankid.net](mailto:ecarter@mabankid.net) or at the administration office 310 E. Market St., Mabank, TX 75147.

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### Statement of Non-Discrimination

Mabank Independent School District does not discriminate on the basis of race, color, national origin, age, sex, or disability in its employment, practices, activities and programs.  
El distrito independiente de la escuela de Mabank no discrimina de la raza, del color, del origen nacional, de la edad, del sexo, or de la inhabilidad en su empleo, prácticas, actividades y programs.



# MABANK ISD

## THE 2023 BOARD ELECTION SCHEDULE

12/19/2022 – Deadline to Post Notice for Candidate Filing

01/01/2023 – First Day to Apply for a Ballot by Mail

01/18/2023 – First Day to File an Application for a Place on the Ballot

01/23/2023 – Order of Election

02/17/2023 – Last Day to File an Application for a Place on the Ballot – 5:00 P.M.

02/24/2023 – Last Day a Candidate to Withdraw

02/27/2023 – Ballot Position Drawing (TBD)

04/06/2023 – Last Day to Register to Vote

04/24/2023 – First Day of Early Voting by Personal Appearance

04/25/2023 – Last Day to Apply for a Ballot by Mail

05/02/2023 – Last Day of Early Voting by Personal Appearance

05/06/2023 – Election Day

# What You Need to Know about Running for Your School Board



If you're considering running for your local school board, there are a lot of things to think about.

You don't need a background in local government, public education, or public policy to run for the school board. Your children don't have to attend a school in the district either. But you should be able to answer a few questions for yourself.

## Why am I running for my local school board?

It's best to start at the basics and determine what's motivating you. Answering this question will help you to determine:

- What your focus might be when campaigning
- If running for the school board is even the right step for you at this time

Is there a specific issue you want to change in your school district, or do you want to improve the overall quality of your district?

Perhaps you're thinking about running for the board because you want to "get rid of a coach," or "make sure the principal is held accountable." Or maybe you think the state has overstepped their bounds on school accountability.

Reasons like these don't line up well with the work you would do as a school board member, and you might find it unfulfilling. Understand exactly what the roles and responsibilities of the school board are before taking the plunge.

Remember: The school board is responsible for making decisions that will affect all students in the district.

"If you have an agenda, you're subject to being disappointed when you're elected to the board," said Longview ISD Board Member Ted Beard. "You're there for the students, and if you're focused on one thing, you're missing the big picture."

## **Can I make the time commitment to run for the school board?**

Campaigning takes time. How much time you commit varies depending on a lot of factors, from the size of the district to how many candidates are running for a seat.

At a minimum, launching a campaign for the school board requires learning the basic ins and outs of running a legal and ethical campaign for office.

TASB's Guide for School Board Candidates provides information about how the school board works, ethical campaigning, and a summary of election laws. It also includes resources and detailed information about

- Campaign finance
- Reporting requirements
- Election advertising guidelines

## **Tips on ethical campaigning for the school board**

"How you campaign absolutely sets the tone for how you will serve," said former school board member and current TASB Senior Board Consultant Kay Douglas. "I once had a board member say, 'I campaigned on the idea that all of them were messing up. Now how do I work with them?' And that's exactly it. In your campaign, you want to make sure you're focusing on service."

Maintaining a high ethical standard while campaigning means more than just following the law. There are expectations to live up to. Review the Code of Ethics for School Board Members, and understand nepotism and conflicts of interest.

These are general practices to ensure you conduct your campaign ethically:

- Focus attention on issues and avoid attacking or finding fault in opponents and district employees.
- Get familiar with the specific issues in your district.



- Always share accurate information during your campaign.
- Keep your focus on what you would like to see happen in your district.
- Avoid making promises that you as an individual cannot keep without board support.

Running an ethical campaign demonstrates your leadership to the community. It helps you establish a positive foundation for working with the board and administrators if you do get elected.

## **Can I make the time commitment to serve on the school board?**

Before you run, you'll want to know what it takes to be a successful board member. Election to the board comes with a whole new time commitment.

You'll definitely be a bit busier because of the time needed to prepare for and attend board meetings and other related obligations.

"Just be prepared to commit that time, if you want to be an effective board member," said Beard. "You're going to be called to do various things just because you're on the school board, and also prepare for school board meetings. You'll need to be doing research of your board packets, being informed and educated as to what's going on in your school district, and not just coming in blind."

Nobody is born knowing how to be a board member. You need training. In fact, the state requires it.

The preparation and getting up to speed are a big part of the first year on the board. During your first year of board service you'll learn about:

- District priorities
- The state accountability system
- District budgeting
- The difference between open and closed meetings
- And so much more

If you're elected, TASB offers a variety of training opportunities throughout the year held around the state, in your district, and even online.

## **What knowledge and skills do I bring to the school board?**

It is useful to consider what you'll bring to the table that can benefit your local board. Take an honest assessment of the knowledge and skills you have that could be an asset to your board.

As a school board member, you'll need to:

- Attend meetings regularly
- Learn about new and sometimes complex issues
- Interact with a variety of community members
- Make decisions on issues that at times can be difficult

"Joining a board is like jumping on a train that's moving. They have been working together. They have a vision. They have goals. You want to figure out how you can be part of that, what you can add to that, and how you can be of service," said Douglas.

There's no one type of person or background that makes for a good school board member, but all good school board members need to:

- Work as a team to create a vision for the district and set measurable goals to achieve that vision
- Understand finances and budgets and regularly monitor the fiscal health of the district
- Focus on the true bottom line: student achievement and implementing policies that ensure success for all students
- Inform the public regularly on the district's progress and challenges
- Collaborate with others and be respectful of the full leadership team
- Advocate for the value of a strong public education system at every chance and at every level of government

While you are at it, think of some of your shortcomings that, if left unaddressed, could hinder your efforts to be an effective board member. Knowing your opportunities for growth is just as important as knowing your strengths.

Serving as a board member can be challenging. But making decisions that benefit your students and community can be very gratifying.

## **Preparing to Serve: A Webinar for School Board Candidates**

TASB hosts a webinar twice a year for school board candidates. This webinar is an opportunity to:

- Learn about the difference between the board's and staff's responsibilities
- How to campaign constructively
- Find more information and insights about being a candidate
- Ask your questions

# New Trustee Checklist

## LEGAL REQUIREMENTS FOR THE FIRST YEAR

### As soon as feasible after election

Receive certificate of election prepared by presiding officer in compliance with Texas Election Code section 67.016. See *TASB Policy BBBB(LEGAL)*.

> Policies adopted by school boards are organized by topic into policy manuals maintained by the school district. Your local policy manual contains TASB's (LEGAL) reference policies and board-adopted (LOCAL) policies. Find out more about policies at [tasb.org/services/policy-service/resources.aspx](https://tasb.org/services/policy-service/resources.aspx).

Read and sign Statement of Elected Officer and take oath of office. Tex. Const. art. XVI, section 1. See *TASB Policy BBBB(LEGAL)*.

### First week

File conflict-of-interest disclosure forms as applicable. These requirements are ongoing and apply to all school officials as defined by state law and district policy:

- You need to file Form CIS (available on the Texas Ethics Commission website at [ethics.state.tx.us/data/forms/conflict/CIS.pdf](https://ethics.state.tx.us/data/forms/conflict/CIS.pdf)) with the district records administrator (often the superintendent's secretary) if any of the following apply: within the last year, you or your first-degree family member have received taxable income of more than \$2,500, or gift(s) with a value of more than \$100, from a school district vendor; or you have a family relationship within the third degree of relation to a school district vendor. See *TASB policies BBFA(LEGAL), (LOCAL)*.
- If you own, or are a representative of, an entity that does business with the district, you must also complete and file with the district records administrator the vendor's questionnaire form CIQ (available on the Texas Ethics Commission website at [ethics.state.tx.us/data/forms/conflict/CIQ.pdf](https://ethics.state.tx.us/data/forms/conflict/CIQ.pdf)). See *TASB Policy CHE(LEGAL)*.

- Other disclosures may be required of trustees in your district by state law or local policy. See *TASB Model Policy BBFA(LOCAL)*. If you are not sure what laws apply to your district, contact an attorney.

### First two weeks

If desired, complete the form to withhold personal information, such as your home address, phone number, emergency contact information, and family information, from the district's response to a request for public information. See *TASB Policy GBA(LEGAL)*.

Receive introduction to TASB resources and set up your TASB login.

> Access TASB guidance specific to new board members at New Board Members web page [tasb.org/new-board-member](https://tasb.org/new-board-member).

### First 90 days

Attend one to two hours of Open Meetings Act training. Tex. Gov't Code § 551.005. See *TASB Policy BBD (LEGAL)*. Open Meetings Act training is available in the Online Learning Center at [onlinelearning.tasb.org](https://onlinelearning.tasb.org).

Attend one to two hours of Public Information Act (PIA) training if required by local policy. Board member training on the PIA is recommended but not required if the district has delegated responsibility for the training to the superintendent or other administrator in Policy BBD(LOCAL). Tex. Gov't Code § 552.012. See *TASB Policy BBD(LEGAL), (LOCAL)*.

> TASB Legal Services has online resources about the Texas Open Meetings Act at [schoollawesource.tasb.org](https://schoollawesource.tasb.org). The Texas attorney general offers free online training at [texasattorneygeneral.gov](https://texasattorneygeneral.gov).



## First 120 days

If you have not already attended a local orientation, receive orientation to local district policies and procedures, including, but not limited to, an introduction to the following:

- Current school board policy manual and any operating procedures
- Policies governing board meetings and trustee responsibilities in policy manual Section B on Governance
- District goals and priorities
- District budget calendar and process for board adoption of budget and tax rate
- Superintendent evaluation instrument and process

Attend three-hour orientation on the Texas Education Code delivered by regional education service center.

Attend a three-hour *Evaluating and Improving Student Outcomes (EISO)* session at a regional education service center with an authorized provider. TASB is an authorized EISO provider and can offer these sessions at our conferences or per requests from local boards.

Attend one-hour training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. Trustees can also meet this training requirement in the Online Learning Center at [onlinelearning.tasb.org](http://onlinelearning.tasb.org). See *TASB Policy BBD(LEGAL)*.

Complete the Texas School Safety Center's two-hour school safety course provided free online at SBOE - School Safety Training - TEA Learn. [register.tealearn.com/courses/sboe---school-safety-training](http://register.tealearn.com/courses/sboe---school-safety-training)

## First year

Participate in team-building session and assessment of continuing education needs with district board of trustees and superintendent.

Attend at least 10 hours of additional continuing education based on assessed needs and state-adopted Framework for School Board Development.

Attend annual cybersecurity training in accordance with with the Texas Department of Information Resources guidelines. See *TASB Policy CQB(LEGAL)* and *DIR Certified Cybersecurity Training*. See *TASB Policy BBD(LEGAL)*.

> You can find more information about school board trustee training requirements, including a list of approved training providers, on the Texas Education Agency website at [tea.texas.gov/Texas\\_schools/school\\_boards/school\\_board\\_member\\_training](http://tea.texas.gov/Texas_schools/school_boards/school_board_member_training).

> For more information on board training and other legal requirements, visit TASB School Law eSource [schoollawesource.tasb.org](http://schoollawesource.tasb.org).

## Additional Resources

Board development and events | TASB Board Development Services | [tasb.org/board-dev](http://tasb.org/board-dev), 800-580-8272

Continuing education credit | TASB Board Development Services | [cec.tasb.org](http://cec.tasb.org), 800-580-8272

TASB login | [loginsupport@tasb.org](mailto:loginsupport@tasb.org) or 800-436-8501

Policy | TASB Policy Service | [policy.tasb.org](http://policy.tasb.org), 800-580-7529

TASB Legal Services | Legal Line | [legal.tasb.org](http://legal.tasb.org), 800-580-5345

TASB Member Center | [tasb.org/members](http://tasb.org/members)

TASB publications | [store.tasb.org](http://store.tasb.org)

TASB School Law eSource | [schoollawesource.tasb.org](http://schoollawesource.tasb.org)

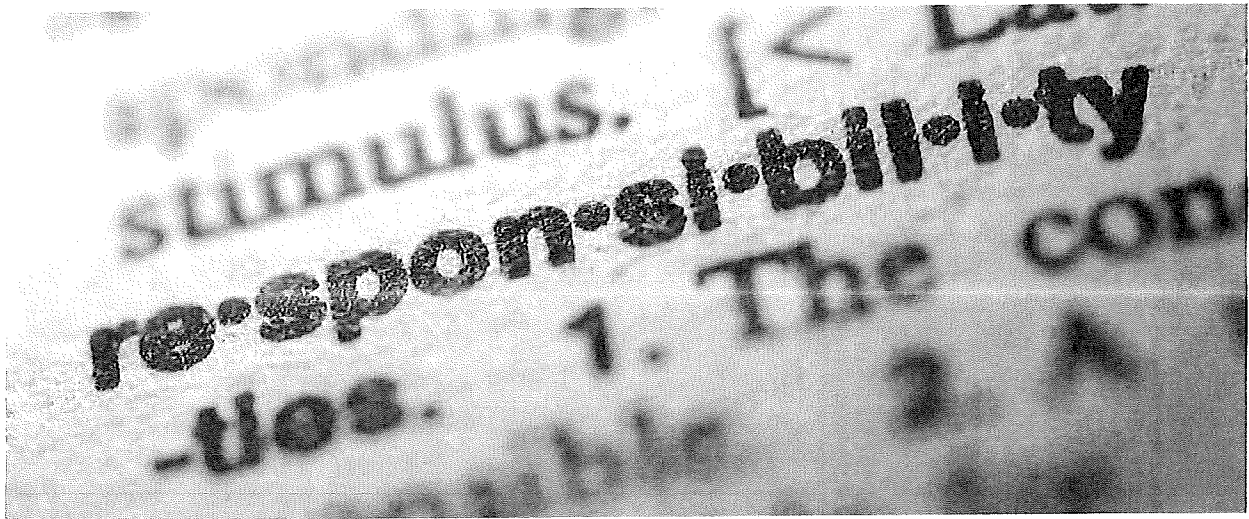
TASB website | [tasb.org](http://tasb.org)



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# What Are a Texas School Board's Roles and Responsibilities?



The main function of the school board is to provide local, citizen governance and oversight of education. Though ultimate responsibility for education rests with the state, Texas has delegated much of the authority to local communities who elect their local school trustees to govern the school district.

The idea behind this structure of shared responsibility is that, while some education policy issues are best addressed at the state level, others are far better addressed by your local community.

Within the framework of state and federal law and State Board of Education and commissioner of education rules, your school district has significant latitude in shaping the educational programs of your schools.

The operation of the school district at the local level is also a shared activity. The role of the school board members and the role of the superintendent are different:

- Your school board governs the district, but it does so with the advice of the superintendent.
- The superintendent manages the district, but he or she must do so with the oversight and management of the board, and within the framework of policies and priorities your board adopts.

## Local school board responsibilities

Local school board responsibilities can be grouped into five categories:



- Adopt goals and priorities and monitor success
- Adopt policies and review for effectiveness
- Hire and evaluate the superintendent
- Adopt a budget and set a tax rate
- Communicate with the community

Let's explore what each of these means for your school board.

## **Adopt goals and priorities and monitor success**

District planning is one of the most important tasks your board can perform. Developing a vision, and adopting goals and priorities for the district, sets the course and keeps the district moving in a positive direction.

Truly effective boards often refer to their district's vision and goals when preparing for meetings or making decisions. Developing a strong vision and goals helps a board have a North Star to refer back to when it's time to make tough decisions. Vision and goals keep school governance focused on top priorities like student achievement.

Research on effective school governance points to two board functions with a strong connection to student achievement:

- The board holding high expectations for student learning and communicating those expectation through the district's vision and goals
- The board staying engaged with the student learning goals through regular goal progress monitoring

To that end, the board reviews regular reports from the administration on district operations and progress toward goals. Some goals in your district may be stated in terms of measures included in the state's Texas Academic Performance Reports (TAPR).

TAPR can help your district gauge student achievement and other districts measures. It helps your district compare its performance to other districts and campuses of similar size, wealth, and student populations.

## **Adopt policies and review for effectiveness**

A key responsibility of the board is to adopt local policies that guide how the district operates. Your administration and district staff make important decisions based on district policies. Local school boards must adopt policies that are consistent with federal and state laws and regulations and should ensure they match district practice.

Your district's policy manual will have two types of policies (Legal and Local) in many areas.

- Legal policies contain any statements of state or federal law or other legal authority on a topic and are not adopted by the board
- Local policies include governance provisions that the local board has put in place

By distinguishing these two, the board and the public can clearly see what part of district operations are mandated by state and federal law, and which are adopted at the board's discretion.

Learn the [basic steps to developing and adopting school district policy](#) and find out the [difference between school board policies and regulations](#).

## **Hire and evaluate the superintendent**

The board sets goals and priorities and adopts the policies by which the district is run. The board also hires a superintendent to execute on the board's decisions.

The role of the superintendent is to:

- Act as chief executive officer of the district
- Ensure that the board's policies are implemented fairly and appropriately
- Move the district forward on the board's goals and priorities
- Be accountable for the progress made toward successful school operations

While the board's focus is oversight of management, policymaking, planning, and evaluation, the superintendent's focus is on implementation and managing day-to-day operations.

The board must also develop superintendent performance goals and evaluate the superintendent's progress. [Read more about how to conduct a superintendent evaluation](#).

## **Adopt a budget and set a tax rate**

The school board's role in adopting a budget is an ongoing activity. The superintendent and staff crunch the numbers for the school district budget and present it to the board for approval.

So, when it comes to the school district budget, what does the school board do?



## **Roles and Responsibilities of Individual School Board Members**

*Published online in [TASB School Law eSource](#)*

Board members are elected to serve as trustees for their school districts. As such, they have the opportunity and responsibility to participate in matters of school business. An independent school district is governed by a board of trustees who, as a body corporate, shall oversee the management of the district. Tex. Educ. Code § 11.051(a).

Trustees, however, must operate as “a body corporate,” which means no single board member may act alone. Tex. Educ. Code § 11.051. So how do the roles and responsibilities of each individual trustee intersect with the role of the board as an entity?

### **The Limits of Free Speech**

Although board members and other public officials do not lose their free speech rights when they enter public office, the U.S. Supreme Court has acknowledged that restrictions on speech based upon the necessities of governmental functions do not violate the First Amendment. See *Asgeirsson v. Abbott*, 773 F. Supp. 2d 684 (W.D. Tex. 2011) (concluding that the Texas Open Meetings Act (OMA) requirement that open meetings take place in public was necessary to provide the governmental function of transparency and therefore did not violate the First Amendment). In other words, school board members have free speech rights, but when they are acting in their official capacity, those rights may be limited to serve the legitimate needs of the public.

On the one hand, the government may not limit public officials’ capacity to discuss their views of local or national policy. The Supreme Court has observed that the interest of the public in hearing all sides of a matter of public concern would not be advanced by extending more free speech protection to citizen-critics than to public officials. Instead, the public benefits by knowing what governmental officials think so the public can judge whether the elected officials are truly the best people to represent them. *Bond v. Floyd*, 385 U.S. 116 (1966).

On the other hand, a board member’s personal right to free speech does not extend to using the advantage of public office to promote personal views. For example, when a judge who had been censured for holding a press conference in his courtroom to address allegations made by a litigant appealed the censure, the Fifth Circuit struck down the censure order “[t]o the extent that [it] censured [the Judge] for the content of his speech, shutting down all communication between the Judge and his constituents;” however, the Fifth Circuit held that the portion of the order that was directed at the judge’s “use of the trappings of judicial office to boost his

message, his decision to hold a press conference in his courtroom, and particularly stepping out from behind the bench, while wearing his judicial robe, to address the cameras” survived strict scrutiny. *Jenevein v. Willing*, 493 F.3d 551, 560 (5th Cir. 2007). In other words, the judge had a right to speak out about the allegations, but not to use the courtroom as a platform.

In the same way, board members’ right to speak out and advocate regarding school business is not unlimited. Sometimes the limits come from legal requirements like the OMA or prohibitions on the use of public funds for political advertising. Tex. Gov’t Code ch. 551; Tex. Elec. Code ch. 255. Other times these limits are self-imposed by a school board in the form of a local policy or board operating procedure adopted in the interest of best school district practices. See TASB Policy BE(LOCAL).

### **Board Meeting Attendance and Participation**

A school board member holds the rights and obligations of the office until replaced by a duly-qualified successor. Tex. Const. art. XVI, § 17. The office changes hands only when another person has been elected (or, in the case of a board member’s resignation, appointed) to the office and has taken the oath of office. In Texas, school board members are not subject to recall by the voters, nor may they be removed by an action of the rest of the school board. Tex. Civ. Prac. & Rem. Code §§ 66.001-.002 (providing for quo warranto action in district court); Tex. Loc. Gov’t Code § 87.015 (providing for removal by petition and trial).

Consequently, a qualified board member is entitled to participate in deliberation and voting, unless there is a conflict of interest that prevents the board member’s participation.

### **Voting**

All board members may vote on all matters, absent a conflict of interest. (See Legal Conflicts of Interest, below.) To vote, a trustee must attend the board meeting in person (unless the meeting is being held by videoconference in accordance with the OMA) and cast a vote in public. Proxy votes, secret ballots, and straw polls are not permissible; nor is voting of any kind in a closed meeting. Tex. Gov’t Code § 551.102; Tex. Att’y. Gen. Op. No. JH-1163 (1978). The board president has the same opportunity to vote and deliberate as any other board member. See TASB Policy BE(LLEGAL). See TASB Legal Services’ [FAQ on Voting](#).

A trustee is not obligated to deliberate or cast a vote, even if state law would not prohibit participation. At times, a trustee may feel too involved with a certain situation or with a particular vendor to make an unbiased decision and may abstain. The trustee may also choose to abstain from participation to avoid the appearance of impropriety. Through local policy, most school districts have adopted a local board member code of ethics that can assist trustees in evaluating their circumstances and determining when to abstain. See TASB Policy BBF(LOCAL).

Public officials have argued that restricting their ability to vote based on conflicts of interest would be an unconstitutional restraint on the officials' exercise of free speech. However, these arguments have failed. In *Nevada Comm'n on Ethics v. Carrigan*, the U.S. Supreme Court considered this question when a city council member challenged his censure by the Nevada Commission on Ethics for failing to disclose a business relationship with a vendor and recuse himself from voting on a construction project. The Court agreed to hear the case and directly addressed the question of whether restrictions upon an official's vote are restrictions upon the official's protected speech. The Court opined that a public official casts a vote in trust for the official's constituents, not as an act of personal power. According to the Court, the act of voting is not, in and of itself, symbolic speech. Rather, even though a vote may reflect an official's deeply held personal belief, and even if the official would like the vote to convey that belief, the official's belief does not transform the action of voting into First Amendment speech. *Nevada Comm'n on Ethics v. Carrigan*, 564 U.S. 117 (2011).

### **Legal Conflicts of Interest**

In certain circumstances, a board member may be legally prohibited from participating in deliberation and voting on a matter when there is a conflict of interest. Examples include the following:

- **Nepotism:** When an employee related to a board member is employed pursuant to the "continuous employment" exception, the board member may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the employee if that action applies only to the individual and is not taken regarding a bona fide class or category of employees. Tex. Gov't Code § 573.062(b). See TASB Policy DBE(LEGAL).
- **Substantial interest:** A trustee with a substantial interest in a business or real property must abstain from further participation in the official decision-making process if the board's action on the matter will have a special economic effect on the business entity or real property that is distinguishable from the effect on the public. Tex. Loc. Gov't Code § 171.004(a). However, abstention is *not* required if a majority of board members are required to file, and do file, affidavits of substantial interest in a particular business entity. Tex. Loc. Gov't Code § 171.004(c). See TASB Policy BBFA(LEGAL).
- **Budget items:** The school board must take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a board member has a substantial interest. The member may, however, vote on the budget as a whole if the member has filed the necessary affidavit, abstained from voting on the specific item, and the specific budget item has been otherwise resolved. Tex. Loc. Gov't Code § 171.005. See TASB Policy BBFA(LEGAL).



- **Duty to another entity:** In many cases, state law permits an individual to hold two positions, such as serving simultaneously as a school board member and as a director for a private corporation. Separate laws governing the actions of the individual while serving in the second capacity may affect the individual's ability to participate in school board decision making. Assume, for instance, that a school board member is also on the board of a nonprofit corporation. If the trustee ignores a potential conflict of interest between the school district and the nonprofit, the trustee could be sued for breach of the trustee's fiduciary duty to the nonprofit. Tex. Att'y Gen. Op. No. DM-0256 (1993) (citing *Blocker v. State*, 718 S.W.2d 409 (Tex. App.—Houston [1st Dist.] 1986, writ ref'd n.r.e.)). A trustee should consider the trustee's obligations to both the school district and the other entity before participating in school board matters.

### **Exclusion from a Meeting**

The circumstances under which a board member can be excluded from a board meeting are exceptionally rare.

**Open meetings:** Like all members of the public, board members are permitted to attend open meetings. Even board members with a conflict of interest on a matter before the board may (but do not have to) attend the portion of an open meeting related to that item, even if they are not participating in the deliberation and vote. If there is a disruption during a meeting involving board members, the presiding officer typically calls a recess until all are able to resume.

**Closed meetings:** A board member who is prohibited from participation (meaning deliberating and voting) due to a legal conflict of interest may still be able to attend (sitting silently) a closed meeting regarding the matter; however, the attorney general has *strongly suggested* that a public official choose to refrain from attending the portion of a closed meeting that addresses such a matter in order to avoid the appearance of impropriety. Tex. Att'y Gen. Op. No. GA-0334 (2005). In addition, a school board may exclude a particular trustee from a closed meeting if the trustee has taken a legal position adverse to the district on the subject of the closed meeting and disclosure of the deliberation would compromise the district's position as to that matter. In one case, the attorney general ruled it was proper for a school board to exclude from closed session a trustee who had sued the school district. The board could prevent the trustee from hearing the board's consultation with its attorney regarding defense strategy or settlement of the claim. Tex. Att'y Gen. Op. No. JM-1004 (1984). A board should always consult with an attorney before excluding a trustee from any portion of a meeting.

### **Placing an Item on a Future Agenda**

For districts using TASB Policy BE(LOCAL), local policy permits a single board member to request that an item go on the agenda for an upcoming meeting. In planning an agenda, the superintendent and board president must ensure that all trustee requests appear on the present agenda or are scheduled for a future agenda. No item may be removed from an agenda

without the permission of the requesting trustee. The attorney general has noted that a board cannot adopt a procedure that has the net effect of precluding individual board members from placing an item on the agenda. Tex. Att’y Gen. Op. No. DM-0228 (1993).

A board president or superintendent who chooses to delay or deny a board member’s request should consult with the board member about the request. If a board member believes that a requested item is being improperly kept off the board’s agenda, the board member may raise the issue during a board meeting. Because the item does not appear on that board meeting’s agenda, the board is not permitted to discuss the merits of the matter. The board is permitted to vote, however, on whether to place the item on a future agenda. Tex. Gov’t Code § 551.042.

### **Speaking at a Board Meeting about an Item Not on the Agenda**

Because board members have the opportunity to request specific agenda items, speaking during public comment on an item that is not on the agenda may violate the OMA. For example, the Hays County Commissioners Court posted a meeting notice that included an item listed as “Presentation by Commissioner Molenaar” under the heading “Proclamations & Presentations.” When Molenaar spoke, his comments went into some detail about a proposed county transportation plan. A taxpayer organization sued the county for OMA violations. The court of appeals concluded that “presentation” was too vague a description to give the public notice of the subject matter. *Hays County Water Planning P’ship v. Hays County*, 41 S.W.3d 174 (Tex. App.—Austin 2001, pet. denied).

Similarly, after the chair of the Board of Directors of the Brazos Valley Groundwater Conservation District (BVGCD) refused a board member’s request to add an item to a board agenda out of concern that it related to pending litigation, the board member attempted to sign in and make a public comment at the board meeting. When he was not allowed to address the board, he joined the pending lawsuit against the BVGCD, alleging a violation of his First Amendment right to free speech. The district court ruled in favor of the board, and the Fifth Circuit affirmed. The court concluded that, given the board member’s status as a public official, he was governed by the OMA and did not have the same rights as a member of the public when attending a BVGCD meeting. *Stratta v. Roe*, 961 F.3d 340 (5th Cir. 2020).

If a board member or a member of the public asks about a subject that is not on the agenda during a meeting, the board may only:

- **Give factual information:** Make a statement of specific factual information, e.g., “The deadline for submitting bids on that proposal is December 29, 2021.”
- **Give a policy reference:** Recite existing policy in response to the inquiry, e.g., “Complaints by a parent against a district employee should be submitted under the district’s local policy FNG (LOCAL).”

- **Place on a future agenda:** Deliberate about or decide whether to place the subject on the agenda for a later meeting. Tex. Gov't Code § 551.042.

### **Making Personal Recordings**

The OMA permits any person to record all or any part of an open meeting by audio recorder, video camera, or other means of aural or visual reproduction. The board may adopt reasonable rules to maintain order relating to any such recording, such as the location of the recording equipment and the manner in which the recording is conducted. Tex. Gov't Code § 551.023. The same is not true in closed meetings, however. Neither board members nor other individuals may audio record a closed meeting absent authorization by the board. *Zamora v. Edgewood Indep. Sch. Dist.*, 592 S.W.2d 649 (Tex. Civ. App.—Beaumont 1979, writ ref'd. n.r.e.).

## **Activities Outside of Board Meetings**

### **Persuading Fellow Board Members**

Board members are permitted to speak to each other and to the district administration (in person and through electronic communications) about public business outside of board meetings. They may “lobby” each other on relevant matters. Board members must take care, however, not to violate the OMA with these discussions. The Fifth Circuit has concluded that government officials do not have a First Amendment right to discuss public policy and public business among a quorum of their governing body in private, concluding that the OMA is not unconstitutional in its regulation of public business. *See Asgeirsson v. Abbott*, 773 F. Supp. 2d 684 (W.D. Tex.2011), *aff'd*, 696 F.3d 454 (5th Cir. 2012) (finding the OMA was not vague or overbroad with respect to indictment of city council members for emails about public business).

A *meeting* under the OMA happens whenever a quorum deliberates school business. Tex. Gov't Code § 551.001(4). *Deliberation* means a verbal exchange during a meeting between a quorum of a board, or between a quorum of a board and another person, concerning an issue within the jurisdiction of the board or any other public business. Tex. Gov't Code § 551.001(2). According to the Texas Supreme Court, “When a majority of a public decisionmaking [sic] body is considering a pending issue, there can be no ‘informal’ discussion. There is either formal consideration of a matter in compliance with the Open Meetings Act or an illegal meeting.” *Acker v. Tex. Water Comm’n*, 790 S.W.2d 299, 300 (Tex. 1990). An illegal meeting can occur if a quorum deliberates school business outside of a posted meeting, even if the quorum does not meet at one time or place. *Hitt v. Mabry*, 687 S.W.2d 791 (Tex. App.—San Antonio 1985, no writ); Tex. Att’y Gen. LO-95-055 (1995).

A *walking quorum* occurs when members of a governmental body deliberately hold serial meetings of less than a quorum outside of a public meeting and then ratify the decisions made in private at a subsequent public meeting in an attempt to circumvent the OMA. *Esperanza Peace & Justice Ctr. v. City of San Antonio*, 316 F. Supp. 2d 433 (W.D. Tex. 2001). A board member

commits an offense if the member knowingly engages in communications in violation of the OMA, and if the member knew that the communication involved or would involve a quorum and would constitute a deliberation. Tex. Gov't Code § 551.143(a). This offense is a misdemeanor punishable by fine, confinement, or both. Tex. Gov't Code § 551.143(b). *See also* Tex. Att'y Gen. Op. No. GA-0098 (2003) (warning against holding serial, closed, quorumless meetings).

### **Preserving School District Records**

Under the Texas Public Information Act (PIA), a school board member is a *temporary custodian* of school district records to the extent, in the transaction of official business, the board member creates or receives *public information* that the member has not provided to the district's public information officer (i.e., the superintendent). Tex. Gov't Code § 552.003(7). *Public information* is defined broadly to include any district information created or maintained in connection with the transaction of official business and located on any device. Tex. Gov't Code § 552.002(a)-(a-2). As a temporary custodian, a board member may either forward the public information to the district or preserve information as required by the PIA and other laws governing the preservation and retention of local government records, including Texas Government Code chapter 441 and Texas Local Government Code Title 6. Tex. Gov't Code § 552.004(b)-(c). For this reason, board members are well-advised to limit electronic exchanges related to school business to software applications (like district email) that are accessible to and retained by the school district. For more information, see TASB Legal Services' memo [Board Member Responsibilities as Temporary Custodians](#).

### **Reviewing School District Records**

Trustees have a special right of access to existing district records to the extent necessary to do their job. Tex. Att'y Gen. Op. No. JM-0119 (1983).

**Requesting records:** A board member, acting in an official capacity, may request information and records from the district without the need for a public information request. Information not subject to disclosure as public information may be redacted or withheld, and the district is required to track and periodically report certain information about board member requests for records. Tex. Educ. Code § 11.1512(c)-(f). Of course, trustees should observe good governance practices, requesting only the documents needed to perform their appropriate functions and following established procedures for making document requests. On the other hand, most boards have a local policy that requires a majority vote before the board will commission the creation of a new report. See TASB Policy BBE(LOCAL). See also TASB Legal Services' memo on [Board Member Access to School District Records](#).

**Access to closed meeting records:** Either a certified agenda or an official audio recording must be kept of the proceedings of each closed meeting, except for a governmental body's private consultation with its attorney. Tex. Gov't Code § 551.103(a). A certified agenda or recording of

a closed meeting is available for public inspection and copying only under a court order. Tex. Gov't Code § 551.104(c). However, current trustees who attended a closed meeting may review the certified agenda or audio recording of that meeting. Tex. Att'y Gen. Op. No. DM-0227 (1993). Current board members may also review the recording or certified agenda of a closed meeting they did *not* attend. Tex. Att'y Gen. Op. No. JC-0120 (1999). Although a board may adopt reasonable procedures for review of closed meeting records, the board may not absolutely prohibit a board member from reviewing the recording or certified agenda. While a board member may review the record, this does not include the authority to obtain a copy of the record. Former board members may not review a recording or certified agenda after they have left office. Tex. Att'y Gen. Op. No. JC-0120 (1999).

### **Talking to the Public or the Press**

Like all citizens, individual board members may voice their opinions to the public or the press. Nevertheless, important practical considerations should guide board members speaking publicly about school business. First, because the board acts only as “a body corporate,” many school boards have a board operating procedure that appoints the board president as a spokesperson; other board members are free to speak to the press or the public but should clarify that their statements reflect their own views, not necessarily the official position of the board. Moreover, board members should not use the press as a vehicle for communicating with each other; such communications undermine good working relationships and the purpose of open meetings.

Public statements may also telegraph bias on contested matters. Generally, a board member is presumed to be impartial absent specific evidence of actual bias. *Nardone v. El Paso Indep. Sch. Dist.*, Tex. Comm'r of Educ. Decision No. 151-R1-798 (Aug. 25, 1998). In some cases, however, board members act in the role of a judge or tribunal by hearing appeals of contested cases. Examples include grievances, employee contract appeals, and other contested matters, many of which require due process of law. The concept of due process calls for the board to serve as an impartial decision maker, which means board members should come to the hearing with an open mind.

Public statements by a board member expressing an opinion on pending matters may be considered evidence of bias or prejudgment on the issue. This evidence of bias may be used to call into question the validity of board action. *See, e.g., Valley v. Rapides Par. Sch. Bd.*, 118 F.3d 1047 (5th Cir. 1997) (overturning a superintendent's termination when the record showed that four members of a nine-member school board had made public statements indicating bias against the superintendent).

Finally, disagreement among the board is to be expected from time to time, but most boards encourage individual members to express their views during the debate of a matter and to refrain from criticizing decisions after the fact. For example, many boards commit in their code of ethics to air their disagreements during board deliberations, but to avoid undermining final majority decisions afterwards. See TASB Policy BBF(LOCAL) (“I will respect the majority decision as the



decision of the Board.”). That said, board members have a constitutionally protected right to express dissent. *See City of Corpus Christi v. Bayfront Assoc., Ltd.*, 814 S.W.2d 98 (Tex. App.—Corpus Christi—Edinburg 1991, writ denied) (observing that a city council member who disagreed publicly with a decision of the council could not be “sanctioned” for voicing her disagreement).

For more information, see TASB Legal Services’ [Social Media Guidelines Use by Board Members](#).

### **Interacting with Staff**

A district’s employment policy must provide each employee with the right to present grievances to the board, and the policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of a district, with the exception of communications about a pending appeal under Texas Education Code chapter 21 regarding employment contracts or another appeal or hearing in which *ex parte* communication (i.e., communication with only one party in a pending matter) would be inappropriate pending a final decision by the board. Tex. Educ. Code § 11.1513(i)-(j). See TASB Policy DGBA(LEGAL) and (LOCAL).

That said, local school boards routinely establish guidelines for school board members that emphasize that individual members are not authorized to respond to complaints from individual employees or other citizens. Instead, complaints or concerns should be redirected through the chain of command to an appropriate administrator. Boards set this expectation in board policies, board operating procedures, and often their superintendent contracts.

Board members should avoid asking school employees, other than the superintendent, to perform any tasks or favors for the board member. Not only do such requests disrupt the chain of command, but they also risk the board member being accused of micromanagement or abuse of official capacity.

### **Visiting Campuses**

Each school board is required to establish a policy regarding board members’ visits to district campuses or facilities. Tex. Educ. Code § 11.1512(g). See TASB Policy BBE(LOCAL).

## **Liability Issues**

### **Preserving Confidential Information**

The audio recording or written record of a closed meeting, called a certified agenda, is confidential by law. A person who knowingly discloses a certified agenda or a recording of a closed meeting to a member of the public, without lawful authority, commits a Class B misdemeanor. Tex. Gov’t Code § 551.146. The penalty is a fine not to exceed \$2,000, jail confinement not to exceed 180 days, or both. Tex. Penal Code § 12.22.

Although the unauthorized release of an audio recording or certified agenda from a closed meeting is a criminal offense, there is no comparable statutory prohibition in the OMA specifically preventing other disclosure of the subject or content of closed meeting discussions. The attorney general has stated that the restrictions on the disclosure of the certified agenda or recording do not prohibit board members or other persons who attend a closed meeting from making public statements about the subject matter of a closed meeting. The attorney general's conclusion was based on the fact that (1) school board members and others present during a closed meeting possess constitutional rights to freedom of speech; and (2) in enacting the certified agenda or recording requirement, the legislature apparently intended only to ensure the preservation of the record of closed meeting discussions. Tex. Att'y Gen. Op. No. JM-1071 (1989).

Despite this ruling, there are several compelling reasons for a trustee not to reveal the content of closed meeting deliberations. First, as a *trustee* to the district, a board member owes a fiduciary obligation to the district to put its interests ahead of the board member's own. Disclosure of information discussed in a closed meeting, such as the negotiating position of the district, could harm the district's interests. Consequently, the trustee could be subject to a civil lawsuit for breach of fiduciary duty.

Second, disclosing information discussed in a closed meeting is inconsistent with the board's local policies. Most school districts have adopted a local policy stating that a trustee will not "disclose information that is confidential by law or that will needlessly harm the District if disclosed." Trustees also commit to "consistently uphold all applicable laws, rules, policies, and governance procedures." See TASB Policy BBF(LOCAL). While these ethical standards may not create a separate legal cause of action, they define the policy duties of the trustee.

Third, an individual board member may be sued for *defamation*. Defamation occurs when an individual, acting with actual malice if the target is a public figure or with mere negligence if the target is a private individual, publishes or prints a statement that "tends to impeach [a] person's honesty, integrity, or virtue." *Marshall v. Mahaffey*, 974 S.W.2d 942, 949 (Tex. App.—Beaumont 1998, pet. denied). A school board member can claim official immunity in such suits if the statement was made by the member while performing a discretionary duty in good faith and within the scope of the member's authority. The defense of official immunity will fail, however, if the board member's statements were not made in good faith and within the scope of the board member's authorized duties. A successful plaintiff could recover monetary damages caused by the statement plus exemplary damages. *Kinsey v. Ryan*, No. Civ. A. 398CV-1000-BC, 1998 WL 920329 (N.D. Tex. Dec. 31, 1998) (mem. op.).

Fourth, depending on how confidential information is used, a board member may be subject to criminal liability for *misuse of official information*. The Texas Penal Code specifically prohibits a public official from misusing information that has not been made public and to which the official has access by virtue of the public office. Official information is information to which the public generally does not have access and which is prohibited from disclosure under the PIA. Depending on the circumstances, information discussed in a closed meeting may fall in this

category. A trustee may run afoul of this provision by relying on official information to acquire (or help someone else to acquire) a financial interest in property, a transaction, or an enterprise affected by the information or discloses or uses official information for a non-governmental purpose with intent to benefit from or harm or defraud another. Violation of this provision is a third-felony. Tex. Penal Code § 39.06.

Finally, a board member's disclosure of closed meeting discussions undermines the purpose and integrity of the closed meeting. The closed meeting exceptions represent the legislature's determination of the subject areas that warrant discussion outside the public's view. Disclosing discussions or information about these subjects may inhibit open discussion of issues in future closed meetings. For all these reasons, it is highly inadvisable for board members to disclose information regarding deliberations in closed meetings.

### **Defamation against Board Members**

While the First Amendment may sometimes be called upon to protect speech by public officials, it is more often called upon to protect speech about and against public officials. School board members must have thicker skin than ordinary citizens when it comes to personal attacks. *See, e.g., Greer v. Abraham*, 489 S.W.3d 440 (Tex. 2016) (concluding that a school board member is a public figure justifying a heightened standard requiring proof of "actual malice" to support a defamation claim). Accordingly, public officials must tolerate more significant actions taken in response to their exercise of free speech than an average citizen would before the actions are considered adverse. *Mattox v. City of Forest Park*, 183 F.3d 515 (6th Cir.1999). In Texas, even candidates for school board are considered public officials, subject to the heightened standard of actual malice to support a defamation claim. *Schofield v. Gerda*, No. 02-15-00326-CV, 2017 WL 2180708, at \*1 (Tex. App.—Fort Worth May 18, 2017, no pet.).

Not only is it harder for a school board member to claim defamation, but any such claim could be struck down as a "SLAAP," which stands for a Strategic Lawsuit Against Public Participation. A SLAPP is considered a meritless lawsuit aimed at stopping citizens from talking about issues of public concern. In response to a growing number of defamation claims related to online speech, the Texas Legislature passed the Texas Citizens Participation Act (TCPA), more generally known as an anti-SLAPP law, in 2011 to "protect people's right of free speech, petition, or association." Bill Analysis, Tex. H.B. 2973, 82d Leg., R.S. (2011). In 2019, the Texas Legislature went back to the TCPA and substantially amended the law to clarify what parties were subject to the law. Importantly, a government entity, agency, or an official or employee acting in an official capacity *cannot* file a TCPA motion to dismiss. This includes school districts, school boards, and school board members acting in their official capacity. Tex. Civ. Prac. & Rem. Code § 27.003(a).

### **Censure**

Nothing in the U.S. Supreme Court's precedent "suggests the Court intended for the First Amendment to guard against every form of political backlash that might arise out of the everyday squabbles of hardball politics," and "the First Amendment may well prohibit retaliation against

elected officials for speech pursuant to their official duties only when the retaliation interferes with their ability to adequately perform their elected duties.” *Willson v. Yerke*, 604 F. App’x 149, 151 (3rd Cir. 2015) (affirming summary judgment in favor of township and board of supervisors on allegations by former member that chairman and other members insulted and threatened him, directed obscene gestures at him, and changed locks on township garage).

Under most circumstances, conflicts and miscommunications among board members can be addressed by ensuring that board members receive regular continuing education and that local boards collaborate to develop and review sound board operating procedures.

In the event a board member’s actions deliberately violate local policy or board operating procedures, the rest of the board may consider addressing the concerns by taking the following steps:

- A private conversation between the offending member and the board president or other appropriate individual.
- A confidential conversation between the offending member and the board and the district’s school attorney.
- Discussion in closed session between the offending member and the full board.
- If private conversations have not been effective, the board could seek the assistance of the school district’s attorney to express in writing concerns about specific policy violations.
- If all possible private interventions have not been effective, board members may make public statements to distance themselves from the acts or statements of another board member.

While board members each have a protected First Amendment right to express their views on matters of public concern—including views about the acts or statements of a fellow board member—a board that is considering a formal reprimand, censure, or sanction against an individual member of the board should consult its school attorney to carefully consider the costs and benefits of such actions. Public censure of a fellow board member often leads to protracted and expensive litigation with claims and counterclaims of unconstitutional restrictions on protected speech. In *Houston Community College System v. Wilson*, the U.S. Supreme Court reviewed the claim by a community college trustee that the board’s vote to publicly censure the trustee for actions not consistent with the best interests of the college and board violated the First Amendment. The Fifth Circuit Court of Appeals had determined that the trustee’s allegation of censure in retaliation for speaking out on a matter of public concern was sufficient to establish an actionable harm for lower court review of the claimed damages. In reversing the Fifth Circuit’s ruling, the Supreme Court noted that “elected bodies in this country have long exercised the power to censure their members” and that members should expect “a degree of criticism about their public service from their constituents and their peers.” As to the

trustee's claim that the censure constituted an unconstitutional adverse action in response to speech, the Court reasoned that the First Amendment "cannot be used as a weapon to silence other representatives" from seeking to exercise their same rights to speak on matters public policy. The Court cautioned that its holding was limited to a verbal censure of a member of an elected body by other members, not to more extreme forms of punishment like expulsion or exclusion. *Houston Cmty. Coll. Sys. v. Wilson*, 142 S. Ct. 1253, 1259-61 (2022).

### **Personal Legal Liability**

School board service is a voluntary role and should not typically subject board members to personal liability. That said, when board members stray from acting in good faith within the scope of their appropriate role on the board, risks may ensue. Board members can be subjected to two types of liability: civil and criminal. Board members almost always have immunity from liability for civil claims. Civil claims are lawsuits by individuals seeking either monetary damages or injunctive relief from the school district. Board members are immune from liability for discretionary acts done in good faith within the course and scope of their role on the board. *City of Lancaster v. Chambers*, 883 S.W.2d 650 (Tex. 1994); Tex. Educ. Code § 22.0511.

Plaintiffs in state lawsuits must choose to sue either the school district as an entity or an individual person (employee or board member) who allegedly caused the harm. Tex. Civ. Prac. & Rem. Code § 101.106. Generally speaking, unless a plaintiff is claiming that a board member acted separate and apart from the rest of the board—for example, the plaintiff claims the board member made a defamatory statement—suit will be brought against the district, not an individual board member.

If a civil suit, like a defamation claim, is brought against a board member in the member's individual capacity, the board member may be able to rely on the district's director and officer (D&O) insurance to mount a defense, as long as the board member was acting in good faith in the course and scope of the board member role. Tex. Att'y Gen. Op. No. JH-0070 (1973). If, however, the board member was not acting in good faith, the board member's actions may not be covered by the district's insurance. In these rare circumstances, a board member may have a conflict of interest with the school district that would require the individual to rely on personal resources, such as homeowner's insurance or personal assets, to defend the claim. Tex. Att'y Gen. Op. No. GA-0878 (2011). Whether public funds may be spent on a board member's defense must be decided on a case-by-case basis. Tex. Att'y Gen. Op. No. GA-0115 (2003). A school district may not expend public funds to represent the purely personal interests of an individual trustee. Tex. Att'y Gen. Op. Nos. DM-0488 (1998), JM-0968 (1988), JH-0070 (1973).

Board members are also immune from federal claims unless their conduct violates clearly established rights of which reasonable person would have known. *Harlow v. Fitzgerald*, 457 U.S. 800 (1982). As supervisory officials, board members may be considered liable for the acts or omissions of subordinates only if: (1) the board members learned of facts or a pattern of behavior by a subordinate pointing plainly toward the conclusion that the subordinate was



depriving someone of federal rights; (2) the board member demonstrated deliberate indifference toward the individual's rights by failing to take action that was obviously necessary to prevent or stop the deprivation; and (3) such failure caused injury to the individual. *Doe v. Taylor Indep. Sch. Dist.*, 15 F.3d 443 (5th Cir. 1994) (en banc). If board members do not have actual knowledge of a violation of rights, or if the board responds in a way calculated to end or prevent civil rights abuses, board members will not be liable under federal law.

Board members must be cautious to avoid the violation of a variety of state laws that carry criminal penalties. Examples include:

- Open Meetings Act
- Public Information Act
- Nepotism prohibition
- Conflict of interest disclosure laws
- Purchasing laws
- Prohibitions on gifts and bribes

If a board member is accused of a criminal act, the board member must pay the cost of criminal defense. If the board member is found not guilty, the rest of the board may vote to reimburse the board member for the cost of the defense. If, however, the board member is found guilty, the school district may not reimburse the defense costs. Tex. Att'y Gen. Op. No. JC-0294 (2000). A school district also has the authority to pay attorney's fees for a board member who sought legal representation for a criminal investigation that did not result in any criminal charges filed, provided that the board determines, subject to judicial review, that the payment will serve a public interest and not merely the member's private interest. Tex. Att'y Gen. Op. No. KP-0016 (2015).

This document is continually updated at [tasb.org/services/legal-services/tasb-school-law-essource/governance/documents/roles-responsibilities-of-individual-school-board-members.pdf](https://tasb.org/services/legal-services/tasb-school-law-essource/governance/documents/roles-responsibilities-of-individual-school-board-members.pdf). For information on school law topics, visit TASB School Law eSource at [schoollawesource.tasb.org](https://schoollawesource.tasb.org).

*This document is provided for educational purposes and contains information to facilitate a general understanding of the law. References to judicial or other official proceedings are intended to be a fair and impartial account of public records, which may contain allegations that are not true. This publication is not an exhaustive treatment of the law, nor is it intended to substitute for the advice of an attorney. Consult your own attorney to apply these legal principles to specific fact situations.*

*Published October 2022*

- Review and approve a calendar for the budget preparation cycle
- Examine budget assumptions, broad guidelines and targets that administration uses in preparing a budget
- Study the budget proposal to make sure it reflects the goals and priorities the board established
- Hold required public hearings
- Adopt a budget and approve an appropriate tax rate to fund it
- Monitor the district's fiscal activity throughout the year and amend the budget if necessary
- Hire an independent auditor and approve the report from the annual financial audit

School board members who want to exercise responsible stewardship of district finances should be armed with two tools:

- Basic information about the district's budget, so they can anticipate the district's revenue profile in coming years
- A habit of asking about the long-term fiscal impact of board decisions, so they can begin to understand the complexities of budget decision and avoid making decisions that put the district in a difficult position down the road

Find out the right questions to ask about your school district's budget.

## **Communicate with the community**

Your board's final major responsibility is to serve as an advocate for public schools. One of the key things trustees can do is to listen to their community. It's one of the best ways for trustees to build trust between the district and community.

Keep your community involved by informing them about:

- District plans
- Actions
- Accomplishments

Board members are the link between the school system and the public. As advocates for public education, board members help grow community support for public schools and report district progress by communicating with the community, students, staff, parents, and the media.

Once your board makes a decision, the board's role is to engage the community in ways that:

- Promote continued constructive discussion

- Generate positive community interest in the efforts of the public schools

It's a difficult job, but serving as a school trustee carries a much greater burden than simply being a representative.



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## School Board Trustee Training

The board of trustees of an independent school district is a corporate body that has the exclusive power and duty to oversee the district management and evaluate the performance of its superintendent. All powers and duties not specifically delegated by state law to the Texas Education Agency (TEA) or State Board of Education (SBOE) are reserved for the trustees.

Texas Education Code, Chapter 11, Subchapter D

(<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.11.htm>) defines the powers and duties of an independent school district board of trustees.

The Framework for School Board Development (/node/102913) outlines the vision and goals, systems and processes, progress and accountability, advocacy and engagement, and synergy and teamwork needed to provide local educational programs and services that will promote excellence in student academic achievement. Initially adopted in January 1996, the framework was revised by the SBOE in November 2020.

Texas Education Code, §11.159, (<https://statutes.capitol.texas.gov/Docs/ED/htm/ED.11.htm#11.159>) requires the SBOE to provide a course of training for independent school district boards of trustees.

## School Board Training Requirements

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Continuing education requirements for independent school board trustees are established in Texas Education Code, §11.159, (<https://statutes.capitol.texas.gov/Docs/ED/htm/ED.11.htm#11.159>) Texas Administrative Code §61.1 (<https://tea.texas.gov/sites/default/files/ch061a.pdf>) and Texas Government Code, §§ 551.005 (<http://www.statutes.legis.state.tx.us/SOTWDocs/GV/htm/GV.551.htm#551.005>), 552.012 (<http://www.statutes.legis.state.tx.us/SOTWDocs/GV/htm/GV.552.htm#552.012>), and 2054.5191 (<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.2054.htm#2054.519>). This table provides a summary of these requirements. Use the links in the *Eligible Provider(s)* column to find a provider.

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Required Continuing Education	First Year in Office	Subsequent Years in Office	Eligible Provider(s)
Local District Orientation	Three hours within the first 120 days in office	N/A	Local District
Orientation to the Texas Education Code	Three hours within the first 120 days in office	N/A	Education Service Centers ( <a href="https://tea.texas.gov/about-tea/other-services/education-service-centers">https://tea.texas.gov/about-tea/other-services/education-service-centers</a> )
Update to the Texas Education Code	Following each legislative session and of sufficient length to address major changes		<ul style="list-style-type: none"> <li>• Registered Providers (<a href="http://tea4avcastro.tea.state.tx.us/school_board/registered_providers.html">http://tea4avcastro.tea.state.tx.us/school_board/registered_providers.html</a>)</li> <li>• Authorized Providers (<a href="http://tea4avcastro.tea.state.tx.us/school_board/providers.html">http://tea4avcastro.tea.state.tx.us/school_board/providers.html</a>)</li> <li>• LSG Coaches (<a href="http://tea4avcastro.tea.state.tx.us/school_board/coaches.html">http://tea4avcastro.tea.state.tx.us/school_board/coaches.html</a>)</li> </ul>
Team-building (Team-of-eight)	Three hours	Three hours every year	<ul style="list-style-type: none"> <li>• Registered Providers (<a href="http://tea4avcastro.tea.state.tx.us/school_board/registered_providers.html">http://tea4avcastro.tea.state.tx.us/school_board/registered_providers.html</a>)</li> <li>• Authorized Providers (<a href="http://tea4avcastro.tea.state.tx.us/school_board/providers.html">http://tea4avcastro.tea.state.tx.us/school_board/providers.html</a>)</li> <li>• LSG Coaches (<a href="http://tea4avcastro.tea.state.tx.us/school_board/coaches.html">http://tea4avcastro.tea.state.tx.us/school_board/coaches.html</a>)</li> </ul>
Additional Education based on Framework for School Board Development	Ten hours	Five hours every year	<ul style="list-style-type: none"> <li>• Registered Providers (<a href="http://tea4avcastro.tea.state.tx.us/school_board/registered_providers.html">http://tea4avcastro.tea.state.tx.us/school_board/registered_providers.html</a>)</li> <li>• Authorized Providers (<a href="http://tea4avcastro.tea.state.tx.us/school_board/providers.html">http://tea4avcastro.tea.state.tx.us/school_board/providers.html</a>)</li> <li>• LSG Coaches (<a href="http://tea4avcastro.tea.state.tx.us/school_board/coaches.html">http://tea4avcastro.tea.state.tx.us/school_board/coaches.html</a>)</li> </ul>

Evaluating and Improving Student Outcomes	Three hours within the first 120 days in office	Three hours every two years	<ul style="list-style-type: none"> <li>• Authorized Providers (<a href="http://tea4avcastro.tea.state.tx.us/school_board/providers.html">http://tea4avcastro.tea.state.tx.us/school_board/providers.html</a>)</li> <li>• LSG Coaches (<a href="http://tea4avcastro.tea.state.tx.us/school_board/coaches.html">http://tea4avcastro.tea.state.tx.us/school_board/coaches.html</a>)</li> </ul>
Sexual Abuse, Human Trafficking, and Other Maltreatment of Children	One hour within the first 120 days in office	One hour every two years	<ul style="list-style-type: none"> <li>• Registered Providers (<a href="http://tea4avcastro.tea.state.tx.us/school_board/registered_providers.html">http://tea4avcastro.tea.state.tx.us/school_board/registered_providers.html</a>)</li> <li>• Authorized Providers (<a href="http://tea4avcastro.tea.state.tx.us/school_board/providers.html">http://tea4avcastro.tea.state.tx.us/school_board/providers.html</a>)</li> <li>• LSG Coaches (<a href="http://tea4avcastro.tea.state.tx.us/school_board/coaches.html">http://tea4avcastro.tea.state.tx.us/school_board/coaches.html</a>)</li> </ul>
Open Meetings Act (OMA)	One hour within the first 90 days in office	N/A	Attorney General of Texas ( <a href="https://www.texasattorneygeneral.gov/open-government/governmental-bodies/pia-and-oma-training-resources">https://www.texasattorneygeneral.gov/open-government/governmental-bodies/pia-and-oma-training-resources</a> )
Public Information Act (PIA)	One hour within the first 90 days in office	N/A	Attorney General of Texas ( <a href="https://www.texasattorneygeneral.gov/open-government/governmental-bodies/pia-and-oma-training-resources">https://www.texasattorneygeneral.gov/open-government/governmental-bodies/pia-and-oma-training-resources</a> )
Cybersecurity	Varies by provider	Every year	Department of Information Resources ( <a href="https://dir.texas.gov/View-About-DIR/Information-Security/Pages/Content.aspx?id=154">https://dir.texas.gov/View-About-DIR/Information-Security/Pages/Content.aspx?id=154</a> )
School Safety	Two hours within the first 120 days in office	Every two years	<ul style="list-style-type: none"> <li>• TEA Learn (<a href="https://register.tealearn.com/courses/sboe---school-safety-training">https://register.tealearn.com/courses/sboe---school-safety-training</a>)</li> <li>• Technical Support (<a href="https://app.smartsheet.com/b/form/5e77d5f134044515a7eda8ab70635e81">https://app.smartsheet.com/b/form/5e77d5f134044515a7eda8ab70635e81</a>)</li> </ul>

# Team Commendation

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Local board-superintendent teams that, together, receive at least eight hours of continuing education specified in Texas Administrative Code §61.1(k)

(<https://tea.texas.gov/sites/default/files/ch061a.pdf#page=6>) are eligible for commendation. The SBOE established this commendation in recognition of the importance of working together as a team for the benefit of Texas students. Complete and submit the commendation eligibility form

(<https://form.jotform.com/90995324219161>) to apply.

## **Contact Information**

School Governance

Phone: (512) 936-1533

[SchoolGovernance@tea.texas.gov](mailto:SchoolGovernance@tea.texas.gov) (<mailto:schoolgovernance@tea.texas.gov>)

# TRAINING REQUIREMENTS FOR SCHOOL BOARD MEMBERS

Length of Service	Local District Orientation	Intro to TEC	Open Government <sup>2</sup>	Cybersecurity	Post-Legislative Update to TEC	Child Abuse Prevention	Evaluating and Improving Student Outcomes (formerly SB 1566)	Team Building	Additional Continuing Education (based on assessed needs)
New Trustees (First Year)	Local Orientation <sup>2</sup> (within 120 days)	(within 120 days) 3 hrs	OMA <sup>3</sup> (within 90 days) 1-2 hrs PIA 1-2 hrs	~1 hr each year	N/A because update is incorporated into Intro to TEC	1 hr every two years	(within 120 days) 3 hrs <sup>2</sup> every two years	3 hrs <sup>2</sup> each year with all trustees and superintendent	10 hrs first year
~25 hrs					Sufficient length after each legislative session				5 hrs each year
Experienced Trustees (After First Year)	Can attend, but not required								
9-16 hrs <sup>1</sup>									
Providers	School District	ESC	TASB or other registered provider	See Department of Information Resources Website	TASB or other registered provider	TASB or other registered provider	TASB or other authorized provider	TASB or other registered provider	TASB or other registered provider

## Training Requirements Notes:

<sup>1</sup> Required hours after the first year will vary depending on how the Post-Legislative Update, Child Abuse, and Student Achievement and Accountability hours fall for an individual trustee.

<sup>2</sup> Trustees may receive any training online **except** Local Orientation for new board members, Team Building, and Evaluating and Improving Student Outcomes.

<sup>3</sup> **OMA** and **PIA training** is required (outside of SBOE rule) of all elected officials within 90 days of election or appointment. PIA training may be delegated by district policy.

**OMA:** Open Meetings Act

**TEC:** Texas Education Code

**PIA:** Public Information Act

**SBOE:** State Board of Education





## 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>4</sup> Failure to provide required information may result in rejection of application.

<b>APPLICATION FOR A PLACE ON THE</b> <u>Mabank ISD School Board</u> <b>GENERAL ELECTION BALLOT</b>					
TO: City Secretary/Secretary of Board (name of election)					
I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.					
OFFICE SOUGHT (Include any place number or other distinguishing number, if any.)				INDICATE TERM <input type="checkbox"/> FULL <input type="checkbox"/> UNEXPIRED	
FULL NAME (First, Middle, Last)			PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*		
PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.)			PUBLIC MAILING ADDRESS (Optional) (Address for which you receive campaign related correspondence, if available.)		
CITY	STATE	ZIP	CITY	STATE	ZIP
PUBLIC EMAIL ADDRESS (Optional) (Address for which you receive campaign related emails, if available.)		OCCUPATION (Do not leave blank)	DATE OF BIRTH / /	VOTER REGISTRATION VOID 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)	
*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."					
<b>X</b> _____ SIGNATURE OF CANDIDATE					
Sworn to and subscribed before me this the _____ day of _____, _____, by _____. (day) (month) (year) (name of candidate)					
Signature of Officer Authorized to Administer Oath <sup>4</sup>			Printed Name of Officer Authorized to Administer Oath		
Title of Officer Authorized to Administer Oath			Notarial or Official Seal		
TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY: <input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE. This document and \$_____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> Voter Registration Status Verified					
_____/_____/_____ (See Section 1.007)		_____			
Date Received		Date Accepted		Signature of Filing Officer or Designee	



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**Note:** This policy addresses many of the powers and duties of the board set forth in Education Code Chapter 11, Subchapter D. For other powers and duties of the board not listed below, see the applicable policy codes.

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**Governance**

A district is governed by a board of trustees who, as a body corporate, shall oversee the management of the district and ensure that the superintendent implements and monitors plans, procedures, programs, and systems to achieve appropriate, clearly defined, and desired results in the major areas of district operations. *Education Code 11.051(a)*

**General Powers and Duties**

The trustees constitute a body corporate and in the name of the district may acquire and hold real and personal property, sue and be sued, and receive bequests and donations or other moneys or funds coming legally into their hands.

Except as provided by Education Code 39A.201 and 39A.202 [see AIC], the trustees as a body corporate have the exclusive power and duty to govern and oversee the management of the public schools of the district. All powers and duties not specifically delegated by statute to the Texas Education Agency (TEA) or the State Board of Education are reserved for the board, and TEA may not substitute its judgment for the lawful exercise of those powers and duties by the trustees.

The trustees may adopt rules and bylaws necessary to carry out these powers and duties.

*Education Code 11.151(a), (b), (d)*

**Specific Powers and Duties**

In addition to powers and duties under Education Code 11.151 above or other law, the board has the powers and duties provided by Education Code 11.1511(b) below, except as otherwise provided by Education Code 39A.201 or 39A.202. *Education Code 11.1511(a)*

The board shall:

1. Seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community.
2. Adopt a vision statement and comprehensive goals for the district and the superintendent, and monitor progress toward those goals. [See AE]
3. Establish performance goals for the district concerning the academic and fiscal performance indicators under Education

Code Chapter 39, Subchapters C, D, and J, and any performance indicators adopted by the district. [See AI series]

4. Provide oversight regarding student academic achievement and strategic leadership for maximizing student performance. *Education Code 11.1515* [See AIB]
5. Ensure that the superintendent is accountable for achieving performance results, recognizes performance accomplishments, and takes action as necessary to meet performance goals. [See BJA]
6. Collaborate with the superintendent as set forth at Education Code 11.1512(b). *Education Code 11.1512* [See BJA]
7. Adopt a policy to establish a district- and campus-level planning and decision-making process as required under Education Code 11.251. [See BQ series]
8. Publish an annual educational performance report as required under Education Code 39.306. [See AIB, BQ series]
9. Adopt an annual budget for the district as required under Education Code 44.004. [See CE]
10. Adopt a tax rate each fiscal year as required by Tax Code 26.05. [See CCG]
11. Monitor district finances to ensure that the superintendent is properly maintaining the district's financial procedures and records. [See CF series]
12. Ensure that district fiscal accounts are audited annually as required by Education Code 44.008. [See CFC]
13. Publish an end-of-year financial report for distribution to the community. [See CFA]
14. Conduct elections as required by law. [See BBB series]
15. By rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the district administrators and the board regarding a complaint. [See DGBA, FNG, and GF]
16. Make decisions relating to terminating the employment of district employees employed under a contract to which Education Code Chapter 21 applies, including terminating or not renewing an employment contract to which that chapter applies. [See DF series]

BOARD LEGAL STATUS  
POWERS AND DUTIES

BAA  
(LEGAL)

17. Select the internal auditor if a district employs an internal auditor. The internal auditor shall report directly to the board. *Education Code 11.170* [See DC]
18. Adopt a policy providing for the employment and duties of district personnel. *Education Code 11.1513* [See BJ series, DC series, and DEA series]
19. Limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare. The board shall review paperwork requirements imposed on classroom teachers and transfer to existing non-instructional staff a reporting task that can reasonably be accomplished by that staff. *Education Code 11.164* [See DLB]
20. Adopt a cybersecurity policy. *Education Code 11.175* [See CQB]
21. Adopt early childhood literacy and mathematics proficiency plans. *Education Code 11.185* [See EA]
22. Adopt college, career, and military readiness plans. *Education Code 11.186* [See EA]
23. Conduct an efficiency audit before seeking voter approval to adopt a tax rate for the maintenance and operations of the district at an election held for that purpose. *Education Code 11.184* [See CCG]
24. Carry out other powers and duties as provided by the Education Code or other law.

*Education Code 11.1511(b), except as noted*

**Discretionary  
Powers and Duties**

The board may:

1. Issue bonds and levy, pledge, assess, and collect an annual ad valorem tax to pay the principal and interest on the bonds as authorized under Education Code 45.001 and 45.003. *Education Code 11.1511(c)(1)* [See CCA]
2. Levy, assess, and collect an annual ad valorem tax for maintenance and operation of a district as authorized under Education Code 45.002 and 45.003. *Education Code 11.1511(c)(2)* [See CCG]
3. Employ a person to assess or collect the district's taxes as authorized under Education Code 45.231. *Education Code 11.1511(c)(3)* [See CCG and BDAF]

BOARD LEGAL STATUS  
POWERS AND DUTIES

BAA  
(LEGAL)

4. Enter into contracts as authorized under the Education Code or other law and delegate contractual authority to a superintendent as appropriate. *Education Code 11.1511(c)(4)*
5. Require a district's chief business official or curriculum director or a person holding an equivalent position to appear at an executive session of the board or to testify at a public hearing held by the board. *Education Code 11.1511(d)* [See BJA regarding prohibition of superintendent interference]
6. Contract with a public or private entity for that entity to provide educational services for the district. *Education Code 11.157* [See EEL]
7. Charge fees as set forth at Education Code 11.158. *Education Code 11.158* [See FP]
8. Change the name of the district. *Education Code 11.160* [See AB]
9. Adopt rules that require students at a school in the district to wear school uniforms as set forth at Education Code 11.162. *Education Code 11.162* [See FNCA]
10. Adopt rules to keep school campuses, including school libraries, open for recreational activities, latchkey programs, and tutoring after school hours. *Education Code 11.165*
11. Operate a school or program or hold a class on the campus of an institution of higher education as set forth at Education Code 11.166. *Education Code 11.166* [See GNC]
12. Operate a school or program, including an extracurricular program, or hold a class outside the boundaries of the district. *Education Code 11.167* [See GNA]
13. Use the board evaluation tool developed by the commissioner of education. *Education Code 11.182* [See BG]

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**Note:** For restrictions on a board's authority to use district resources for certain purposes, see CE(LEGAL).

For the board's authority related to district property, see CDB and CI.

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

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**Eligibility**

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

1. Be a United States citizen.
2. Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable.
3. Have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.
4. Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities [but see Ineligibility below].
5. Have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:
  - a. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
  - b. For a write-in candidate, the date of the election at which the candidate's name is written in.
  - c. For an appointee to an office, the date the appointment is made.
6. Be registered to vote in the territory from which the office is elected on the date described at item 5, above.

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

**Qualified Voter**

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

"Qualified voter" means a person who:

1. Is 18 years of age or older;

2. Is a United States citizen;
3. Has not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote;
4. Has not been finally convicted of a felony or, if so convicted, has fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or been pardoned or otherwise released from the resulting disability to vote;
5. Is a resident of this state; and
6. Is a registered voter.

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

**Residence**

"Residence"  
Defined

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

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

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*Intent to Return*

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



BOARD MEMBERS  
ELIGIBILITY/QUALIFICATIONS

BBA  
(LEGAL)

Single-Member  
Districts

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

**Ineligibility**

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

<b>Campaign Treasurer Appointment</b>	Each candidate shall appoint a campaign treasurer as provided by Election Code, Chapter 252. An individual may appoint himself or herself as campaign treasurer. <i>Election Code 252.001, .004</i>
Contents	<p>A campaign treasurer appointment by a candidate must be in writing and include:</p> <ol style="list-style-type: none"><li>1. The campaign treasurer's name, residence or business street address, and telephone number;</li><li>2. The name of the person making the appointment;</li><li>3. The candidate's telephone number; and</li><li>4. A statement, signed by the candidate, that the candidate is aware of the nepotism law. [See DBE]</li></ol> <p><i>Election Code 252.002, .0032</i></p>
Filing Authority	<p>A candidate for a school board must file the campaign treasurer appointment and all required financial statements with the clerk or secretary of the board or, if the district has no clerk or secretary, with the board's presiding officer. <i>Election Code 252.005(3)</i></p> <p>A specific-purpose committee for supporting or opposing a candidate for the board must file its campaign treasurer appointment with the same authority. <i>Election Code 251.001(13), 252.006</i></p> <p>A specific-purpose committee for supporting or opposing a measure must file its campaign treasurer appointment with the secretary of the board or, if the district has no secretary, with the board's presiding officer. <i>Election Code 252.007(3)</i></p>
Period of Effectiveness	A campaign treasurer appointment takes effect at the time it is filed and continues in effect until terminated. <i>Election Code 252.011</i>
<b>Termination of Appointment</b>	A campaign treasurer may be removed at any time by the appointing authority by filing the written appointment of a successor in the same manner as the original appointment. The appointment of a successor terminates the appointment of the campaign treasurer who is removed. <i>Election Code 252.012</i>
Removal	
Board Action	<p>A board by order may adopt a process by which the clerk or secretary, as applicable, of the district may terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the clerk or secretary.</p> <p>The order must:</p> <ol style="list-style-type: none"><li>1. Define "inactive candidate or political committee" for purposes of terminating the campaign treasurer appointment; and</li></ol>

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

For purposes of this section, a candidate or political committee is inactive if the candidate or committee:

1. Has never filed or has ceased to file reports under Election Code Chapter 254 (Political Reporting);
2. In the case of a candidate, has not been elected to an office for which a candidate is required to file a campaign treasurer appointment with the board; and
3. Has not filed a final report under Election Code 254.065 or 254.125, or a dissolution report under Election Code 254.126 or 254.159.

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

The termination of a campaign treasurer appointment under this section takes effect on the 30th day after the date of the meeting at which the board votes to terminate the appointment. Following that meeting, the clerk or secretary of the district shall promptly notify the affected candidate or political committee that the appointment has been terminated. The notice must state the effective date of the termination.

*Election Code 252.0131*

**Contributions and Expenditures**

A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. *Election Code 253.031(a)*

Recordkeeping

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

Reporting

*Candidates and Officeholders*

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

*Specific-Purpose  
Committee*

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

Bonds

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

*Election Code 254.130*

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

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**Internet Posting**

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

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

Before making a report available on its website, the district may remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report. If the address information is removed, the information must remain available on the report maintained in the district's office.

*Election Code 254.04011*

**Electioneering**

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

**Political Advertising**

An officer or employee of a district may not knowingly spend or authorize the spending of public funds for the purpose of political advertising. This does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure.

An officer or employee of a district may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that:

1. The officer or employee knows is false; and
2. Is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

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

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

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

**Definition**

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

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

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

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

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

Newsletters

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

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

*1 TAC 26.2*

Disclosure  
Statement

A person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not indicate in the advertising:

1. That it is political advertising; and
2. The full name of the:
  - a. Person who paid for the political advertising;
  - b. Political committee authorizing the political advertising; or
  - c. Candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

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

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

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

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

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

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### **Nepotism**

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

**Open Meetings Act  
Training**

Not later than the 90th day after taking the oath of office, each board member shall complete training of not less than one and not more than two hours regarding the responsibilities of the board and its members under Government Code Chapter 551 (Texas Open Meetings Act).

The attorney general may provide the training and may also approve other acceptable sources of training.

The board shall maintain and make available for public inspection the record of its members' completion of the training. The failure of one or more members of the board to complete the training does not affect the validity of an action taken by the board.

*Gov't Code 551.005*

**Public Information  
Act Training**

Not later than the 90th day after taking the oath of office, each board member shall complete training of not less than one and not more than two hours regarding the responsibilities of the board and its officers and employees under Government Code Chapter 552 (Public Information Act). A board member may designate a public information coordinator to satisfy the training for the board member if the public information coordinator is primarily responsible for administering the responsibilities of the board member or board under the Public Information Act. [See GBAA regarding public information coordinator training] *Gov't Code 552.012*

**SBOE-Required  
Training**

A trustee must complete any training required by the State Board of Education (SBOE). *Education Code 11.159*

The SBOE's framework for governance leadership [see BBD(EXHIBIT)] shall be distributed annually by the board president to all current board members and the superintendent. *19 TAC 61.1(a)*

The continuing education required under Education Code 11.159 applies to each member of the board. To the extent possible, an entire board shall participate in continuing education programs together. *19 TAC 61.1(b), (i)*

No continuing education shall take place during a board meeting unless that meeting is called expressly for the delivery of board member continuing education. Continuing education may take place prior to or after a legally called board meeting in accordance with Government Code 551.001(4) (definition of "meeting"). *19 TAC 61.1(e)*

A regional education service center (ESC) board member continuing education program shall be open to any interested person, in-



cluding a current or prospective board member. A district is not responsible for any costs associated with individuals who are not current board members. *19 TAC 61.1(f)*

Annually, the SBOE shall commend those board-superintendent teams that complete at least eight hours of the continuing education specified at Team Building and Additional Continuing Education, below, as an entire board-superintendent team.

Annually, the SBOE shall commend board-superintendent teams that effectively implement the commissioner of education's trustee improvement and evaluation tool developed under Education Code 11.182 [see BG] or any other tool approved by the commissioner.

*19 TAC 61.1(k), (l)*

Verification

For each training described below, the provider of continuing education shall provide verification of completion of board member continuing education to the individual participant and to the participant's school district. The verification must include the provider's authorization or registration number. *19 TAC 61.1(h)*

Reporting

At the last regular board meeting before an election of trustees, the board president shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board or two-year anniversary of his or her previous training, as applicable. The announcement shall state that completing the required continuing education is a basic obligation and expectation of any board member under SBOE rule. The minutes of the last regular board meeting held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment or two-year anniversary of his or her previous training, as applicable. The president shall cause the minutes to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's internet website within ten business days of the meeting and maintain the posting until the trustee meets the requirements. *19 TAC 61.1(j); Education Code 11.159(b)*

Local District  
Orientation

Each board member shall complete a local district orientation session. The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The orientation shall:

1. Be at least three hours in length.
2. Address local district practices in the following, in addition to topics chosen by the local district:
  - a. Curriculum and instruction;
  - b. Business and finance operations;
  - c. District operations;
  - d. Superintendent evaluation; and
  - e. Board member roles and responsibilities.

Each board member should be made aware of the continuing education requirements of 19 Administrative Code 61.1 and those of the following:

1. Open meetings act in Government Code 551.005 [see Open Meetings Act Training above];
2. Public information act in Government Code 552.012 [see Public Information Act Training above]; and
3. Cybersecurity in Government Code 2054.5191 [see CQB].

The orientation shall be open to any board member who chooses to attend.

*19 TAC 61.1(b)(1)*

Education Code  
Orientation

Each board member shall complete a basic orientation to the Education Code and relevant legal obligations. The orientation shall have special, but not exclusive, emphasis on statutory provisions related to governing Texas school districts.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The orientation shall be at least three hours in length. Topics shall include, but not be limited to, Education Code Chapter 26 (Parental

Rights and Responsibilities) and Education Code 28.004 (Local School Health Advisory Council and Health Education Instruction).

The orientation shall:

1. Be provided by an ESC.
2. Be open to any board member who chooses to attend.

The continuing education may be fulfilled through online instruction, provided that the training incorporates interactive activities that assess learning and provide feedback to the learner and offers an opportunity for interaction with the instructor.

*19 TAC 61.1(b)(2)*

Legislative Update

After each session of the Texas Legislature, including each regular session and called session related to education, each board member shall complete an update to the basic orientation to the Education Code.

The update session shall be of sufficient length to familiarize board members with major changes in statute and other relevant legal developments related to school governance.

The update shall be provided by an ESC or a registered provider [see Registered Provider, below].

A board member who has attended an ESC basic orientation session described at Education Code Orientation, above, that incorporated the most recent legislative changes is not required to attend an update.

The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

*19 TAC 61.1(b)(3)*

Team Building

The entire board shall participate with their superintendent in a team-building session.

The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team.

The session shall be held annually and shall be at least three hours in length.

BOARD MEMBERS  
TRAINING AND ORIENTATION

BBD  
(LEGAL)

The session shall include a review of the roles, rights, and responsibilities of the board as outlined in the framework for governance leadership. [See BBD(EXHIBIT)] The assessment of needs shall be based on the framework for governance leadership and shall be used to plan continuing education activities for the year for the governance leadership team.

The team-building session shall be provided by an ESC or a registered provider [see Registered Provider and Authorized Provider, below].

*19 TAC 61.1(b)(4)*

Additional  
Continuing  
Education (Based  
on Assessed  
Needs)

In addition to the continuing education requirements set out above, each board member shall complete additional continuing education based on the framework for governance leadership. [See BBD(EXHIBIT)]

The purpose of continuing education is to address the continuing education needs referenced at Team Building above.

The continuing education shall be completed annually.

At least 50 percent of the continuing education shall be designed and delivered by persons not employed or affiliated with the board member's school district. No more than one hour of the required continuing education that is delivered by the district may use self-instructional materials.

The continuing education shall be provided by an ESC or a registered provider [see Registered Provider, below].

The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

*First Year*

In a board member's first year of service, he or she shall complete at least ten hours of continuing education in fulfillment of assessed needs

*Subsequent  
Years*

Following a board member's first year of service, he or she shall complete at least five hours of continuing education annually in fulfillment of assessed needs.

*Board President*

A board president shall complete continuing education related to leadership duties of a board president as some portion of the annual requirement.

*19 TAC 61.1(b)(5)*

BOARD MEMBERS  
TRAINING AND ORIENTATION

BBD  
(LEGAL)

Evaluating Student  
Academic  
Performance

Each board member shall complete continuing education on evaluating student academic performance and setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness.

The purpose of the training on evaluating student academic performance is to provide research-based information to board members that is designed to support the oversight role of the board of trustees outlined in Education Code 11.1515. [See BAA]

The purpose of the continuing education on setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness is to facilitate boards meeting the requirements of Education Code 11.185 and 11.186.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The continuing education shall be completed every two years and shall be at least three hours in length.

The continuing education required by this provision shall include, at a minimum:

1. Instruction in school board behaviors correlated with improved student outcomes with emphasis on:
  - a. Setting specific, quantifiable student outcome goals; and
  - b. Adopting plans to improve early literacy and numeracy and college, career, and military readiness for applicable student groups evaluated in the Closing the Gaps domain of the state accountability system established under Education Code Chapter 39;
2. Instruction in progress monitoring practices to improve student outcomes; and
3. Instruction in state accountability with emphasis on the Texas Essential Knowledge and Skills, state assessment instruments administered under Education Code Chapter 39, and the state accountability system established under Chapter 39.

The continuing education shall be provided by an authorized provider [see Authorized Provider, below].

If the training is attended by an entire board and its superintendent, includes a review of local school district data on student achievement, and otherwise meets the requirements described at Team Building above, the training may serve to meet a board member's obligation to complete training described at Team Building and at Evaluating Student Academic Performance, above, as long as the training complies with the Texas Open Meetings Act.

*19 TAC 61.1(b)(6)*

Identifying and  
Reporting Abuse

Each board member shall complete continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in accordance with Education Code 11.159(c)(2).

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The training shall be completed every two years and shall be at least one hour in length.

The training must familiarize board members with the requirements of Education Code 38.004 and 38.0041, and 19 Administrative Code 61.1051 (relating to Reporting Child Abuse or Neglect, Including Trafficking of a Child).

The training required by this provision shall include, at a minimum:

1. Instruction in best practices of identifying potential victims of child abuse, human trafficking, and other maltreatment of children;
2. Instruction in legal requirements to report potential victims of child abuse, human trafficking, and other maltreatment of children; and
3. Instruction in resources and organizations that help support victims and prevent child abuse, human trafficking, and other maltreatment of children.

The training sessions shall be provided by a registered provider [see Registered Provider, below].

BOARD MEMBERS  
TRAINING AND ORIENTATION

BBD  
(LEGAL)

This training may be completed online, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

*19 TAC 61.1(b)(7)*

School Safety

The State Board of Education shall require a trustee to complete training on school safety. *Education Code 11.159(b-1)*

Training Provider

*Registered  
Provider*

For the purposes of 19 Administrative Code 61.1, a registered provider has demonstrated proficiency in the content required for a specific training. A private or professional organization, school district, government agency, college/university, or private consultant shall register with the Texas Education Agency (TEA) to provide the board member continuing education required by 19 Administrative Code 61.1(b)(3), (5), and (7) [see Legislative Update, Additional Continuing Education, and Identifying and Reporting Abuse, above].

A district that provides continuing education exclusively for its own board members is not required to register under 19 Administrative Code 61.1(c)(1)–(2).

*19 TAC 61.1(c)*

*Authorized  
Provider*

An authorized provider meets all the requirements of a registered provider and has demonstrated proficiency in the content required by 19 Administrative Code 61.1(b)(4) and (6). Proficiency may be demonstrated in accordance with 19 Administrative Code 61.1(d).

A private or professional organization, school district, government agency, college/university, or private consultant may be authorized by TEA to provide the board member training required in 19 Administrative Code 61.1(b)(4) and (6).

An ESC shall be authorized by TEA to provide the board member training required in 19 Administrative Code 61.1(b)(4) and (6).

*19 TAC 61.1(d)*

[See above for 19 Administrative Code 61.1(b)(4) on Team Building and (b)(6) on Evaluating Student Academic Performance.]

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**Note:** For cybersecurity training requirements, see CQB(LEGAL).

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**TEXAS ETHICS COMMISSION**  
**2023 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 2023 are May 6 and November 7.

Candidates and officeholders must file semiannual reports (due on January 17, 2023, and July 17, 2023). 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 2023 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 2023 FILING SCHEDULE FOR CANDIDATES AND OFFICEHOLDERS FILING WITH THE COUNTY CLERK OR ELECTIONS ADMINISTRATOR.

EXPLANATION OF THE FILING SCHEDULE CHART

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

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

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

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

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



<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
<b>Tuesday, January 17, 2023</b>  <i>Deadline is extended because of weekend and holiday.</i>	<b>January 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 \$940 in contributions or expenditures for the reporting period)  [FORM GPAC] (all GPACs)  [FORM SPAC] (all SPACs)	July 1, 2022, <i>or</i>  the date of campaign treasurer appointment, <i>or</i>  the day after the date the last report ended.	December 31, 2022
<b>Tuesday, January 17, 2023</b>  <i>Deadline is extended because of weekend and holiday.</i>	<b>Annual report of unexpended contributions</b>  [FORM C/OH-UC] (former candidates and former officeholders who have filed a final report and who retained unexpended contributions or assets purchased with contributions)	January 1, 2022, <i>or</i>  the day after the date the final report was filed.	December 31, 2022

**REPORTS DUE BEFORE THE MAY 6, 2023, UNIFORM ELECTION**

<b>Thursday, April 6, 2023</b>  <b>NOTE: This report must be received by the appropriate filing authority no later than April 6, 2023.</b>	<b>30th day before the May 6, 2023, uniform election</b>  [FORM C/OH] (all local candidates who have an opponent on the ballot in the May 6 election and who do not file on the modified reporting schedule)  [FORM GPAC] (all GPACs that are involved with the May 6 election)  [FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that supported or opposed an opposed candidate or a measure in the May 6 election)	January 1, 2023, <i>or</i>  the date of campaign treasurer appointment, <i>or</i>  the day after the date the last report ended.	March 27, 2023
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**NOTE:** A political committee must file pre-election reports if the committee is involved with the election during each pre-election reporting period. A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period. The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
<p>Friday, April 28, 2023</p> <p><b>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than April 28, 2023.</b></p>	<p><b>8th day before May 6, 2023, uniform election</b></p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the May 6 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that filed a “30th Day Before Election Report” or that are involved with the May 6 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that filed a “30th Day Before Election Report” or that supported or opposed an opposed candidate or a measure in the May 6 election)</p>	<p>March 28, 2023, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>April 26, 2023</p> <p><b>NOTE:</b> Daily pre-election reports of contributions accepted and direct campaign expenditures made after April 26, 2023, may be required. Please consult the Campaign Finance Guide for further information.</p>

<p>Monday, July 17, 2023</p> <p><i>Deadline is extended because of weekend.</i></p>	<p><b>July 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 \$1,010 in contributions or expenditures for the reporting period)</p> <p>[FORM GPAC] (all GPACs)</p> <p>[FORM SPAC] (all SPACs)</p>	<p>January 1, 2023, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>June 30, 2023</p>
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**NOTE:** A political committee must file pre-election reports if the committee is involved with the election during each pre-election reporting period. **A political committee must file an 8-day pre-election report if the committee filed a 30-day pre-election report, even if there is no activity to report during the 8-day reporting period.** The campaign treasurer of a political committee may be required to file 30-day and 8-day pre-election reports in connection with elections not listed on this schedule.

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
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**REPORTS DUE BEFORE THE NOVEMBER 7, 2023, UNIFORM ELECTION**

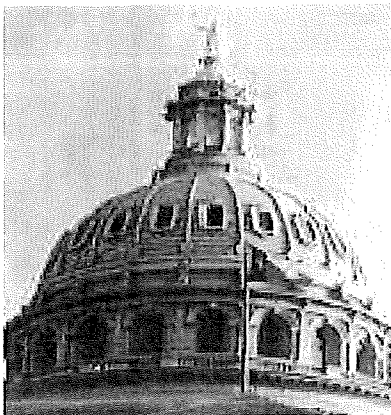
<p><b>Tuesday, October 10, 2023</b></p> <p><i>Deadline is extended because of weekend and holiday.</i></p> <p><b>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than October 10, 2023.</b></p>	<p><b>30th day before the November 7, 2023, uniform election</b></p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the November 7 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that are involved with the November 7 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that supported or opposed an opposed candidate or a measure in the November 7 election)</p>	<p>July 1, 2023, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>September 28, 2023</p>
<p><b>Monday, October 30, 2023</b></p> <p><b>NOTE: This report must be <u>received</u> by the appropriate filing authority no later than October 30, 2023.</b></p>	<p><b>8th day before the November 7, 2023, uniform election</b></p> <p>[FORM C/OH] (all local candidates who have an opponent on the ballot in the November 7 election and who do not file on the modified reporting schedule)</p> <p>[FORM GPAC] (all GPACs that filed a “30th Day Before Election Report” or that are involved with the November 7 election)</p> <p>[FORM SPAC] (all SPACs that do not file on the modified reporting schedule and that filed a “30th Day Before Election Report” or that supported or opposed an opposed candidate or a measure in the November 7 election)</p>	<p>September 29, 2023, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>October 28, 2023</p> <p><b>NOTE:</b> Daily pre-election reports of contributions accepted and direct campaign expenditures made after October 28, 2023, may be required. Please consult the Campaign Finance Guide for further information.</p>

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

<b><u>COLUMN I</u></b> <b>DUE DATE</b>	<b><u>COLUMN II</u></b> <b>TYPE OF REPORT (WHO FILES)</b>	<b><u>COLUMN III</u></b> <b>BEGINNING DATE OF PERIOD COVERED</b>	<b><u>COLUMN IV</u></b> <b>ENDING DATE OF PERIOD COVERED</b>
<p><b>Tuesday, January 16, 2024</b></p> <p><i>Deadline is extended because of holiday.</i></p>	<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 \$1,010 in contributions or expenditures for the reporting period)</p> <p>[FORM GPAC] (all GPACs)</p> <p>[FORM SPAC] (all SPACs)</p>	<p>July 1, 2023, <i>or</i></p> <p>the date of campaign treasurer appointment, <i>or</i></p> <p>the day after the date the last report ended.</p>	<p>December 31, 2023</p>
<p><b>Tuesday, January 16, 2024</b></p> <p><i>Deadline is extended because of holiday.</i></p>	<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, 2023, <i>or</i></p> <p>the day after the date the final report was filed.</p>	<p>December 31, 2023</p>

# 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.

---

## 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.

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

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

- An officer or employee of a political subdivision may not spend or authorize the spending of public funds for political advertising.
- This section does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure.
- A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

New legislation effective September 1, 2009, further clarifies that an officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that:

- (1) the officer or employee knows is false; and
- (2) is sufficiently substantial and important as to be reasonably likely to influence a voter for or against the measure.

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

“Political advertising” means:

- (1) a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, or a public officer, that: (A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or (B) appears: (i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or (ii) on an Internet website; and
- (2) a communication that advocates passage or defeat of a measure, and that: (A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or (B) appears: (i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or (ii) on an Internet website.

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

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

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

- (A) is informational rather than self-promotional;

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

(C) does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

★ The prohibition applies to any “**officer or employee of a political subdivision.**” In other words, if a school district employee makes a decision to use district resources in violation of the prohibition, the employee could be fined by the Ethics Commission or held criminally liable. School board members, as “officers” of a school district, are also subject to the prohibition.

★ A school district board member or employee would violate the prohibition by “**spending or authorizing the spending of public funds**” for political advertising. Not only does this mean that the school district may not purchase or authorize the purchase of new materials for use in creating political advertising, it also means that a school district board member or employee would violate the prohibition by using existing paper and machinery to generate, display, or distribute political advertising.

Also, it is not permissible to authorize the use of the paid time of school district employees to create or distribute political advertising. For example, school district staff may not copy, staple, or distribute political advertising on work time. Nor is it permissible to have school children work on political advertising during school time.

★ The prohibition does not apply to “**a communication that factually describes the purposes**” of a measure election. In other words, it is permissible to use district resources to produce explanatory material about what is at stake in a measure election. However, the communication may not contain information that an officer or employee of a political subdivision knows is false. The information must not be sufficiently substantial and important, such that it would be reasonably likely to influence a voter to vote a certain way.

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

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

or

***EVERY CHILD DESERVES A GOOD EDUCATION***

Another common misstep is to include "calls to action" such as:

***PUT CHILDREN FIRST***

or

***SHOW THAT YOU CARE ABOUT EDUCATION***

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

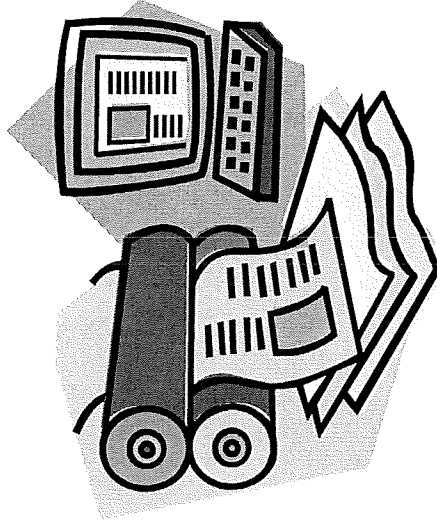
★ A violation of the prohibition is a **Class A misdemeanor**. This means that a violation could lead to criminal prosecution. Also, the Ethics Commission has authority to impose fines for violations of section 255.003.

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

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

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

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



**Texas Ethics Commission**  
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**Revised October 13, 2017**

# 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

<b>1 ACCOUNT NUMBER</b> (Ethics Commission Filers)	<b>2 TYPE OF FILER</b> CANDIDATE <input type="checkbox"/> POLITICAL COMMITTEE <input type="checkbox"/>  <i>If filing as a candidate, complete boxes 3 - 6, then read and sign page 2.</i> <i>If filing for a political committee, complete boxes 7 and 8, then read and sign page 2.</i>				
	<b>3 NAME OF CANDIDATE</b> (PLEASE TYPE OR PRINT)		TITLE (Dr., Mr., Ms., etc.)      FIRST      MI	NICKNAME      LAST      SUFFIX (SR., JR., III, etc.)	
<b>4 TELEPHONE NUMBER OF CANDIDATE</b> (PLEASE TYPE OR PRINT)	AREA CODE      PHONE NUMBER      EXTENSION (      )	<b>5 ADDRESS OF CANDIDATE</b> (PLEASE TYPE OR PRINT)			STREET / PO BOX;      APT / SUITE #;      CITY;      STATE;      ZIP CODE
<b>6 OFFICE SOUGHT BY CANDIDATE</b> (PLEASE TYPE OR PRINT)					
<b>7 NAME OF COMMITTEE</b> (PLEASE TYPE OR PRINT)					
<b>8 NAME OF CAMPAIGN TREASURER</b> (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 untrammled 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 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 \$1,010 in political contributions or  
make more than \$1,010 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

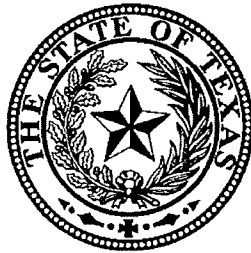
Non-TEC Filers must file this form with the local filing authority  
**DO NOT SEND TO TEC**

For more information about where to file go to:  
<https://www.ethics.state.tx.us/filinginfo/QuickFileAReport.php>

**TEXAS ETHICS COMMISSION**

**APPOINTMENT OF A CAMPAIGN TREASURER**  
**BY A CANDIDATE**

**FORM CTA--INSTRUCTION GUIDE**



**Revised January 1, 2023**

**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 CTA—INSTRUCTION GUIDE

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## **APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE**

### **GENERAL INSTRUCTIONS**

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

### **DUTIES OF A CANDIDATE OR OFFICEHOLDER**

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

### **QUALIFICATIONS OF CAMPAIGN TREASURER**

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

### **DUTIES OF A CAMPAIGN TREASURER**

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

### **REQUIREMENT TO FILE BEFORE BEGINNING A CAMPAIGN**

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

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

- (C) the filing of an application for nomination by convention;
- (D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy;
- (E) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (F) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of
- (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 personal funds. A filing fee paid to a filing authority to qualify for a place on a ballot is a campaign expenditure that may not be made before filing a campaign treasurer appointment form with the proper filing authority.

If you are an officeholder, you may make officeholder expenditures and accept officeholder contributions without having a campaign treasurer appointment on file. If you do not have a campaign treasurer appointment on file and you wish to accept *campaign* contributions or make *campaign* expenditures in connection with your office or for a different office, you must file this form before doing so. In such a case, a sworn report of contributions, expenditures, and loans will be due no later than the 15th day after filing this form.

## WHERE TO FILE A CAMPAIGN TREASURER APPOINTMENT

The appropriate filing authority depends on the office sought or held.

**a. Texas Ethics Commission.** The Texas Ethics Commission (Commission) is the appropriate filing authority for the Secretary of State and for candidates for or holders of the following offices:

- Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, Land Commissioner, Agriculture Commissioner, Railroad Commissioner.
- State Senator or State Representative.
- Supreme Court Justice, Court of Criminal Appeals Judge, and Court of Appeals Judge.\*
- State Board of Education.

- A multi-county district judge\* or multi-county district attorney.
- A single-county district judge.\*
- An office of a political subdivision other than a county if the political subdivision includes areas in more than one county and if the governing body of the political subdivision has not been formed.
- A chair of the state executive committee of a political party with a nominee on the ballot in the most recent gubernatorial election.
- A county chair of a political party with a nominee on the ballot in the most recent gubernatorial election if the county has a population of 350,000 or more.

\* Judicial candidates use FORM JCTA to appoint a campaign treasurer.

**b. County Clerk.** The county clerk (or the county elections administrator or tax assessor, as applicable) is the appropriate local filing authority for a candidate for:

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

**c. Local Filing Authority.** If a candidate is seeking an office of a political subdivision other than a county, the appropriate filing authority is the *clerk or secretary of the governing body* of the political subdivision. If the political subdivision has no clerk or secretary, the appropriate filing authority is the governing body's presiding officer. Basically, any political subdivision that is authorized by the laws of this state to hold an election is considered a local filing authority. Examples are cities, school districts, and municipal utility districts.

## FILING WITH A DIFFERENT AUTHORITY

If you have a campaign treasurer appointment on file with one authority, and you wish to accept campaign contributions or make or authorize campaign expenditures in connection with another office that would require filing with a different authority, you must file a new campaign treasurer appointment *and* a copy of your old campaign treasurer appointment (certified by the old authority) with the new filing authority before beginning your campaign. You should also provide written notice to the original filing authority that your future reports will be filed with another authority; use Form CTA-T for this purpose.

## **FORMING A POLITICAL COMMITTEE**

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

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

## **CHANGING A CAMPAIGN TREASURER**

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

## **AMENDING A CAMPAIGN TREASURER APPOINTMENT**

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

## **REPORTING REQUIREMENT FOR CERTAIN OFFICEHOLDERS**

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

## **TERMINATING A CAMPAIGN TREASURER APPOINTMENT**

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

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

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

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

## **FILING A FINAL REPORT**

For filing purposes, you are a “candidate” as long as you have an appointment of campaign treasurer on file. If you do not expect to accept any further campaign contributions or to make

any further campaign expenditures, you may file a final report of contributions and expenditures. A final report terminates your appointment of campaign treasurer and relieves you of the obligation of filing further reports as a candidate. If you have surplus funds, or if you retain assets purchased with political funds, you will be required to file annual reports. (*See instructions for FORM C/OH - UC.*) If you are an officeholder at the time of filing a final report, you may be required to file semiannual reports of contributions, expenditures, and loans as an officeholder.

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

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

## ELECTRONIC FILING

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

## GUIDES

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

## SPECIFIC INSTRUCTIONS

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

### PAGE 1

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



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

**PAGE 2**

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

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

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

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

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

An opposed candidate in an election is eligible to report under the modified reporting schedule if he or she does not intend to accept more than \$1,010 in political contributions or make more than \$1,010 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 \$1,010 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, or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$1,010 maximums apply to each election within the cycle. In other words, you are limited to \$1,010 in contributions and expenditures in connection with the primary, an additional \$1,010 in contributions and expenditures in connection with the general election, and an additional \$1,010 in contributions and expenditures in connection with a runoff.

**EXCEEDING \$1,010 IN CONTRIBUTIONS OR EXPENDITURES.** If you exceed \$1,010 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 \$1,010 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.*

# 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:
<b>3 CANDIDATE / OFFICEHOLDER NAME</b>	MS / MRS / MR                      FIRST    MI	<b>OFFICE USE ONLY</b>	
	..... NICKNAME                                      LAST    SUFFIX		
<b>4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS</b>  <input type="checkbox"/> Change of Address	ADDRESS / PO BOX;                      APT / SUITE #;                      CITY;                      STATE;                      ZIP CODE		
<b>5 CANDIDATE / OFFICEHOLDER PHONE</b>	AREA CODE                      PHONE NUMBER    EXTENSION  (                      )		
<b>6 CAMPAIGN TREASURER NAME</b>	MS / MRS / MR                      FIRST    MI	Date Received	
	..... NICKNAME                                      LAST    SUFFIX	Date Hand-delivered or Date Postmarked	
		Receipt #                      Amount \$	
<b>7 CAMPAIGN TREASURER ADDRESS</b> (Residence or Business)	STREET ADDRESS (NO PO BOX PLEASE);                      APT / SUITE #;                      CITY;                      STATE;                      ZIP CODE	Date Processed	
<b>8 CAMPAIGN TREASURER PHONE</b>	AREA CODE                      PHONE NUMBER    EXTENSION  (                      )	Date Imaged	
<b>9 REPORT TYPE</b>	<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)		
<b>10 PERIOD COVERED</b>	Month                      Day                      Year                      THROUGH                      Month                      Day                      Year /                      /                                                                                     /                      /		
<b>11 ELECTION</b>	ELECTION DATE Month                      Day                      Year /                      /	ELECTION TYPE <input type="checkbox"/> Primary <input type="checkbox"/> Runoff <input type="checkbox"/> Other Description <input type="checkbox"/> General <input type="checkbox"/> Special                      _____	
<b>12 OFFICE</b>	OFFICE HELD (if any)	<b>13 OFFICE SOUGHT (if known)</b>	
<b>14 NOTICE FROM POLITICAL COMMITTEE(S)</b>  <input type="checkbox"/> Additional Pages	THIS BOX IS FOR NOTICE OF POLITICAL CONTRIBUTIONS ACCEPTED OR POLITICAL EXPENDITURES MADE BY POLITICAL COMMITTEES TO SUPPORT THE CANDIDATE / OFFICEHOLDER. <i>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.</i>		
	<input type="checkbox"/> GENERAL  <input type="checkbox"/> SPECIFIC	COMMITTEE TYPE	COMMITTEE NAME
			COMMITTEE ADDRESS
			COMMITTEE CAMPAIGN TREASURER NAME
			COMMITTEE CAMPAIGN TREASURER ADDRESS
<b>GO TO PAGE 2</b>			

# 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. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$
<b>EXPENDITURE TOTALS</b>	3. TOTAL UNITEMIZED POLITICAL EXPENDITURE.	\$
	4. TOTAL POLITICAL EXPENDITURES	\$
<b>CONTRIBUTION BALANCE</b>	5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF REPORTING PERIOD	\$
<b>OUTSTANDING LOAN TOTALS</b>	6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$

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

\_\_\_\_\_  
Signature of Candidate or Officeholder

**Please complete either option below:**

**(1) Affidavit**

NOTARY STAMP / SEAL

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

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



**(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		SUBTOTAL AMOUNT
1. <input type="checkbox"/> SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS		\$
2. <input type="checkbox"/> SCHEDULE A2: NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS		\$
3. <input type="checkbox"/> SCHEDULE B: PLEDGED CONTRIBUTIONS		\$
4. <input type="checkbox"/> SCHEDULE E: LOANS		\$
5. <input type="checkbox"/> SCHEDULE F1: POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS		\$
6. <input type="checkbox"/> SCHEDULE F2: UNPAID INCURRED OBLIGATIONS		\$
7. <input type="checkbox"/> SCHEDULE F3: PURCHASE OF INVESTMENTS MADE FROM POLITICAL CONTRIBUTIONS		\$
8. <input type="checkbox"/> SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD		\$
9. <input type="checkbox"/> SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS		\$
10. <input type="checkbox"/> SCHEDULE H: PAYMENT MADE FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH		\$
11. <input type="checkbox"/> SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS		\$
12. <input type="checkbox"/> SCHEDULE K: INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER		\$

# MONETARY POLITICAL CONTRIBUTIONS

# SCHEDULE A1

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule A1:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Date	5 Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____)	7 Amount of contribution (\$)
	6 Contributor address; City; State; Zip Code	
8 Principal occupation / Job title (See Instructions)		9 Employer (See Instructions)
Date	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____)	Amount of contribution (\$)
	Contributor address; City; State; Zip Code	
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
Date	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____)	Amount of contribution (\$)
	Contributor address; City; State; Zip Code	
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
Date	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____)	Amount of contribution (\$)
	Contributor address; City; State; Zip Code	
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.



# PLEGGED CONTRIBUTIONS

# SCHEDULE B

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule B:	
2 FILER NAME		3 Filer ID (Ethics Commission Filers)	
4 TOTAL OF UNITEMIZED PLEDGES		\$	
5 Date	6 Full name of pledgor <input type="checkbox"/> out-of-state PAC (ID#: _____)	8 Amount of Pledge \$	9 In-kind contribution description
7 Pledgor address; City; State; Zip Code		<input type="checkbox"/> Check if travel outside of Texas. Complete Schedule T.	
10 Principal occupation / Job title (See Instructions)		11 Employer (See Instructions)	
Date	Full name of pledgor <input type="checkbox"/> out-of-state PAC (ID#: _____)	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.

The Instruction Guide explains how to complete this form.		1 Total pages Schedule E:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 TOTAL OF UNITEMIZED LOANS		\$
5 Date of loan	7 Name of lender <input type="checkbox"/> out-of-state PAC (ID#: _____ )	9 Loan Amount (\$)
6 Is lender a financial Institution?  Y N	8 Lender address; City; State; Zip Code	10 Interest rate
		11 Maturity date
12 Principal occupation / Job title (See Instructions)		13 Employer (See Instructions)
14 Description of Collateral <input type="checkbox"/> none		15 <input type="checkbox"/> Check if personal funds were deposited into political account (See Instructions)
16 GUARANTOR INFORMATION  <input type="checkbox"/> not applicable	17 Name of guarantor	19 Amount Guaranteed (\$)
	18 Guarantor address; City; State; Zip Code	
20 Principal Occupation (See Instructions)		21 Employer (See Instructions)
Date of loan	Name of lender <input type="checkbox"/> out-of-state PAC (ID#: _____ )	Loan Amount (\$)
Is lender a financial Institution?  Y N	Lender address; City; State; Zip Code	Interest rate
		Maturity date
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
Description of Collateral <input type="checkbox"/> none		<input type="checkbox"/> Check if personal funds were deposited into political account (See Instructions)
GUARANTOR INFORMATION  <input type="checkbox"/> not applicable	Name of guarantor	Amount Guaranteed (\$)
	Guarantor address; City; State; Zip Code	
Principal Occupation (See Instructions)		Employer (See Instructions)

**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

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

# POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

# SCHEDULE F1

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

### EXPENDITURE CATEGORIES FOR BOX 8(a)

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

The Instruction Guide explains how to complete this form.

<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
	<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

**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

# UNPAID INCURRED OBLIGATIONS

# SCHEDULE F2

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

### EXPENDITURE CATEGORIES FOR BOX 10(a)

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

The Instruction Guide explains how to complete this form.

<b>1</b> Total pages Schedule F2:	<b>2</b> FILER NAME	<b>3</b> Filer ID (Ethics Commission Filers)
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<b>4</b> TOTAL OF UNITEMIZED UNPAID INCURRED OBLIGATIONS	\$
--	----

<b>5</b> Date	<b>6</b> Payee name
---------------	---------------------

<b>7</b> Amount (\$)	<b>8</b> Payee address; City; State; Zip Code
----------------------	---

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

<b>10</b> PURPOSE OF EXPENDITURE	<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>11</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
-------------	--------------------------------------

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

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

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

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**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

# PURCHASE OF INVESTMENTS MADE FROM POLITICAL CONTRIBUTIONS

## SCHEDULE F3

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule F3:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Date	5 Name of person from whom investment is purchased	
	..... 6 Address of person from whom investment is purchased;                      City;                      State;                      Zip Code	
	7 Description of investment	
	8 Amount of investment (\$)	
Date	Name of person from whom investment is purchased	
	..... Address of person from whom investment is purchased;                      City;                      State;                      Zip Code	
	Description of investment	
	Amount of investment (\$)	
<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.

1 Total pages Schedule F4:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)
----------------------------	--------------	---------------------------------------

4 TOTAL OF UNITEMIZED EXPENDITURES CHARGED TO A CREDIT CARD	\$
---	----

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

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

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

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

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

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

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

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

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

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

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**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

# POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS

## SCHEDULE G

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

### EXPENDITURE CATEGORIES FOR BOX 8(a)

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

The Instruction Guide explains how to complete this form.

<b>1</b> Total pages Schedule G:	<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 (\$)  <input type="checkbox"/> Reimbursement from political contributions intended	<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 (\$)  <input type="checkbox"/> Reimbursement from political contributions intended	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 (\$)  <input type="checkbox"/> Reimbursement from political contributions intended	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

**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

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

## SCHEDULE H

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

### EXPENDITURE CATEGORIES FOR BOX 8(a)

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

The Instruction Guide explains how to complete this form.

<b>1</b> Total pages Schedule H:	<b>2</b> FILER NAME	<b>3</b> Filer ID (Ethics Commission Filers)
<b>4</b> Date	<b>5</b> Business name	
<b>6</b> Amount (\$)	<b>7</b> Business 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	Business name	
Amount (\$)	Business 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	Business name	
Amount (\$)	Business 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

**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)</b> Category (See instructions for examples of acceptable categories.)	<b>(b)</b> 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.)
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.)

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

## SCHEDULE K

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule K:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Date	5 Name of person from whom amount is received  ..... 6 Address of person from whom amount is received; City; State; Zip Code	8 Amount (\$)
7 Purpose for which amount is received <input type="checkbox"/> Check if political contribution returned to filer		
Date	Name of person from whom amount is received  ..... Address of person from whom amount is received; City; State; Zip Code	Amount (\$)
Purpose for which amount is received <input type="checkbox"/> Check if political contribution returned to filer		
Date	Name of person from whom amount is received  ..... Address of person from whom amount is received; City; State; Zip Code	Amount (\$)
Purpose for which amount is received <input type="checkbox"/> Check if political contribution returned to filer		
Date	Name of person from whom amount is received  ..... Address of person from whom amount is received; City; State; Zip Code	Amount (\$)
Purpose for which amount is received <input type="checkbox"/> Check if political contribution returned to filer		
Date	Name of person from whom amount is received  ..... Address of person from whom amount is received; City; State; Zip Code	Amount (\$)
Purpose for which amount is received <input type="checkbox"/> Check if political contribution returned to filer		

**ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED**

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

## SCHEDULE T

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule T:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Name of Contributor / Corporation or Labor Organization / Pledgor / Payee		
5 Contribution / Expenditure reported on: <input type="checkbox"/> Schedule A2 <input type="checkbox"/> Schedule B <input type="checkbox"/> Schedule B(J) <input type="checkbox"/> Schedule C2 <input type="checkbox"/> Schedule D <input type="checkbox"/> Schedule F1 <input type="checkbox"/> Schedule F2 <input type="checkbox"/> Schedule F4 <input type="checkbox"/> Schedule G <input type="checkbox"/> Schedule H <input type="checkbox"/> Schedule COH-UC <input type="checkbox"/> Schedule B-SS		
6 Dates of travel	7 Name of person(s) traveling	
	8 Departure city or name of departure location	
	9 Destination city or name of destination location	
10 Means of transportation	11 Purpose of travel (including name of conference, seminar, or other event)	
Name of Contributor / Corporation or Labor Organization / Pledgor / Payee		
Contribution / Expenditure reported on: <input type="checkbox"/> Schedule A2 <input type="checkbox"/> Schedule B <input type="checkbox"/> Schedule B(J) <input type="checkbox"/> Schedule C2 <input type="checkbox"/> Schedule D <input type="checkbox"/> Schedule F1 <input type="checkbox"/> Schedule F2 <input type="checkbox"/> Schedule F4 <input type="checkbox"/> Schedule G <input type="checkbox"/> Schedule H <input type="checkbox"/> Schedule COH-UC <input type="checkbox"/> Schedule B-SS		
Dates of travel	Name of person(s) traveling	
	Departure city or name of departure location	
	Destination city or name of destination location	
Means of transportation	Purpose of travel (including name of conference, seminar, or other event)	
Name of Contributor / Corporation or Labor Organization / Pledgor / Payee		
Contribution / Expenditure reported on: <input type="checkbox"/> Schedule A2 <input type="checkbox"/> Schedule B <input type="checkbox"/> Schedule B(J) <input type="checkbox"/> Schedule C2 <input type="checkbox"/> Schedule D <input type="checkbox"/> Schedule F1 <input type="checkbox"/> Schedule F2 <input type="checkbox"/> Schedule F4 <input type="checkbox"/> Schedule G <input type="checkbox"/> Schedule H <input type="checkbox"/> Schedule COH-UC <input type="checkbox"/> Schedule B-SS		
Dates of travel	Name of person(s) traveling	
	Departure city or name of departure location	
	Destination city or name of destination location	
Means of transportation	Purpose of travel (including name of conference, seminar, or other event)	
<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" ••

1 C/OH NAME

2 Filer ID (Ethics Commission Filers)

### 3 SIGNATURE

I do not expect any further political contributions or political expenditures in connection with my candidacy. I understand that designating a report as a final report terminates my campaign treasurer appointment. I also understand that I may not accept any campaign contributions or make any campaign expenditures without a campaign treasurer appointment on file.

\_\_\_\_\_  
Signature of Candidate / Officeholder

### 4 FILER WHO IS NOT AN OFFICEHOLDER

•• Complete A & B below *only* if you are not an officeholder. ••

#### A. CAMPAIGN FUNDS

Check only one:

- I do not have unexpended contributions or unexpended interest or income earned from political contributions.
- I have unexpended contributions or unexpended interest or income earned from political contributions. I understand that I may not convert unexpended political contributions or unexpended interest or income earned on political contributions to personal use. I also understand that I must file an annual report of unexpended contributions and that I may not retain unexpended contributions or unexpended interest or income earned on political contributions longer than six years after filing this final report. Further, I understand that I must dispose of unexpended political contributions and unexpended interest or income earned on political contributions in accordance with the requirements of Election Code, § 254.204.

#### B. ASSETS

Check only one:

- I do not retain assets purchased with political contributions or interest or other income from political contributions.
- I do retain assets purchased with political contributions or interest or other income from political contributions. I understand that I may not convert assets purchased with political contributions or interest or other income from political contributions to personal use. I also understand that I must dispose of assets purchased with political contributions in accordance with the requirements of Election Code, § 254.204.

\_\_\_\_\_  
Signature of Candidate

### 5 OFFICEHOLDER

•• Complete this section *only* if you are an officeholder ••

- I am aware that I remain subject to filing requirements applicable to an officeholder who does not have a campaign treasurer on file. I am also aware that I will be required to file reports of unexpended contributions if, after filing the last required report as an officeholder, I retain political contributions, interest or other income from political contributions, or assets purchased with political contributions or interest or other income from political contributions.

\_\_\_\_\_  
Signature of Officeholder



## AFFIDAVIT FOR CANDIDATE OR OFFICEHOLDER: ELECTRONIC FILING EXEMPTION

*An exemption affidavit must be submitted with each paper report.*

*Beginning on January 1, 2022, a candidate or officeholder who has accepted more than \$28,800 in political contributions or made more than \$28,800 in political expenditures in any calendar year must file all subsequent reports electronically.*

Filer name	Filer ID #
------------	------------

OFFICE USE ONLY	
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 \$28,800 in political contributions or made more than \$28,800 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 \$28,800 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**

\_\_\_\_\_  
Signature of Filer

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 Filer (Declarant)

**FILERS WHO ARE EXEMPT FROM THE ELECTRONIC FILING REQUIREMENT  
ARE STILL REQUIRED TO FILE CAMPAIGN FINANCE REPORTS ON PAPER**

# TEXAS ETHICS COMMISSION

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



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

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

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

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

Revised January 1, 2022

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*

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

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**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.

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

### **OFFICEHOLDERS**

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

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

### **JUDICIAL CANDIDATES AND OFFICEHOLDERS**

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



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

## FEDERAL OFFICES

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

## FILING AUTHORITIES

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

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

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

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

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

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

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

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

### **POLITICAL COMMITTEES (PACS)**

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

### **FINANCIAL DISCLOSURE STATEMENTS**

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

### **FEDERAL INCOME TAX**

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

### **TEXAS ETHICS COMMISSION**

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

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

The Ethics Commission's mailing address is P.O. Box 12070, Austin, Texas 78711. The phone number is (512) 463-5800. The Ethics Commission maintains a website at [www.ethics.state.tx.us](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 \$90 or less during the reporting period. However, all contributions made electronically must be itemized with this information.)

### **PLEDGES**

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

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

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

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

### **LOANS**

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

Funds” in this guide for additional information.

**Note:** A loan from an incorporated financial institution that has been in business for more than one year is not a contribution. Other loans are considered to be contributions. This distinction is important because of the prohibition on contributions from banks and certain other financial institutions. See “Campaign Finance Restrictions” in this guide. All loans are reported on the same schedule, regardless of whether they are contributions. Additionally, the forgiveness of a loan is a reportable in-kind contribution. See 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 \$940 in a reporting period.** Before *accepting* more than \$940 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 \$190 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 \$940 or less in a reporting period.** For a contribution of \$940 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 \$190 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 \$120;
- any proceeds of the sale of an asset purchased with a political contribution, the amount of which exceeds \$120; and
- any other gain from a political contribution, the amount of which exceeds \$120.

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 \$120 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 \$120. 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 \$940 in officeholder contributions or make more than \$940 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 \$940 in contributions or \$940 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 \$940 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 \$940 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 \$940 in contributions or make more than \$940 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 \$940 in political contributions or make more than \$940 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;

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- 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 \$940 in contributions or made more than \$940 in expenditures in a semiannual period since terminating his or her campaign treasurer appointment is not required to file a semiannual report for that period.
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### **PENALTIES FOR REPORTING VIOLATIONS**

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

### **CAMPAIGN FINANCE RESTRICTIONS**

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

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

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- 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

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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.