CITY OF
MURPHY
LIFE LIVED AT YOUR PACE

From the desk of
Susie Quinn
City Secretary

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Murphy, Tx 75094
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December 21, 2018

Dear Candidate:

Thank you for your interest in serving on the Murphy City Council. This Candidate's Packet is one of two you will receive and will serve as a reference to you for information on filing your application, conducting your campaign and the election process in general. The second packet will be issued at the drawing for a place on the ballot on Tuesday, February 19, 2019 at 5:45 PM.

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

Council Member Place 1
Council Member Place 2
Council Member Place 4
Council Member Place 6

This election will be held on **Saturday, May 4, 2019**. Therefore, in an effort to inform you of dates that will be important to you, legal requirements of the state, the City Secretary's Office has prepared this "Candidate's Packet." **If you are receiving the packet via email there are bookmarks to help you navigate the document.** It is very important that you read and become familiar with all of the documents that have been provided. The following items are of particular importance:

- Application for a Place on the City of Murphy General Election Ballot
  The loyalty oath is included on this form. This application must be filed in the City Secretary's Office no later than 5:00 p.m., Friday, February 15, 2019. The **first day of filing is January 16, 2019**, beginning at 8:00 AM. To allow time for the application to be reviewed by the City Secretary, candidates are encouraged to submit their application and other documents as soon as practicable.

  NOTE: The application contains an area for the inclusion of an E-Mail Address. Please be advised that completion of this area is optional and if completed, the e-mail address will become part of the public record and subject to open records requests. You may wish to create an email address that will be part of your campaign.

- Designation of Campaign Treasurer
  Forms and Instructions are included for both a Candidate and a Specific Purpose Committee, depending on how you intend to report your contributions and expenditures. This form must be on file prior to collecting or spending any money. Please note there is an option for modified reporting located on the back of the forms, along with the footnote on the nepotism law. These forms are created by the Texas Ethics Commission The form must be printed and signed to be officially filed with the City Secretary's Office. This form can be signed and presented at any time and should be filed before accepting or spending any funds on your election campaign.

Other forms and information included in this first Candidate Packet:

- Code of Fair Campaign Practices Form CFCP
- Chapter 258, Election Code – Fair Campaign Practices
- A calendar of important dates for the City's election process.
- Information sheets on political signs from Texas Department of Transportation.
- Ethics Rules regarding political advertising.
- Certificate of Withdrawal form.
- A Guide to Becoming a City Official.

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

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

We appreciate your interest in municipal government and trust this period will be a positive and exciting experience for you and your supporters. Please call me at 972-468-4011 if you have any further questions.

Sincerely,

Susie Quinn

Susie Quinn, TRMC, CMC
City Secretary

**All information is required to be provided unless indicated as optional.**

**APPLICATION FOR A PLACE ON THE** _____City of Murphy - May 4, 2019_____ **GENERAL ELECTION BALLOT**

TO: City Secretary/Secretary of Board

I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.

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

| **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 the address at which you receive personal mail and location of residence.) | **PUBLIC MAILING ADDRESS** (Campaign mailing address, if available.) |

| **CITY** | **STATE** | **ZIP** | **CITY** | **STATE** | **ZIP** |
|---|---|---|---|---|---|
| | | | | | |

| **PUBLIC EMAIL ADDRESS** (If available) | **OCCUPATION** (Do not leave blank) | **DATE OF BIRTH** | **VOTER REGISTRATION VUID NUMBER** (Optional) [1] |
|---|---|---|---|
| | | / / | |

| **TELEPHONE CONTACT INFORMATION** (Optional) | **LENGTH OF CONTINUOUS RESIDENCE AS OF DATE APPLICATION SWORN** | |
|---|---|---|
| | **IN STATE** | **IN TERRITORY ELECTED FROM** |
| Home: | | |
| Work: | _____ year (s) | _____ year (s) |
| Cell: | _____ month(s) | _____ month(s) |

If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election.

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

"I, (name) _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been finally convicted of a felony for which I have not been pardoned or had my full rights of citizenship restored by other official action. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code.

I further swear that the foregoing statements included in my application are in all things true and correct."

**X** _____

SIGNATURE OF CANDIDATE

Sworn to and subscribed before me at _____, this the _____ day of _____, _____.

**SEAL**

_____ _____

Signature of Officer Administering Oath[2] Title of Officer Administering Oath

TO BE COMPLETED BY CITY SECRETARY OR SECRETARY OF BOARD:
(See Section 1.007)

_____ _____

Date Received Signature of Secretary

**Voter Registration Status Verified** ☐

## INSTRUCTIONS

An application to have the name of a candidate placed on the ballot for any general election may not be filed earlier than 30 days before the deadline prescribed by this code for filing the application. An application filed before that day is void.

The general election filing deadline is 5:00 p.m. 78 days prior to election day for any uniform election date.

## NEPOTISM LAW

The candidate must sign this statement indicating his awareness of the nepotism law. The nepotism prohibitions of chapter 573, Government Code, are summarized below:

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

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

Examples of relatives within the third degree of consanguinity are as follows:
(1) First degree: parent, child;
(2) Second degree: brother, sister, grandparent, grandchild;
(3) Third degree: great-grandparent, great-grandchild, uncle, aunt, nephew, niece.

These include relatives by blood, half-blood, and legal adoption. Examples of relatives within the second degree of affinity are as follows:
(1) First degree: spouse, spouse's parent, son-in-law, daughter-in-law;
(2) Second degree: brother's spouse, sister's spouse, spouse's brother, spouse's sister, spouse's grandparent.

Persons related by affinity (marriage) include spouses of relatives by consanguinity, and, if married, the spouse and the spouse's relatives by consanguinity. These examples are not all inclusive.

## FOOTNOTES

[1]Inclusion of a candidate's VUID is optional. However, many candidates are required to be registered voters in the territory from which the office is elected at the time of the filing deadline. Please visit the Elections Division of the Secretary of State's website for additional information. http://www.sos.state.tx.us/elections/laws/hb484-faq.shtml

[2]All oaths, affidavits, or affirmations made within this State may be administered and a certificate of the fact given by a judge, clerk, or commissioner of any court of record, a notary public, a justice of the peace, city secretary, and the Secretary of State of Texas.

**Debe proporcionarse la información requerida a menos que se indique que es opcional.**

**SOLICITUD PARA FIGURAR EN LA BOLETA DE _____ELECCIÓN GENERAL**

A: Secretario(a) de la Ciudad

Solicito que mi nombre figure en la boleta oficial indicada más arriba como candidato/a al cargo a continuación.

**PUESTO OFICIAL SOLICITADO** (Incluya cualquier número de cargo u otro número distintivo, si el cargo lo tiene).

| **NOMBRE COMPLETO** (Primer nombre, segundo nombre, apellido) | **ESCRIBA SU NOMBRE COMO DESEA QUE FIGURE EN LA BOLETA** |
|---|---|
| **DIRECCIÓN RESIDENCIAL PERMANENTE** (No incluya una casilla postal o una ruta rural. Si usted no tiene una dirección residencial, describa el lugar en que recibe correspondencia personal y la ubicación de su residencia) | **DIRECCIÓN POSTAL PÚBLICA** (Dirección en la que recibirá correspondencia relacionada a su campaña, si es disponible.) |

| **CIUDAD** | **ESTADO** | **CÓDIGO POSTAL** | **CIUDAD** | **ESTADO** | **CÓDIGO POSTAL** |
|---|---|---|---|---|---|
| | | | | | |

| **CORREO ELECTRÓNICO PÚBLICO** (Si está disponible.) | **EMPLEO** (No deje este espacio en blanco.) | **FECHA DE NACIMIENTO** / / | **VUID – NÚMERO UNICO DE IDENTIFICACION DE VOTANTE[1]** (Opcional) |
|---|---|---|---|

| **INFORMACIÓN DE CONTACTO** (Opcional) | **DURACIÓN DE RESIDENCIA CONTINUA AL MOMENTO DE JURAMENTAR ESTA SOLICITUD** | |
|---|---|---|
| Tel. residencial: | **EN EL ESTADO** | **EN EL TERRITORIO POR EL CUAL SERIA ELECTO/A** |
| Tel. laboral: | _____ año(s) | _____ año(s) |
| Tel. celular: | _____ mes(es) | _____ mes(es) |

En caso de usar un apodo como parte de su nombre en la boleta, usted también firma y jura lo siguiente: Asimismo, juro que mi apodo no constituye un lema político ni tampoco es una indicación de mis creencias o afiliaciones políticas, económicas, sociales o religiosas. Se me ha conocido por este apodo durante al menos tres años antes de esta elección.

Ante mí, la autoridad suscrita, compareció (nombre)_____, quien frente a mí y bajo juramento debido, declara:

"Yo, (nombre)_____, del condado de _____, Texas, siendo candidato para el cargo oficial de _____, juro solemnemente que apoyaré y defenderé la Constitución y las leyes de los Estados Unidos y del Estado de Texas. Soy ciudadano de los Estados Unidos elegible para ocupar tal cargo oficial bajo la Constitución y las leyes de este Estado. No se me ha condenado por un delito mayor por el cual no haya sido absuelto o por el cual no se me hayan restituido enteramente mis derechos de ciudadanía por medio de otra acción oficial. No existe un fallo final de un tribunal testamentario que me declare total o parcialmente incapacitado mentalmente sin derecho a votar. Yo tengo conocimiento de la ley sobre el nepotismo según el Capítulo 573 del Código de Gobierno.

Además, juro que las declaraciones anteriores que incluyo en mi solicitud son verdaderas y correctas".

**X** _____

FIRMA DEL CANDIDATO

Jurado y suscrito ante mí en _____, este día _____ de _____, _____.

**SELLO**

_____ _____

Firma del oficial que administra el juramento[2] Título del oficial que administra el juramento

TO BE COMPLETED BY CITY SECRETARY OR SECRETARY OF BOARD:

(See Section 1.007)

_____ _____

Date Received Signature of Secretary

**Voter Registration Status Verified** ☐

## INSTRUCCIONES

La solicitud para que el nombre de un candidato figure en la boleta para cualquier elección general no deberá registrarse antes de los treinta (30) días previos a la fecha límite para registrar la solicitud, según lo prescribe este código. Cualquier solicitud registrada antes de esa fecha se declarará inválida.

El último día para registrarse es a las 5 de la tarde setenta y ocho (78) días antes del día de la elección en el caso de elecciones uniformes.

## LEY SOBRE EL NEPOTISMO

El candidato deberá firmar esta declaración para indicar que tiene conocimiento sobre la ley sobre el nepotismo. A continuación figuran las prohibiciones del nepotismo según el capítulo 573 de Código Gobierno:

Ningún funcionario podrá nombrar, votar por o confirmar el nombramiento o empleo de ninguno de sus parientes en segundo grado por afinidad (matrimonio) o en tercer grado por consanguinidad (sangre), o de los parientes de cualquier otro integrante del cuerpo directivo o tribunal en que el funcionario celebre sesión cuando la compensación para esa persona se pagare con fondos públicos u honorarios de su puesto oficial. Sin embargo, la ley no prohíbe el nombramiento, el votar por o la confirmación de ninguna persona que haya trabajado en la oficina de manera continua o el empleo para el siguiente período antes de la elección o el nombramiento del funcionario o miembro emparentado con el empleado en el grado prohibido: seis meses, si el funcionario o miembro se elige en una elección general de funcionarios de estado y condado.

Ningún candidato podrá influir sobre un empleado relacionado al puesto oficial al cual el candidato aspira o un empleado o funcionario del cuerpo fiscal al cual el candidato aspira respecto del nombramiento o el empleo de un pariente del candidato en un grado prohibido según se indica arriba. Esta restricción no se dirige a las acciones de un candidato respecto de una clase o categoría de empleados o posibles empleados de buena fe.
Los ejemplos de parentesco en tercer grado por consanguinidad son los siguientes:
(1) Primer grado: padre, madre, hijo(a);
(2) Segundo grado: hermano(a), abuelo(a), nieto(a);
(3) Tercer grado: bisabuelo(a), bisnieto(a), tío(a), sobrino(a).

Los siguientes incluyen parentescos de consanguinidad, medios hermanos y adopción legal. Los ejemplos de parentescos en segundo grado por afinidad son los siguientes:
(1) Primer grado: cónyuge, suegro(a), yerno, nuera;
(2) Segundo grado: cuñado(a), abuelo(a) del cónyuge.

Las personas que están emparentadas por afinidad (matrimonio) incluyen los cónyuges de parientes emparentados por consanguinidad, y, si casados, el cónyuge y los parientes del cónyuge por consanguinidad. No todos estos ejemplos son inclusivos.

## NOTAS

[1]La inclusión del número único de identificación de votante (VUID, por sus siglas en Ingles) es opcional. Sin embargo, para muchos candidatos, es un requisito estar registrados como votantes en el territorio por el cual serían electos a partir de la fecha límite de la solicitud. Puede encontrar información adicional sobre el requisito de registro de votante en nuestra página: http://www.sos.state.tx.us/elections/laws/hb484-faq.shtml

[2]Los juramentos, las declaraciones juradas o las afirmaciones que se efectúen dentro de este Estado podrán ser administradas por un juez, escribano o comisionado de alguna corte de registro, por un notario público, un juez de paz, un secretario de la ciudad o el Secretario de Estado de Texas, quienes cuentan con la capacidad de proporcionar un certificado del hecho.

# APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

FORM CTA
PG 1

**See CTA Instruction Guide for detailed instructions.**

1 Total pages filed:

**OFFICE USE ONLY**

Acct. #

Date Received

Date Hand-delivered or Postmarked

Date Processed

Date Imaged

| | | | | | | |
|---|---|---|---|---|---|---|
| 2 CANDIDATE NAME | MS / MRS / MR | FIRST | | | MI | |
| | NICKNAME | LAST | | | SUFFIX | |
| 3 CANDIDATE MAILING ADDRESS | ADDRESS / PO BOX; | APT / SUITE #; | CITY; | STATE; | ZIP CODE | |
| 4 CANDIDATE PHONE | AREA CODE ( ) | PHONE NUMBER | | EXTENSION | | |
| 5 OFFICE HELD (if any) | | | | | | |
| 6 OFFICE SOUGHT (if known) | | | | | | |
| 7 CAMPAIGN TREASURER NAME | MS/MRS/MR | FIRST | MI | NICKNAME | LAST | SUFFIX |
| 8 CAMPAIGN TREASURER STREET ADDRESS (residence or business) | STREET ADDRESS (NO PO BOX PLEASE); | APT / SUITE #; | CITY; | STATE; | ZIP CODE | |
| 9 CAMPAIGN TREASURER PHONE | AREA CODE ( ) | PHONE NUMBER | | EXTENSION | | |

**10 CANDIDATE SIGNATURE**

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

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

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

Signature of Candidate

Date Signed

**GO TO PAGE 2**

# CANDIDATE MODIFIED REPORTING DECLARATION



| | |
|---|---|
| **11** CANDIDATE NAME | |
| **12** MODIFIED REPORTING DECLARATION | **COMPLETE THIS SECTION ONLY IF YOU ARE CHOOSING MODIFIED REPORTING**<br><br>**•• This declaration must be filed no later than the 30th day before the first election to which the declaration applies. ••**<br><br>**•• The modified reporting option is valid for one election cycle only. ••**<br>(An election cycle includes a primary election, a general election, and any related runoffs.)<br><br>**•• Candidates for the office of state chair of a political party may NOT choose modified reporting. ••**<br><br>I do not intend to accept more than $500 in political contributions or make more than $500 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.<br><br>_____ _____<br>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.**

# TEXAS ETHICS COMMISSION

## APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

### FORM CTA – INSTRUCTION GUIDE

**Revised July 14, 2010**

**Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711**
**(512) 463-5800 FAX (512) 463-5777 TDD 1-800-735-2989**

**Visit us at *http://www.ethics.state.tx.us* on the Internet.**

**AN EQUAL OPPORTUNITY EMPLOYER**
The Texas Ethics Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

# FORM CTA–INSTRUCTION GUIDE

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# APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

## GENERAL INSTRUCTIONS

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

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

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

**DUTIES OF A CAMPAIGN TREASURER.** State law does not impose any obligations on a candidate's campaign treasurer.

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

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

(B) the filing of an application for a place on the ballot;

(C) the filing of an application for nomination by convention;

(D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy;

(E) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;

(F) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of communication;

(G) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure; and

(H) the seeking of the nomination of an executive committee of a political party to fill a vacancy.

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

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

**WHERE TO FILE A CAMPAIGN TREASURER APPOINTMENT.** The appropriate filing authority depends on the office sought or held.

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

- Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, Land Commissioner, Agriculture Commissioner, Railroad Commissioner.
- State Senator or State Representative.
- Supreme Court Justice, Court of Criminal Appeals Judge, and Court of Appeals Judge.*
- State Board of Education.
- A multi-county district judge* or multi-county district attorney.
- A single-county district judge.*

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

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

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

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

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

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

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

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

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

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

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

**TERMINATING A CAMPAIGN TREASURER APPOINTMENT.** You may terminate your campaign treasurer appointment at any time by:

1) filing a campaign treasurer appointment for a successor campaign treasurer, or

2) filing a final report.

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

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

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

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

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

**ELECTRONIC FILING.** All persons filing campaign finance reports with the Texas Ethics Commission are required to file those reports electronically unless the person is entitled to claim an exemption. Please check the Ethics 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 Ethics Commission's campaign finance guide. Guides are available on the Ethics Commission's website at *http://www.ethics.state.tx.us.*

## SPECIFIC INSTRUCTIONS

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

### PAGE 1

1. **TOTAL PAGES FILED**: After you have completed the form, enter the total number of pages of this form and any additional pages. A "page" is one side of a two-sided form. If you are not using a two-sided form, a "page" is a single sheet.

2. **CANDIDATE NAME**: Enter your full name, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable. Enter your name in the same way on Page 2, Section 11, of this form.

3. **CANDIDATE MAILING ADDRESS**: Enter your complete mailing address, including zip code. This information will allow your filing authority to correspond with you. If this information changes, please notify your filing authority immediately.

4. **CANDIDATE PHONE**: Enter your phone number, including the area code and extension, if applicable.

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

6. **OFFICE SOUGHT**: If you are a candidate, please enter the office you seek, if known. Include the district, precinct, or other designation for the office, if applicable.

7. **CAMPAIGN TREASURER NAME**: Enter the full name of your campaign treasurer, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.

8. **CAMPAIGN TREASURER STREET ADDRESS**: Enter the complete street address of your campaign treasurer, including the zip code. You may enter either the treasurer's business or residential street address. If you are your own treasurer, you may enter either your business or residential street address. Please do not enter a P.O. Box.

9. **CAMPAIGN TREASURER PHONE**: Enter the phone number of your campaign treasurer, including the area code and extension, if applicable.

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

    - The Texas nepotism law (Government Code, chapter 573) imposes certain restrictions on both officeholders and candidates. You should consult the statute in regard to the restrictions applicable to officeholders.

    - A candidate may not take an affirmative action to influence an employee of the office to which the candidate seeks election in regard to the appointment, confirmation, employment or employment conditions of an individual who is related to the candidate within a prohibited degree.

    - A candidate for a multi-member governmental body may not take an affirmative action to influence an officer or employee of the governmental body to which the candidate seeks election in regard to the appointment, confirmation, or employment of an individual related to the candidate in a prohibited degree.

    - Two people are related within a prohibited degree if they are related within the third degree by consanguinity (blood) or the second degree by affinity (marriage). The degree of consanguinity is determined by the number of generations that separate them. If neither is descended from the other, the degree of consanguinity is determined by adding the number of generations that each is separated from a common ancestor. Examples: (1) first degree - parent to child; (2) second degree - grandparent to grandchild; or brother to sister; (3) third degree - great-grandparent to great-grandchild; or aunt to niece who is child of individual's brother or sister. A husband and wife are related in the first degree by affinity. A wife has the same degree of relationship by affinity to her husband's relatives as her husband has by consanguinity. For example, a wife is related to her husband's grandmother in the second degree by affinity.

## PAGE 2

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

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

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

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 $500 in political contributions or make more than $500 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 $500 expenditure limit. An opposed candidate who reports under the modified schedule is not required to file pre-election reports (due 30 days and 8 days before an election) or runoff reports (due 8 days before a runoff). (Note: An *unopposed* candidate is not required to file pre-election reports in the first place.) The obligations to file semiannual reports, special pre-election reports (formerly known as telegram reports), or special session reports, if applicable, are not affected by selecting the modified schedule.

The $500 maximums apply to each election within the cycle. In other words, you are limited to $500 in contributions and expenditures in connection with the primary, an additional $500 in contributions and expenditures in connection with the general election, and an additional $500 in contributions and expenditures in connection with a runoff.

**EXCEEDING $500 IN CONTRIBUTIONS OR EXPENDITURES.** If you exceed $500 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 $500 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 Ethics Commission's campaign finance guide that applies to you.*

# APPOINTMENT OF A CAMPAIGN TREASURER BY A SPECIFIC-PURPOSE COMMITTEE

FORM STA
PG 1

**See STA Instruction Guide for detailed instructions.**

1 Total pages filed:

**OFFICE USE ONLY**

Acct. #

Date Received

HD/PM

Date Processed

Date Imaged

| | |
|---|---|
| 2 COMMITTEE NAME | |
| 3 COMMITTEE ADDRESS | ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE |
| 4 CAMPAIGN TREASURER NAME | MS / MRS / MR FIRST MI<br>NICKNAME LAST SUFFIX |
| 5 CAMPAIGN TREASURER STREET ADDRESS (residence or business) | STREET ADDRESS (NO PO BOX PLEASE); APT / SUITE #; CITY; STATE; ZIP CODE |
| 6 MAILING ADDRESS ☐ same as above | ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE |
| 7 CAMPAIGN TREASURER PHONE | AREA CODE PHONE NUMBER EXTENSION<br>( ) |
| 8 PERSON APPOINTING TREASURER | FIRST MI LAST SUFFIX |
| 9 SIGNATURE | I understand that I have been appointed as the campaign treasurer for this specific-purpose committee and that I am responsible for filing all required reports and that I may be subject to fines for failure to do so. I am aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations.<br>Signature of Campaign Treasurer |
| 10 ASSISTANT CAMPAIGN TREASURER (see instructions) | FIRST MI LAST SUFFIX |
| 11 ASSISTANT CAMPAIGN TREASURER ADDRESS | ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE |
| 12 ASSISTANT CAMPAIGN TREASURER PHONE | AREA CODE PHONE NUMBER EXTENSION<br>( ) |

**CONTINUE ON PAGE 2**

# SPECIFIC-PURPOSE COMMITTEE:

## PURPOSE AND MODIFIED REPORTING DECLARATION

FORM STA

PG 2

**13** COMMITTEE NAME

**14** COMMITTEE PURPOSE

☐ SUPPORT CANDIDATE

☐ OPPOSE CANDIDATE

☐ ASSIST OFFICEHOLDER

CANDIDATE / OFFICEHOLDER NAME

OFFICE SOUGHT (candidate) / OFFICE HELD (officeholder)

☐ SUPPORT MEASURE

☐ OPPOSE MEASURE

BALLOT IDENTIFICATION OF MEASURE / #

ELECTION DATE

Month / Day / Year

DESCRIPTION

**15** MODIFIED REPORTING DECLARATION

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

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

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

The committee does not intend to accept more than $500 in political contributions or make more than $500 in political expenditures (excluding filing fees) in connection with any future election within the election cycle. The committee understands that if either one of those limits is exceeded, the committee's campaign treasurer will be required to file pre-election reports and, if necessary, a runoff report.

Year of election(s) or election cycle to which declaration applies

Signature of Campaign Treasurer

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

# TEXAS ETHICS COMMISSION

## APPOINTMENT OF A CAMPAIGN TREASURER BY A SPECIFIC-PURPOSE COMMITTEE

### FORM STA – INSTRUCTION GUIDE

**Revised September 10, 2009**

**Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711**
**(512) 463-5800 FAX (512) 463-5777 TDD 1-800-735-2989**

**Visit us at *http://www.ethics.state.tx.us* on the Internet.**

**AN EQUAL OPPORTUNITY EMPLOYER**
The Texas Ethics Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

# FORM STA – INSTRUCTION GUIDE

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# APPOINTMENT OF A CAMPAIGN TREASURER BY A SPECIFIC-PURPOSE COMMITTEE

## GENERAL INSTRUCTIONS

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

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

**WHEN TO FILE A CAMPAIGN TREASURER APPOINTMENT.** A specific-purpose committee must file a campaign treasurer appointment before it may accept more than $500 in political contributions or make more than $500 in political expenditures.

A specific-purpose committee that has not exceeded $500 in contributions or expenditures may file a campaign treasurer appointment. Once a specific-purpose committee files a campaign treasurer appointment, however, the committee must begin filing reports of contributions, expenditures, and loans.

In addition, a specific-purpose committee may not make over $500 in campaign contributions or $500 in campaign expenditures to support or oppose candidates in a primary or general election for the following offices unless the committee's campaign treasurer appointment is on file by the 30th day before the appropriate election day:

- Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, Land Commissioner, Agriculture Commissioner, Railroad Commissioner
- State Senator or State Representative
- Supreme Court Justice, Court of Criminal Appeals Judge, and Court of Appeals Judge
- State Board of Education
- multi-county district judge or district attorney
- single-county district judge

**QUALIFICATIONS OF CAMPAIGN TREASURER.** A person is ineligible for appointment as a campaign treasurer if the person is the campaign treasurer of a political committee that has outstanding filing obligations (including outstanding penalties). This prohibition does not apply if the committee in connection with which the ineligibility arose has not accepted more than $5,000 in political contributions or made more than $5,000 in political expenditures in any semiannual

reporting period. A person who violates this prohibition is liable for a civil penalty not to exceed three times the amount of political contributions accepted or political expenditures contributions made in violation of this provision.

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

**WHERE TO FILE A CAMPAIGN TREASURER APPOINTMENT.** The appropriate filing authority depends on the nature of the specific-purpose committee's activities.

**a. Texas Ethics Commission.**

- The Texas Ethics Commission is the appropriate filing authority for a political committee that supports, opposes, or assists candidates or officeholders who are required to file with the commission. Candidates for and officeholders of the offices listed in the "When to File a Campaign Treasurer Appointment" section are required to file with the commission.

- A specific-purpose political committee files with the Ethics Commission if it supports, opposes, or assists a candidate for or holder of an office of a political subdivision other than a county if the political subdivision includes areas in more than one county and if the governing body of the political subdivision has not been formed.

- A specific-purpose committee files with the Ethics Commission if it supports or opposes a measure to be submitted to the voters of the entire state.

- A specific-purpose committee files with the Ethics Commission if it supports or opposes a measure that concerns a political subdivision other than a county if the political subdivision includes areas in more than one county and if the governing body of the political subdivision has not been formed.

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

- A county office

- A precinct office

- A district office other than the office of single-county district judge

- An office of a political subdivision other than a county if the political subdivision is within the boundaries of a single county and if the governing body of the political subdivision has not been formed

- A specific-purpose committee files with the county clerk if it supports or opposes a measure to be submitted to the voters of a single county in an election ordered by a county authority.

- A specific-purpose committee files with the county clerk if it supports or opposes a measure that concerns a political subdivision other than a county if no boundary of the political subdivision crosses a boundary of the county and if the governing body of the political subdivision has not been formed.

**c. Other Local Filing Authority.** If a specific-purpose committee supports, opposes, or assists a candidate for or holder of an office of a political subdivision other than a county or if the committee supports or opposes a measure to be submitted at an election ordered by an authority 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 OPTION FOR CERTAIN SPECIFIC-PURPOSE COMMITTEES.** A specific-purpose committee required to file with more than one authority may instead choose to file with the Texas Ethics Commission only and with no other authority.

**SPECIFIC-PURPOSE COMMITTEE SUPPORTING A CANDIDATE.** Before a specific-purpose committee has exceeded $500 in contributions or expenditures to support a candidate, the committee must file a specific-purpose committee campaign treasurer appointment (Form STA). The candidate must file a candidate's campaign treasurer appointment (Form CTA). Remember that the specific-purpose committee's campaign treasurer must file reports for the committee. However, this does not eliminate the requirement that the candidate also file a candidate's campaign treasurer appointment and periodic reports.

**JUDICIAL SPECIFIC-PURPOSE COMMITTEE.** A specific-purpose committee that supports or opposes a judicial candidate or assists a judicial officer should review the Ethics Commission's Guide for Judicial Candidates and Officeholders, which is available on the commission's website at *http://www.ethics.state.tx.us*.

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

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

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

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

**APPOINTING AN ASSISTANT CAMPAIGN TREASURER.** A specific-purpose committee formed to support or oppose a candidate or candidates for the following offices may appoint an assistant campaign treasurer:

- Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, Land Commissioner, Agriculture Commissioner, Railroad Commissioner
- State Senator or State Representative
- Supreme Court Justice, Court of Criminal Appeals Judge, and Court of Appeals Judge
- State Board of Education
- a multi-county district judge or district attorney
- single-county district judge

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

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

**TERMINATING A CAMPAIGN TREASURER APPOINTMENT.** A specific-purpose committee may terminate its campaign treasurer appointment at any time by:

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

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

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

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

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

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

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

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

**GUIDES.** The Ethics Commission's *Campaign Finance Guide For Political Committees* is available on the commissions website at http://www.ethics.state.tx.us.

## SPECIFIC INSTRUCTIONS

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

### PAGE 1

**1. TOTAL PAGES FILED**: After completing the form, enter the total number of pages you are filing of this form and any additional pages. A "page" is one side of a two-sided form. If you are not using a two-sided form, a "page" is a single sheet.

**2. COMMITTEE NAME**: Enter the committee's full name here and on Page 2, Section 13, of this form. The committee's name must include the candidate's name if the committee was formed to support a candidate for one of the following offices:

- Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, Land Commissioner, Agriculture Commissioner, Railroad Commissioner
- State Senator or State Representative
- Supreme Court Justice, Court of Criminal Appeals Judge, and Court of Appeals Judge
- State Board of Education
- multi-county district judge or district attorney
- single-county district judge

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

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

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

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

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

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

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

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

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

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

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

## PAGE 2

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

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

### CANDIDATE/OFFICEHOLDER INFORMATION

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

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

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

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

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

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

**MEASURE INFORMATION**

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

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

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

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

**Description:** Enter a description of the measure.

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

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

A specific-purpose committee that supports or opposes an opposed candidate or a measure in an election is eligible to report under the modified reporting schedule if the committee does not intend to accept more than $500 in political contributions or make more than $500 in political expenditures in connection with an election. A specific-purpose committee that reports under the modified reporting schedule is not required to file pre-election reports (due 30 days and 8 days before an election) or runoff reports (due 8 days before a runoff). (*Note:* a specific-purpose committee that supports or opposes an *unopposed* candidate is not required to file pre-election reports in the first place.) The committee campaign treasurer's obligation to file semi-annual reports, special pre-election reports (formerly known as telegram reports), or special session reports, if applicable, is not affected by selecting the modified reporting schedule.

The $500 maximums apply to each election within the cycle. In other words, the committee is limited to $500 in contributions and expenditures in connection with the primary, an additional $500 in contributions and expenditures in connection with the general election, and an additional $500 in contributions and expenditures in connection with a runoff.

**Exceeding $500 in contributions or expenditures.** If the committee exceeds $500 in contributions or expenditures in connection with an election, the campaign treasurer must file according to the regular filing schedule. In other words, the committee's campaign treasurer must file pre-election reports and a runoff report, if applicable.

If the committee exceeds either of the $500 limits *after the 30th day before the election*, the campaign treasurer must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, the campaign treasurer must file any pre-election reports or runoff reports that are due under the regular filing schedule.

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

*For more information, see the Texas Ethics Commission's Campaign Finance Guide For Political Committees.*

Texas Ethics Commission P.O. Box 12070 Austin, Texas 78711-2070 (512) 463-5800 (TDD 1-800-735-2989)

# CODE OF FAIR CAMPAIGN PRACTICES

**FORM CFCP**
**COVER SHEET**

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

*Subscription to the Code of Fair Campaign Practices is voluntary.*

**OFFICE USE ONLY**

Date Received

Date Hand-delivered or Postmarked

Date Processed

Date Imaged

**1** ACCOUNT NUMBER
(Ethics Commission Filers)

**2** TYPE OF FILER

CANDIDATE ☐

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

POLITICAL COMMITTEE ☐

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

**3** NAME OF CANDIDATE
(PLEASE TYPE OR PRINT)

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

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

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

AREA CODE PHONE NUMBER EXTENSION

( )

**5** ADDRESS OF CANDIDATE
(PLEASE TYPE OR PRINT)

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

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

**7** NAME OF COMMITTEE
(PLEASE TYPE OR PRINT)

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

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

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

**GO TO PAGE 2**

# CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate and political committee in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional rights to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I will conduct the campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and stated positions on issues.

(2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.

(3) I will not use or permit any appeal to negative prejudice based on race, sex, religion, or national origin.

(4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.

(5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.

(6) I will defend and uphold the right of every qualified voter to full and equal participation in the electoral process, and will not engage in any activity aimed at intimidating voters or discouraging them from voting.

(7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Texas or campaign treasurer of a political committee, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct the campaign in accordance with the above principles and practices.

_____ _____

Signature Date

# TEXAS ETHICS COMMISSION

## CHAPTER 258, ELECTION CODE

## FAIR CAMPAIGN PRACTICES

**Effective September 1, 1997**
**(Revised 09/01/2015)**

**Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070**
**(512) 463-5800 FAX (512) 463-5777 TDD 1-800-735-2989**
**Visit us at http://www.ethics.state.tx.us on the Internet.**

**AN EQUAL OPPORTUNITY EMPLOYER**
The Texas Ethics Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

# CHAPTER 258, ELECTION CODE

# FAIR CAMPAIGN PRACTICES

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# ELECTION CODE

## TITLE 15. REGULATING POLITICAL FUNDS AND CAMPAIGNS

## CHAPTER 258. FAIR CAMPAIGN PRACTICES

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

**Sec. 258.002. PURPOSE**.

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

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

**Sec. 258.003. DELIVERY OF COPY OF CODE**.

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

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

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

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate and political committee in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional rights to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I will conduct the campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and stated positions on issues.

(2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.

(3) I will not use or permit any appeal to negative prejudice based on race, sex, religion, or national origin.

(4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at

creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.

(5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.

(6) I will defend and uphold the right of every qualified voter to full and equal participation in the electoral process, and will not engage in any activity aimed at intimidating voters or discouraging them from voting.

(7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Texas or campaign treasurer of a political committee, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct the campaign in accordance with the above principles and practices.

VOID – COPY ONLY - VOID[1]

_____ _____

Date Signature

**Sec. 258.005. FORMS**. The commission shall print copies of the Code of Fair Campaign Practices and shall supply the forms to the authorities with whom copies of the code may be filed in quantities and at times requested by the authorities.

**Sec. 258.006. ACCEPTANCE AND PRESERVATION OF COPIES**.

(a) An authority with whom a campaign treasurer appointment is filed shall accept each completed copy of the code submitted to the authority that is properly subscribed to by a candidate or the campaign treasurer of a political committee.

(b) Each copy of the code accepted under this section shall be preserved by the authority with whom it is filed for the period prescribed for the filer's campaign treasurer appointment.

**Sec. 258.007. SUBSCRIPTION TO CODE VOLUNTARY**. The subscription to the Code of Fair Campaign Practices by a candidate or a political committee is voluntary.

**Sec. 258.008. INDICATION ON POLITICAL ADVERTISING**. A candidate or a political committee that has filed a copy of the Code of Fair Campaign Practices may so indicate on political advertising in a form to be determined by the commission.

**Sec. 258.009. CIVIL CAUSE OF ACTION**. This chapter does not create a civil cause of action for recovery of damages or for enforcement of this chapter.

[1] This document is a copy of chapter 258, Election Code. To subscribe to the Code of Fair Campaign Practices, a candidate or campaign treasurer of a political committee must submit Texas Ethics Commission FORM CFCP, not a signed copy of this document.

**CITY COUNCIL ELECTION**
**MAY 4, 2019**
**CALENDAR OF EVENTS**

| DATE OF ACTION | TYPE OF ACTION | ELECTION CODE |
|---|---|---|
| Wednesday<br>January 16, 2019 | FIRST DAY FOR CANDIDATES TO FILE FOR OFFICE | TEC §143.007(a) |
| Wednesday<br>January 16, 2019 | FIRST DAY FOR FILING DECLARATION OF WRITE-IN CANDIDACY | TEC §146.025(a) and 146.055 |
| Friday<br>February 15, 2019 | LAST DAY FOR CANDIDATES TO FILE FOR OFFICE BY 5:00 P.M. | TEC §143.007(a) |
| Tuesday<br>February 19, 2019 | LAST DAY FOR FILING BY A WRITE-IN CANDIDATE BY 5:00 P.M. | TEC §146.054 |
| Tuesday<br>February 19, 2019 | DRAWING FOR PLACES ON THE BALLOT AT 5:45 P.M. IN THE COUNCIL CHAMBER | TEC § 52.094 |
| Friday<br>February 22, 2016 | LAST DAY FOR BALLOT CANDIDATES TO WITHDRAW BY 5:00 P.M. | TEC §145.092(b) and 145.094(a)(3) |
| Friday<br>February 22, 2019 | LAST DAY FOR WRITE-IN CANDIDATES TO WITHDRAW BY MIDNIGHT. | TEC §146.0301(a) |
| Thursday<br>April 4, 2019 | LAST DAY TO REGISTER TO VOTE FOR MAY ELECTION | TEC §13.143(a) |
| Thursday<br>April 4, 2019 | FIRST CONTRIBUTION AND EXPENDITURE REPORT DUE BY 5:00 P.M. (30 days before election) | TEC §254.064(b) |
| Monday<br>April 22, 2019 | FIRST DAY OF EARLY VOTING BY PERSONAL APPEARANCE | TEC §85.001(a) |
| Friday<br>April 26, 2019 | SECOND CONTRIBUTION AND EXPENDITURE REPORT DUE BY 5:00 P.M. (8 days before the election) | TEC §254.064(c) |

**City Secretary's Office**
City of Murphy★206 N. Murphy Road ★Murphy, Texas 75089
(972) 468-4011★FAX (972) 468-4012

| | | |
|---|---|---|
| Tuesday<br>April 30, 2019 | LAST DAY FOR EARLY VOTING BY PERSONAL APPEARANCE | TEC §85.001(a) |
| **Saturday**<br>**May 4, 2019** | **ELECTION DAY**<br>**Polls open 7:00 a.m. to 7:00 p.m.** | **TEC §41.031** |
| Tuesday<br>May 7-15, 2019<br>**(Proposed Date is for May 14, 2019)**<br>**(Special Called meeting may be required)** | TIMEFRAME TO PERFORM CANVASS OF ELECTION RETURNS, DECLARE WINNERS AND ISSUE CERTIFICATES OF ELECTION | TEC §67.003 |
| Sunday<br>May 12-20, 2019<br>**(Proposed Date is for May 14, 2019)**<br>**(Special Called meeting may be required)** | COUNCIL ORDERS RUN-OFF ELECTION, IF NECESSARY | TEC §2.024 |
| Tuesday<br>June 4, 2019 | NEWLY ELECTED COUNCIL MEMBERS RECEIVE OATH OF OFFICE | MURPHY CHARTER<br>Chapter V, Section 5.05 |
| Saturday<br>June 8, 2019 | RUN-OFF ELECTION | TEC §2.025 |
| Tuesday<br>June 11 to June 19, 2019<br>**(Special Called meeting may be required)** | TIMEFRAME TO PERFORM CANVASS OF ELECTION RETURNS, DECLARE WINNERS AND ISSUE CERTIFICATES OF ELECTION (IF ELECTION HELD ON JUNE 8, 2019) | TEC §67.003(2) |
| Monday<br>July 15, 2019 | SEMI-ANNUAL CONTRIBUTION AND EXPENDITURE REPORT FILING DUE BY 5:00 P.M. | TEC §254.063 |
| Tuesday<br>July 2, 2019 | NEWLY ELECTED (OR RE-ELECTED) COUNCIL MEMBERS RECEIVE THEIR OATHS OF OFFICE | MURPHY CHARTER<br>Chapter V, Section 5.05 |

Texas Department of Transportation

*Providing safe, effective, and efficient movement of people and goods.*

# Rules for Posting Campaign Signs

During campaign season, the landscape blooms with a special kind of flower - the political sign. Unlike wildflowers that are welcome anywhere, putting campaign signs on public lands is illegal. So before you plant that sign, learn the law and keep Texas beautiful.

## You need to know

- It is illegal to place any signs on or within the right of way. This includes posting signs on trees, telephone poles, traffic signs and other objects on the right of way.
- Campaign signs along Texas roads can be placed on private property with the owner's permission. Signs must be made of lightweight material and be no larger than 50 square feet.
- Campaign signs may be posted as early as 90 days before an election (no earlier) and must be removed within 10 days after the election.
- Before placing a sign inside of incorporated city limits, check with the city for applicable ordinances.

## Sign Removal

If you've placed your sign in the right of way or it's posing a traffic hazard, we will remove it without prior notice. All costs associated with sign removal will be paid by the sign owner.

## Contact Us

For more information about the rules governing campaign signs, please call (512) 416-2901.

# POLITICAL ADVERTISING

## WHAT YOU NEED TO KNOW

The Texas Election Law 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
Fax (512) 463-5777

Visit us at *http://www.ethics.state.tx.us* on the Internet.

***Revised January 12, 2015***

## 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. Wisconsin Right to Life, Inc., 127 S.Ct. 2652 (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

1. 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.

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 theEthics 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; and

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.)

**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 Rule For Judicial Candidates, Officeholders, and Committees.**

Candidates for the Supreme Court, Court of Criminal Appeals, courts of appeals, district courts, statutory county courts (county courts-at-law), and statutory probate courts are required to file a form declaring their intent to either comply with or exceed the voluntary expenditure limits of the Judicial Campaign Fairness Act.

A candidate who has declared an intent to comply with the expenditure limits, as well as a specific-purpose committee supporting such a candidate, may state the following in political advertising:

**Political advertising paid for by (name of candidate or committee) in compliance with the voluntary limits of the Judicial Campaign Fairness Act.**

If a candidate declares an intent to exceed the expenditure limits, however, both the candidate and any specific-purpose committee supporting the candidate must include in their political advertising the following statement:

**Political advertising paid for by (name of candidate or committee), (who or which) has rejected the voluntary limits of the Judicial Campaign Fairness Act.**

## 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 255.007 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 and with the Texas Department of Transportation at (512) 416-2901.

## 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**

**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 officeholders may use the state seal in political advertising.

In compliance with the Americans With Disabilities Act, the publications of the Texas Ethics Commission are available in alternative formats.

The Texas Ethics Commission is an Equal Opportunity Employer and does not discriminate in providing services and employment.

Copies of this publication have been distributed in compliance with the State Depository Law.

AW3-16
Prescribed by Secretary of State
Section 145.001, Texas Election Code
03/07

# CERTIFICATE OF WITHDRAWAL

**I, _____, a candidate for the office of _____, hereby withdraw my candidacy from the _____ election. The election is being conducted by _____ and is to be held on _____.**
**(political subdivision/county/party) (date)**

_____
**Signature of Candidate**

**"The State of _____,**

**"County of _____,**

**"This instrument was acknowledged before me on _____ by**
**(date)**

_____.
**(withdrawing candidate)**

_____
**(Signature of officer)**

**(Seal)**

_____
**(Title of officer)**

**My commission expires:_____**

*Forma prescrita por la Secretaría de Estado*
*Fracción 145.001 del Código Electoral de Tejas*

## *CONSTANCIA DE RETIRO DE CANDIDATURA*

***Yo, _____, candidato/a al cargo de _____, por este medio retiro mi candidatura de la elección _____. Dicha elección estará a cargo de _____ y se celebrará el _____.***
***(subdivisión política/condado/partido) (fecha)***

_____
***Firma del/de la Candidato/a***

***"El estado de _____,***

***"Condado de _____,***

***"El presente instrumento fue reconocido ante mí el _____ por***
***(fecha)***

_____.
***(persona que retira su candidatura)***

_____
***Firma del/de la Oficial***

**(Seal)**

_____
**(*Título del/de la Oficial*)**
**(*Mi cargo se vence el*):_____**

Print Reset

**Name of Form**:

**Certificate of Withdrawal.**

**Section Reference**:

**Section 145.001, Texas Election Code.**

**Purpose**:

**Have name removed from ballot.**

**Number of Copies Required**:

**One.**

**Completed by**:

**Candidate, person administering oath.**

**Filing Deadline**:

**- 74th day before the general election for state and county officers (Section 145.032).**

**- 62nd day before the primary election (Section 172.057).**

**- 5:00 p.m. of June 11, 2012 after general primary election for a primary runoff election (per paragraph r of the federal court order of March 19, 2012; Section 172.059).**

**- 53rd day before election day if filing deadline for application for place on the ballot is not later than the 62nd day before election day. (Section 145.092(b)).**

**- 5:00 p.m. of second day before beginning of early voting by personal appearance for other elections (Section 145.092(a)).**

**- For withdrawal deadlines for runoff elections other than primary runoff elections, see Section 145.092(c) & (d).**

**Filed with**:

**Secretary of State for state and district offices and County Clerk/Elections Administrator for county and precinct offices (Section 145.033).**

**To withdraw from the general or runoff primary election, the withdrawal must be filed with the state chair, for state and district offices, and with the county chair, for county and precinct offices (Sections 172.052 & 172.059).**

**The same authority with whom an application for place on ballot is filed for all other elections (Section 145.093).**

**Comments**:

**Candidate's name is removed from ballot.**

**Current form is 03/07.**

# A Guide to Becoming a City Official

Updated June 2015

TML
TEXAS
MUNICIPAL LEAGUE

The Texas Municipal League exists solely to provide services to Texas cities. Since its formation in 1913, the League's mission has remained the same: to serve the needs and advocate the interests of its members.

The TML Constitution states that the purpose of the League is to "render services which individual cities have neither the time, money nor strength to do alone."

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# CONGRATULATIONS ON YOUR DECISION TO FILE FOR CITY OFFICE!

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

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

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

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

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

## LEADERSHIP ATTRIBUTES FOR COUNCILMEMBERS

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

- a general understanding of city government
- willingness to learn about a wide range of topics
- integrity
- consistency
- confidence
- dedication to the interests of citizens and the community as a whole
- strong communication and team-building skills, including being a good listener
- openness to the thoughts and ideas of others
- being approachable and accessible
- willingness to work cooperatively with others

## AN ELECTED OFFICIAL WEARS MANY HATS

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

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

***Policymaker***

As policymakers, it is the council's responsibility to identify the needs of the citizens and to formulate a plan to meet those needs. Policymaking is a complicated process but can be simplified if the city council works together as a team and sets goals for the city. It is from the city council's vision that the administrative staff of the city takes direction and goes about its daily work. The goals of the city should

be clear. There are many legal, financial, and administrative considerations to implementing the goals of the city, and without clear direction the effectiveness of the city council can be diminished.

***Legislator***

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

***Ambassador***

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

***Employer***

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

## MAYORS, COUNCILS, AND BOARDS OF ALDERMEN

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

## ARE YOU ELIGIBLE?

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

- be a citizen of the United States;
- be at least 18 years old on the date of the election; and
- be a registered voter and have lived in the State of Texas for at least 12 consecutive months prior to the filing date for the election, and in your city or ward for at least 6 months prior to the filing date for the election.

Certain offices and certain city types have additional requirements in state law, so you should be sure to check with both the city and the Texas Secretary of State's office to ensure that you are eligible. A home rule city may set different requirements in its charter, so check with your city clerk or secretary on whether additional or different requirements apply.

## FILING FOR A PLACE ON THE BALLOT

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

## TEXAS ETHICS COMMISSION CAMPAIGN FINANCE FILINGS

State law requires the filing of various forms by a candidate for city office.

All candidates for city offices must file an "Appointment of a Campaign Treasurer by a Candidate" form with the city secretary before beginning their campaigns. Candidates who do not intend to accept more than $500 in political contributions or make more than $500 in political expenditures may file a modified reporting declaration and operate under modified reporting. Under modified reporting, the candidate is not required to file any further forms beyond the final report, which is filed at the end of the campaign. Semiannual reports may still be required in some cases.

Candidates who intend to accept more than $500 in political contributions or make more than $500 in political expenditures, or who exceed that amount even after filing for modified reporting, must file under regular reporting requirements. Reports due under these requirements must be submitted by January 15 and July 15 of each year. The reports filed on these dates are known as semiannual reports. An opposed candidate in an upcoming city election who is using regular reporting must file reports of contributions and expenditures 30 days and 8 days before the election. A candidate in a runoff must file a report 8 days before the runoff election. Candidates filing under regular reporting are also required to file a final report at the end of the campaign.

Detailed information on filing is available on the Texas Ethics Commission's Web site at www.ethics.state.tx.us.

## AN INTRODUCTION TO CITY GOVERNMENT

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

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

## TYPES OF CITY GOVERNMENT

Texas has more than 1,200 incorporated cities; each of them is either a home rule city or a general law city.

Home rule cities are larger cities. A city with a population of more than 5,000 in which the citizens have adopted a home rule charter through an election is a home rule city. A home rule charter is the document that establishes the city's governmental structure and provides for the distribution of powers and duties.

General law cities are usually smaller cities. General law cities don't have charters. Rather, they operate according to specific state statutes. A general law city looks to the state constitution and state statutes to determine what it **may do**. If state law doesn't grant a general law city the express or implied power to initiate a particular action, none may be taken. There are three categories of general law cities: type A, B, or C. If you are seeking office in a general law city, you should ask your city manager or city secretary to clarify the type in order to understand which state laws apply.

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

## FORMS OF GOVERNMENT

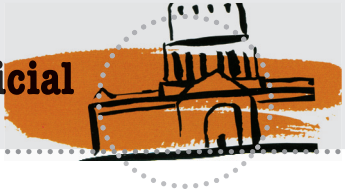
There are two prevalent forms of city government in Texas:

### MAYOR-COUNCIL STRUCTURE

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

### COUNCIL-MANAGER STRUCTURE

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



## BASIC CITY SERVICES

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

**PUBLIC SAFETY**—police, fire, and sometimes ambulance service
**UTILITIES**—water and sewer, trash collection, electric power, and natural gas
**LAND USE**—planning, zoning, code enforcement, and other regulatory activities
**TRANSPORTATION**—street construction and maintenance, traffic safety, and sometimes public transit
**RECREATION/CULTURE**—parks, recreation, libraries, and sometimes cultural facilities
**LEGAL**—ordinances protecting the public health, safety, and welfare of the community

## CITY FINANCE

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

Cities levy specific taxes to finance city services. The following are the most common taxes levied by Texas cities:

**PROPERTY TAX**—levied on the valuation of taxable property located within the city
**SALES TAX**—levied on retail sales of tangible personal property and some specific services
**FRANCHISE FEES**—levied on non-municipally owned utilities (telecommunications, electric, gas, water, cable television)

In addition, many city services are financed in whole or in part by user fees and charges. Finally, cities receive some revenues from various federal and state grant and allocation programs. TML provides a comprehensive guide to all revenue sources available to cities. The guide is called the *TML Revenue Manual for Texas Cities* and is available at www.tml.org.

## ETHICS AND CONFLICTS OF INTEREST

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

## LOCAL GOVERNMENT CODE CHAPTER 171 – CONFLICTS OF INTEREST

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

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

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

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

## LOCAL GOVERNMENT CODE CHAPTER 176 – CONFLICTS DISCLOSURE

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

- A city officer or the officer's family member has an employment or business relationship that results in taxable income of more than $2,500 in the preceding 12 months with a person who has contracted with or is considering contracting with the city ("vendor").

- A city officer or the officer's family member receives and accepts one or more gifts with an aggregate value of $100 in the preceding 12 months from a vendor.

- A city officer has a family relationship with a vendor.

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

## GOVERNMENT CODE CHAPTER 553 – CONFLICTS DISCLOSURE

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

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

## FINANCIAL DISCLOSURE FOR CITIES OVER 100,000 POPULATION

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

## NEPOTISM

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

**General rule:** A public official, acting alone or as a member of a governing body, generally may not appoint a close relative to a paid position, regardless of the relative's merit. In addition, the reverse applies. In other words, a person may not be elected to the city council if a close relative is employed by the city, unless the relative first resigns.

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

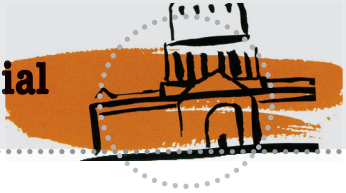
**Penalties:** Penalties for violating the nepotism provisions include a fine and immediate removal from office.

## DUAL OFFICE-HOLDING/INCOMPATIBILITY

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

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

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



# OPEN GOVERNMENT

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

# TEXAS OPEN MEETINGS ACT (TOMA)

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

**Definition of "meeting":** A meeting occurs any time a quorum of the city council is present and public business is discussed, and either: (1) a member of the governmental body speaks or the governmental body votes; or (2) the governmental body calls and is responsible for the gathering. Please note that a meeting may occur even when a quorum is not physically present at the same location and/or discussion does not take place at the same moment in time.

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

**Exception:** The TOMA does not apply to purely social gatherings, conventions and workshops, ceremonial events, or press conferences, so long as any discussion of city business is incidental to the purpose of the gathering and no formal action is taken. Similarly, the Act does not apply to a quorum attending a legislative committee or legislative agency meeting so long as public business is discussed in a public forum.

**Exception:** Statutorily authorized executive or "closed" sessions, including deliberations concerning: (1) purchase or lease of real property; (2) consultation with attorney; (3) personnel matters; (4) economic development; and (5) certain homeland security matters.

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

**Notice:** A governmental body must post a notice that includes the date, hour, place, and subject of each meeting. The notice must be posted on a bulletin board at city hall in a place readily accessible to the public at all times for at least 72 hours before the meeting. In addition, for cities that have an Internet Web site: (1) a city under 48,000 population must post meeting notices on its Web site; and (2) a city over 48,000 population must post the entire agenda on its Web site.

**Records of meetings:** Cities must keep written minutes or recordings of all meetings, except for closed consultations with an attorney. The minutes must state the subject, indicate further action taken on the matter (for example, a vote, or decision, or other action taken on the matter), and include an announcement by the presiding officer at the beginning and end of the closed meeting indicating the date and time.

**Penalties:** Penalties for violating the TOMA range from having the action voided to the imposition of fines and incarceration. Any action taken in violation is voidable and may be reversed in a civil lawsuit. There are four criminal provisions under the TOMA, including: (1) knowingly conspiring to circumvent the TOMA by meeting in numbers less than a quorum for the purpose of secret deliberations; (2) knowingly calling or participating in an unauthorized closed session; (3) participating in an executive session knowing a certified agenda or a tape recording is not being made; and (4) disclosure of a certified agenda or tape recording to a member of the public.

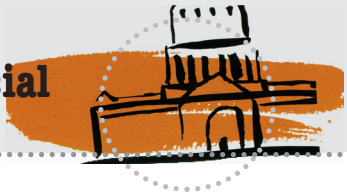
## TEXAS PUBLIC INFORMATION ACT (PIA)

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

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

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

**Exceptions:** Specific statutory exceptions to disclosure *allow* certain types of information to be withheld from the public. Other statutes make certain kinds of information "confidential by law," meaning that a city *must* withhold that information from the public. Because there are numerous exceptions, city officials should consult with local counsel immediately on receipt of a request.



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

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

## OPEN GOVERNMENT TRAINING

Each elected or appointed member of a governmental body must take at least one hour of training in both the Open Meetings Act and the Public Information Act. For more information, please visit the attorney general's Web site at www.oag.state.tx.us.

## A BASIC GLOSSARY OF CITY GOVERNMENT

**BUDGETING:** Crafting, passing, and following a city budget are among the most important tasks you will perform as a councilmember. Cities cannot make expenditures except in strict accordance with a budget, and they can levy taxes only in accordance with the budget. The state comptroller's office publishes the *Budget Manual for Texas Cities*, which is an excellent resource.

**CONFLICTS OF INTEREST:** As a councilmember, you are prohibited from voting or deliberating on agenda items that affect your own business or financial interests. You'll be required to file an affidavit with the city secretary disclosing the details of your financial interests, and that affidavit becomes a public record. Further, a law passed in 2005 may require you to disclose in writing the receipt of any gifts or income from any vendor that does business with the city.

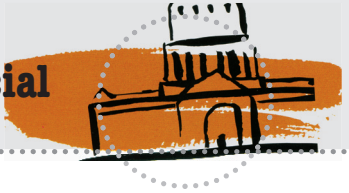
**DUAL OFFICE-HOLDING:** Councilmembers cannot hold other paid public offices; in many cases, they cannot hold other unpaid public offices, either. Further, councilmembers can't take paid jobs with their own city, nor can they appoint themselves to other posts or positions. Finally, think twice about announcing to run for another public office while you're still a councilmember—you may automatically resign your council seat when you do. Check with your city attorney, the Texas Municipal League, or the attorney general before considering any other position or job that might be a problem.

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

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

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

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



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

**MEETING:** Almost everyone intuitively knows what a meeting is. For example, a regular meeting of a city council, where agenda items are discussed and formal action is taken, is clearly a meeting. However, according to the Texas Open Meetings Act, other gatherings of the members of a governmental body may constitute a meeting. Generally, any time a quorum is present and city business is discussed, all of the Open Meetings Act requirements, including posting of a notice and preparation of minutes, must be followed.

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

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

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

## GOOD LUCK!

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

# We've Got You Covered!

**Who Belongs to TML?**
Membership in the League is voluntary and is open to any city in Texas. From the original 14 members, TML's membership has grown to more than 1,145 cities. Over 16,000 mayors, councilmembers, city managers, city attorneys, and department heads are member officials of the League by virtue of their cities' participation.

Associate memberships are available to private sector organizations and companies that strive to provide quality services to municipal government.

**TML Service Statement**
In serving its member cities, the League strives to:

- Represent the interests of member cities before legislative, administrative, and judicial bodies at the state and federal levels.
- Sponsor and conduct an annual conference and other conferences, seminars, meetings, and workshops for the purpose of studying municipal issues and exchanging information regarding municipal government.
- Publish and circulate an official magazine and other publications, reports, and newsletters of interest to member cities.
- Provide for and conduct training on relevant and timely topics related to municipal government.
- Alert member cities of important governmental or private sector actions or proposed actions that may affect municipal operations.
- Promote the interests of League affiliates (which represent specific professional disciplines in municipal governments) and TML regions by providing organizational and technical assistance as directed by the Board and consistent with financial resources.
- Promote constructive and cooperative relationships among cities and between the League and other levels of governments, councils of governments, the National League of Cities, educational institutions, and the private sector.
- Provide in a timely manner any additional services or information that individual members may request, consistent with the member cities' common interests and the League's resources.
- Provide administrative services to the Texas Municipal League risk pools so that quality coverages at reasonable and competitive prices can be made available to member cities and their employees.

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