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[Campaign Finance Guide for Candidates and Officeholders Who File with the Texas Ethics Commission](#)

TEXAS ETHICS COMMISSION CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH THE TEXAS ETHICS COMMISSION

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APPOINTING A CAMPAIGN TREASURER

If you plan to run for a public office in Texas (except for a federal office), you must file an APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM CTA) with the proper filing authority before you become a candidate, even if you do not intend to accept campaign contributions or make campaign expenditures. A “candidate” is a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. Tex. Elec Code § 252.001(1). 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 (Tex. Elec Code § 252.001(1)(A));
- (B) the filing of an application for a place on the ballot (Tex. Elec Code § 252.001(1)(B));
- (C) the filing of an application for nomination by convention (Tex. Elec Code § 252.001(1)(C)) ;
- (D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy (Tex. Elec Code § 252.001(1)(D));
- (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 (Tex. Elec Code § 252.001(1)(E));
- (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 (Tex. Elec Code § 252.001(1)(F));
- (G) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure (Tex. Elec Code § 252.001(1)(G)); and (H) the seeking of the nomination of an executive committee of a political party to fill a vacancy (Tex. Elec Code § 252.001(1)(H)).

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NO CAMPAIGN CONTRIBUTIONS OR EXPENDITURES WITHOUT TREASURER APPOINTMENT ON FILE

Additionally, the law provides that you must file a campaign treasurer appointment form with the proper filing authority before you may accept a campaign contribution or make or authorize a campaign expenditure, including an expenditure from your personal funds. Tex. Elec. Code § 253.031(a) (candidates). 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. See generally Tex. Elec. Code § 254.181(b) (filing fee is excluded from threshold calculation for modified reporting).

APPOINTING TREASURER TRIGGERS REPORTING DUTIES After a candidate has filed a form appointing a campaign treasurer, the candidate is responsible for filing periodic reports of contributions and expenditures. 1 Tex. Admin. Code § 20.209. Filing reports is the responsibility of the candidate, not the campaign treasurer. Even if a candidate loses an election, he or she must continue filing reports until he or she files a final report. See “Ending Filing Obligations” in this guide. (An officeholder who files a final report, and thereby terminates his or her campaign treasurer appointment, is still required to file reports as an officeholder.)

QUALIFICATIONS OF CAMPAIGN TREASURER A person is ineligible for appointment as a campaign treasurer if the person is the campaign treasurer of a political committee that has outstanding filing obligations (including outstanding penalties). Tex. Elec. Code §§ 252.0011(a) and (b). 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. Tex. Elec. Code § 252.0011(c). 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. Tex. Elec. Code § 252.0011(f).

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CODE OF FAIR CAMPAIGN PRACTICES

The Ethics Commission sends to each individual who files a campaign treasurer appointment a form containing a Code of Fair Campaign Practices. Tex. Elec. Code § 258.003(a). A candidate may pledge to follow the principles and practices set out in the Code by signing the form and filing it with the Ethics Commission. Tex. Elec. Code § 258.003(b).

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DECIDING NOT TO RUN

A campaign treasurer appointment does not simply expire. An individual who has a campaign treasurer appointment on file must file reports of contributions and expenditures until he or she files a final report with the Ethics Commission. Tex. Elec. Code § 254.065(b)(1) (designation of final report relieves a candidate's duty to file additional reports); 1 Tex. Admin. Code § 20.229(c). See "Ending Filing Obligations" in this guide.

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REQUIRED REPORTS SEMIANNUAL REPORTS

Every candidate and every officeholder is required to file reports of contributions and expenditures by January 15 and July 15 of each year. The reports filed on these dates are known as semiannual reports. Candidates and officeholders must file semiannual reports even if there is no activity to report for the period covered.

REPORTS DUE BEFORE AN ELECTION

30 Days and 8 Days Before an Election. An *opposed* candidate in an upcoming election must file reports of contributions and expenditures 30 days and 8 days before the election. Each of these pre-election reports must be received by the Ethics Commission no later than the report due date. (A person who has elected modified reporting and who remains eligible for modified reporting is not required to file these reports. See "Modified Reporting" below.)

An *opposed* candidate is a candidate who has an opponent whose name appears on the ballot. If a candidate's only opposition is a write-in candidate, that candidate is not considered opposed for filing purposes. (However, a write-in candidate who has an opponent whose name appears on the ballot is considered opposed for filing purposes.)

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

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

8 Days Before a Runoff Election.

A candidate in a runoff must file a report 8 days before the runoff election. A runoff report must be received by the Ethics Commission no later than the report due date. (A candidate who has elected modified reporting and who remains eligible for modified reporting is not required to file this report. See “Modified Reporting” below.) This report covers a period that begins either the first day after the period covered by the last required report or the day the filer filed a campaign treasurer appointment (if this is the filer’s first report of contributions and expenditures).

The period covered by the runoff report ends the 10th day before the runoff election.

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MODIFIED REPORTING

On the campaign treasurer appointment form, there is an option to choose modified reporting for the next election cycle. Modified reporting excuses an opposed candidate from filing reports 30 days and 8 days before an election and 8 days before a runoff. An opposed candidate is eligible for modified reporting only if the candidate does not intend to exceed either \$1,140 in contributions or \$1,140 in expenditures in connection with an election.

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

If an opposed candidate selects modified reporting but exceeds the \$1,140 threshold for contributions or expenditures after the 30th day before the election, the filer must file a report within 48 hours of exceeding the threshold. (The filer must meet this deadline even if it falls on a weekend or a holiday.) At that point, the filer is no longer eligible for modified reporting and must file according to the regular filing schedule.

A selection to file on the modified reporting schedule lasts for an entire election cycle. In other words, the selection is valid for a primary, a primary runoff, and a general election (as long as the candidate does not exceed one of the \$1,140 thresholds). A candidate must submit an amended campaign treasurer appointment (FORM ACTA) to select modified reporting for a different election cycle.

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“15TH DAY AFTER APPOINTMENT OF CAMPAIGN TREASURER BY AN OFFICEHOLDER” REPORT

An officeholder must file a report after filing a campaign treasurer appointment. (A report is not required after a change in campaign treasurers.) This report of contributions and expenditures is due no later than 15 days after the campaign treasurer appointment was filed. This report is required even if there is no activity to report. The report must cover the period that begins the day after the period covered by the last required report. The period ends on the day before the campaign treasurer appointment was filed. (Note: A person who is appointed to elective office may not have filed any previous reports. In that case, the beginning date for the report due 15 days after the campaign treasurer appointment is the date the officeholder took office.)

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THINGS TO REMEMBER

- An officeholder must file semiannual reports for any period during which he or she is an officeholder, regardless of whether the officeholder has a campaign treasurer on file.

- An opposed candidate in an election must file reports of contributions and expenditures 30 days and 8 days before the election, unless the candidate has selected (and remains eligible for) modified reporting. A report due 30 days before an election and a report due 8 days before an election must be received by the appropriate filing authority no later than the report due date.
- An unopposed candidate is not required to file reports 30 days before an election, 8 days before an election, or special pre-election reports, but is required to file semiannual reports.
- A candidate who selects modified reporting must file semiannual reports.
- A filer who selects modified reporting for one election cycle will be required to file on the regular reporting schedule for the next election cycle unless the filer submits an amended campaign treasurer appointment selecting modified reporting for the next election cycle.
- A special pre-election report must be filed electronically unless otherwise exempted from the electronic filing requirement.
- Any information reported on a special pre-election report must be reported again on the next report of contributions and expenditures.

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ENDING FILING OBLIGATIONS FINAL REPORT

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

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

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