

MAY 4, 2019 MUNICIPAL ELECTION CANDIDATE FILING PACKET

*(Para asistencia en español, favor de llamar al telefono Lourdes Torres al tel. 817-626-5421 ext 315.)
(Để dịch sang tiếng Việt, vui lòng gọi 817-626-5421 Ext. 324)*



TABLE OF CONTENTS

SECTION

1. COVER LETTER FROM CITY SECRETARY
2. APPLICATION FOR PLACE ON BALLOT WITH INSTRUCTIONS (*English & Spanish*)
3. APPOINTMENT OF A CAMPAIGN TREASURER (Form CTA; Pages 1-2)
(Note: page 2 needs to filed if you are filing modified reporting)
AMENDMENT: APPOINTMENT OF CAMPAIGN TREASURER (Form ACTA)
4. CODE OF FAIR CAMPAIGN PRACTICES (Form CFCP)
5. ELECTION CALENDAR (*Important Dates highlighted in Yellow*)
6. COPY OF CITY CHARTER (Chapter 3 "Governing Body" & Chapter 7 "Elections")
7. FORM C/OH (*Pages 1-3*), (*FORM C/OH-UC (Report of Unexpended Contributions), COR-C/OH (Correction Amendment Affidavit) & FORM C/OH-FR (Designation of Final Report) can be found in the CD "Texas Ethics Commission Forms and Instructions"*).
8. POLITICAL SIGNAGE & ADVERTIZING INFORMATION
9. PHOTO I.D. (in English & Spanish) & (*Election Identification Certificate Info*)

Due to the volume of paper, the instruction guides for Campaign Finance Reporting along with Title 15 Election Code are available electronically on the enclosed CD "Texas Ethics Commission Forms & Instructions".

If you have questions concerning the election please contact:

RIVER OAKS CITY SECRETARY
817-626-5421, EXTENSION 324

THE SECRETARY OF STATE
1-800-252-8683 or (512) 463-5650
www.sos.state.tx.us

If you have questions concerning campaign contributions and expenditures contact:

THE TEXAS ETHICS COMMISSION
1-800-325-8506 or (512) 463-5800
www.ethics.state.tx.us



January 15, 2019

COVER LETTER OF CANDIDATE INFORMATION FROM THE CITY SECRETARY

Dear Prospective Candidate:

Thank you for your interest in serving the citizens of River Oaks. Should you decide to become a candidate, your candidacy requires compliance with certain state statutes and of the city charter and local city ordinances. In an effort to assist you, I have prepared this **Candidate Filing Packet** with necessary forms and pertinent instructions in order for the perspective candidate to file for a place on the ballot. I encourage you to read this letter and the enclosed material prior to filling out the specific forms. *The City of River Oaks will conduct a General Election on May 4, 2019 to elect the following:*

Council Members Places 1 & 3

The term of office for these two places is for 3-years. The eligibility Requirements in order for a candidate to run for Public Office *is in accordance to Section 141.001 Election Code and Section 3.07 of the City Charter as follows:*

- (1) be at least twenty-one (21) years of age on the date of the election or date of appointment;
- (2) be a citizen of the United States;
- (3) be a qualified vote[r] of the city;
- (4) reside and have resided continuously in the state for 12-months immediately preceding the deadline for filing an application for a place on the ballot and within the corporate limits of the city 12-months preceding the election day in which he or she is elected;
- (5) No candidate may file for more than one office or position number per election.
- (6) Not have been determined by a final judgment of a court exercising probate jurisdiction to be:
 - (A) *Totally mentally incapacitated; or*
 - (B) *Partially mentally incapacitated without the right to vote;*
- (7) have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities;

NEPOTISM: Chapter 573, Government Code: A nepotism prohibition prescribed by Section 573.041 or by a municipal charter or ordinance does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if:

- (1) the individual is employed in the position immediately before the election or appointment of the public official to whom the individual is related in a prohibited degree; and
- (2) that prior employment of the individual is continuous for at least:
 - (A) 30 days, if the public official is appointed;
 - (B) **six months, if the public official is elected at an election other than the general election for state and county officers.**

FORMS IN THE CANDIDATE FILING PACKET: Includes the Application for place on the ballot, Form CTA (*Appointment of Campaign Treasurer*), Form ACTA (*Amendment to Campaign Treasurer*), Form CFCP (*Code of Fair Campaign Practices*), Form CO/H (*Candidate/Office Holder Campaign Finance Report*). *Instructions to completing campaign finance forms are included in separate CD "Texas Ethics Commission Forms & Instructions".*

- An Application for a Place on the Ballot, and Appointment of Candidate's Campaign Treasurer must be filed with the City Secretary before a candidate may accept political contributions or make political expenditures. Additionally, an incomplete or defective application is required to be returned to the applicant as rejected. **The first business day for filing is Wednesday, January 16, 2019 at 8:00 A.M. with the last day to file being Friday, February 15, 2019 at 5:00 p.m.**
- The City Secretary must review each application to determine whether it complies with the requirements as to form, content and procedure. The City Secretary will review each candidate's application to verify that the candidate meets the corresponding eligibility requirements.
- The City Secretary will review the application and list every defect in the rejection notice instead of stopping the review with the first-discovered ground for rejection, unless the application reveals that the applicant is ineligible or is filed too late for the timely filing of another application.
- The review must be completed no later than the 5th day after the application is received unless it is accompanied with a petition of voters, in which case the petition is considered a part of the application and the review must be completed as soon as practicable after the date of receipt.
- Delivery of a rejection notice will be by personal delivery, mail or other method of transmission. In addition, the City Secretary may also telephone the candidate. If the candidate whose application has been rejected files another application before the filing deadline, the city secretary will review the second or any subsequent application in the same manner as the first. **Late applications received after the deadline of the filing date will be refused.**

EMAIL ADDRESS: The Application for a place on the ballot 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 is subject to the Public Information Act. **If you are a current officeholder do not include your city e-mail address on application. If you plan to include an E-Mail Address on the Application, it must be your own personal E-Mail Address.***

FORM CTA - APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE & INSTRUCTION GUIDE

This form must be submitted with your application or shortly thereafter, but **must be on file** with your application **prior to making campaign expenditures or accepting campaign contributions**. If you do not intend to accept more than \$500 in political contributions or make more than \$500 in political expenditures please sign and submit **Form CTA PG 2 - Candidate Modified Reporting Declaration**. If during your campaign you are about to **exceed \$500**, you will need to file additional contribution reports as outlined in the Campaign Finance Guide for Candidates and Officeholder. *Instructions for filling this form are enclosed in CD "Texas Ethics Commission Forms and Instructions"*.

FORM ACTA - AN AMENDMENT TO APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE AND INSTRUCTION GUIDE

If for any reason you wish to amend the appointment of your Campaign Treasurer please use Form ACTA as attached. *Instructions for filling this form are enclosed in CD "Texas Ethics Commission Forms and Instructions"*.

FORM CFCP - CODE OF FAIR CAMPAIGN PRACTICES AND CHAPTER 258, ELECTION CODE FAIR CAMPAIGN PRACTICES ACT: Every candidate is encouraged to subscribe to the Code of Fair Campaign Practices. This form may be submitted along with the Application for a Place on the Ballot and Appointment of Campaign Treasurer forms. Please note that while the Texas State Ethics Commission encourages all candidates to subscribe to this Code, it is on a voluntary basis.

TEXAS ETHICS COMMISSION - CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICE HOLDERS WHO FILE WITH LOCAL FILING AUTHORITIES.

Form C/OH (Pages 1, 2 & 3): Campaign Finance Report: Instructions and Filing Schedules are provided in the Texas Ethics Commission "CD" enclosed herein. (Note: Those candidates that file modified reporting are not required to file this form.)

Form C/OH-UC Candidate/officeholder report of unexpended contributions: This form is for filing either annual report of unexpected contributions or report of the final disposition of unexpected contributions. *Instructions for filling this form are enclosed in CD "Texas Ethics Commission Forms and Instructions".*

Form C/OH – FR Designation of Final Report

- This form must be submitted to the City Secretary if, after your campaign, you do not expect any further political contributions or expenditures. Designating a report as a **final report** terminates your campaign treasurer appointment, and no further campaign contribution reports need to be filed.
- The candidate or the candidate's campaign treasurer must complete all applicable financial reports; however, the candidate is responsible for filing all reports. Failing to file a report on time or filing an incomplete report may subject you to criminal or civil penalties. Please note that while the City Secretary is the local filing authority, he/she is not a financial reporting expert! *Instructions for filing this form are enclosed in CD "Texas Ethics Commission Forms and Instructions". Should you have questions concerning these reporting procedures, please contact the Ethics Commission at 1-800-325-8506 or (512) 463-5800.*

Form COR-CO/H: This form is for corrections to the Candidate /Office Holder Report (C/OH). *This form and instructions to complete this form are included in the CD "Texas Ethics Commission Forms and Instructions".*

NOTE: *Financial reports have been determined to be open records and will be viewed as such by reporters and opponents alike. Therefore, the importance of adhering to the financial reporting procedures cannot be overemphasized.*

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

FINALLY: For any questions regarding the "**Candidate Filing Packet**" please feel free to contact me at 817-626-5421, extension 324 or by email at mgregory@riveroakstx.com . It is my pleasure to assist all candidates in making the election process as simple as possible.

I encourage all candidates to follow the Code for Campaign Practices and in doing so I feel we will have a competitive but respectful election process. Of course, I feel there really are no winners or losers in an election; the real winner to me is the City of River Oaks and its citizens. Thank you for your interest in our great city and I will be looking forward to working with you over the next few months during the election process.

Sincerely,



Marvin C. Gregory III
City Secretary/City of River Oaks

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

Filer ID #

Date Received

Date Hand-delivered or Postmarked

Receipt #

Amount \$

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**

**FORM CTA
PG 2**

11 CANDIDATE
NAME

12 MODIFIED
REPORTING
DECLARATION

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

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

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

°° Candidates for the office of state chair of a political party
may NOT choose modified reporting. °°

I do not intend to accept more than \$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.

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

Signature of Candidate

This appointment is effective on the date it is filed with the appropriate filing authority.

TEC Filers may send this form to the TEC electronically at treasappoint@ethics.state.tx.us or
Fax this form to (512) 463-8808 or mail to
Texas Ethics Commission
P.O. Box 12070
Austin, TX 78711-2070

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

For more information about where to file go to:
<https://www.ethics.state.tx.us/whatsnew/NewFilersGettingStarted.html>

AMENDMENT:
CANDIDATE MODIFIED REPORTING DECLARATION

FORM ACTA
PG 2

13 CANDIDATE
NAME

14 MODIFIED
REPORTING
DECLARATION

NEW

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

**“ This declaration must be filed no later than the 30th day before
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I understand that if either one of those limits is exceeded, I will be
required to file pre-election reports and, if necessary, a runoff
report.

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

Signature of Candidate

This appointment is effective on the date it is filed with the appropriate filing authority.

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For more information about where to file go to:
<https://www.ethics.state.tx.us/whatsnew/NewFilersGettingStarted.html>

CODE OF FAIR CAMPAIGN PRACTICES

FORM CFCP COVER SHEET

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

Subscription to the Code of Fair Campaign Practices is voluntary.

OFFICE USE ONLY

Date Received

Date Hand-delivered or Postmarked

Date Processed

Date Imaged

1 ACCOUNT NUMBER
(Ethics Commission Filers)

2 TYPE OF FILER

CANDIDATE

POLITICAL COMMITTEE

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

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

3 NAME OF CANDIDATE
(PLEASE TYPE OR PRINT)

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

FIRST

MI

NICKNAME

LAST

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

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

AREA CODE

PHONE NUMBER

EXTENSION

()

5 ADDRESS OF CANDIDATE
(PLEASE TYPE OR PRINT)

STREET / PO BOX;

APT / SUITE #;

CITY;

STATE;

ZIP CODE

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

7 NAME OF COMMITTEE
(PLEASE TYPE OR PRINT)

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

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

FIRST

MI

NICKNAME

LAST

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

GO TO PAGE 2

CODE OF FAIR CAMPAIGN PRACTICES

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

THEREFORE:

- (1) I will conduct the campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and stated positions on issues.
- (2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.
- (3) I will not use or permit any appeal to negative prejudice based on race, sex, religion, or national origin.
- (4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.
- (5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.
- (6) I will defend and uphold the right of every qualified voter to full and equal participation in the electoral process, and will not engage in any activity aimed at intimidating voters or discouraging them from voting.
- (7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

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

Signature

Date

Important 2019 Election Dates

May 4, 2019 - Uniform Election Date

Authority Conducting Elections	Local Political Subdivisions and Counties
Deadline to post notice of candidate filing deadline ¹	Monday, December 17, 2018 for local political subdivisions that have a first day to file for their candidates ¹
First Day to Apply for Ballot by Mail	Tuesday, January 1, 2019* *First day to file does not move because of New Year's Day holiday. An "Annual ABBM" or FPCA for a January or February 2019 election may be filed earlier, but not earlier than the 60th day before the date of the January or February election.
First Day to File for Place on General Election Ballot (for local political subdivisions ONLY) ¹	Wednesday, January 16, 2019
Last Day to File for Place on General Election Ballot (for local political subdivisions ONLY) ²	Friday, February 15, 2019 at 5:00 p.m. See note below relating to four-year terms ³
Last Day to Order General Election or Election on a Measure	Friday, February 15, 2019
Last Day to Register to Vote	Thursday, April 4, 2019
First Day of Early Voting By Personal Appearance	Monday, April 22, 2019
Last Day to Apply for Ballot by Mail (Received , not Postmarked)	Tuesday, April 23, 2019
Last Day of Early Voting By Personal Appearance	Tuesday, April 30, 2019
Last day to Receive Ballot by Mail	Saturday, May 4, 2019 (election day) at 7:00 p.m. (unless a late-arriving deadline applies)

CITY CHARTER

CHAPTER 3. GOVERNING BODY

Sec. 3.01. Governing body.

The governing and lawmaking body of the City of River Oaks shall consist of a mayor and five councilpersons and said body shall be known as the city council of the City of River Oaks.

State law reference—References to municipal governing body and to members of municipal governing body, V.T.C.A., Local Government Code, sec. 21.002.

Sec. 3.02. Elective officers.

The members of the city council of the City of River Oaks, which includes the mayor and five councilpersons, shall be the only elective officers of the city and they shall be elected and hold office and be compensated as herein provided. Said mayor and councilmen shall be elected from the city at large.

Sec. 3.03. Duties and powers of mayor.

The mayor shall have general supervision of the subordinate officials of the city, and shall see that all duties are discharged in accordance with the provisions of this Charter and the ordinances of the city, and that the records and books are properly kept, and shall be vigilant and active at all times, causing the laws and ordinances of said city to be faithfully executed and enforced, and shall see that all contracts are fully executed and enforced, and shall see that all contracts are fully performed in which the city is interested, and shall cause all limitations and requirements in all grants and franchises conferred by the city council to be strictly complied with, and shall prevent the violation thereof. The mayor shall be ex officio supervising member of all standing committees and shall have control and supervision of all work being done in or by any department of the city, or by the order of any committee. He shall inspect the conduct of all subordinate officers and employees employed in the government thereof, and shall cause all negligence, carelessness and violation of duty to be prosecuted and punished. Additionally, the River Oaks Charter makes the mayor the budget officer; and no funds of the city may be paid out except upon warrant issued and signed by him. He is also authorized to appoint all appointive officers and employees of the city with the advice and consent of the council, and he may remove any such officer and employees at any time as provided in section 4.02 of this Charter, with the approval and consent of and by a majority vote of the city council. He shall have all the powers prescribed by Texas law for the mayor of a Type A general law city.

State law reference—Powers and duties of mayor of type A general-law municipality, V.T.C.A., Local Government Code, sec. 22.042.

Sec. 3.04. Councilmen's duties.

The city councilpersons shall have all powers necessary and incident to the proper discharge of the duties imposed upon them. The City Council is hereby invested with all powers necessary to carry out the terms and provisions of this Charter; it being intended that the mayor and city council shall have an [and] exercise all powers enumerated in this Charter or implied thereby and all powers that are now or hereafter made and granted to municipalities by the Constitution and laws of the State of Texas.

Sec. 3.05. Mayor pro tempore.

At the first meeting following each annual election of officers, or as soon thereafter as practicable, one of the councilpersons shall be elected mayor pro tempore, who shall hold that office for one year. In case of the failure, inability or refusal of the mayor to act, the mayor pro tempore shall perform the duties and receive the fees and compensation of the mayor.

Sec. 3.06. Compensation of mayor and councilmen.

(a) The mayor may receive \$10.00 for each regular meeting he attends; \$5.00 for each special meeting attended and \$10.00 for services in corporation court for each meeting over which he presides, with a maximum salary of \$100.00 per month.

(b) Each councilperson may receive \$5.00 for each regular meeting and \$2.50 for each special meeting attended with the maximum not to exceed \$40.00 per month.

State law references—Compensation of officers in home-rule municipality, V.T.C.A., Local Government Code, sec. 141.004

Sec. 3.07. Qualifications of elective officers.

(a) Qualification for elected officers. Each person who becomes a candidate for Mayor or councilmember shall meet the following qualifications:

- (1) be at least twenty-one (21) years of age on the date of the election or date of appointment;
- (2) be a citizen of the United States;
- (3) be a qualified vote[r] of the city;
- (4) reside and have resided for at least twelve (12) months preceding the election day within the corporate limits of the city; and
- (5) no candidate may file for more than one office or position number per election.

(b) Forfeiture of office. The Mayor or a councilmember shall forfeit his or her office if during a term of office, the Mayor or councilmember:

- (1) lacks any qualification for the office prescribed by this charter or by other law; or
- (2) is convicted of a felony crime or is convicted of a crime involving moral turpitude.

(Sec. 3.07 amnd. by Resolution 667-09, prop. 4, adopted 11/12/09)

State law reference—Eligibility for public office, V.T.C.A., Election Code, sec. 141.001 et seq.; age and residence requirements for home-rule city office, V.T.C.A., Election Code, sec. 141.003; candidates for city office, V.T.C.A., Election Code, ch. 143.

Sec. 3.08. Officers [oath and bond].

All officers of the city, whether elective or appointive, shall qualify by taking the oath prescribed by the Constitution of this state and by executing such bond as may be required under the provisions of this Charter and ordinances and resolutions of the city.

State constitution reference—Oath of office, Texas Constitution, art. 16, sec. 1.

State law reference—Official bonds, V.T.C.A., Government Code, ch. 604.

Sec. 3.09. Term of office.

The members of the council shall hold office as herein provided:

(a) Place System. Each councilperson shall be elected to and occupy a place on the council, such places being numbered places 1 through 5. The mayor and each councilmember shall be elected at large by a majority of the voters voting at the election.

(b) Term. The mayor and each member of the council shall hold office for a three year term. Upon expiration of the terms of the current mayor and councilmembers, their successors shall be elected for terms as follows:

- Place 1 and 3 shall be elected for a term of two (2) years at the regular municipal election held in May 2011.
- Place 2 and Place 4 shall be elected for a term of two (2) years at the regular municipal election held in May 2010.

Upon the expiration of the above terms of the mayor and councilmembers, their successors shall be elected for terms of three (3) years.

(Sec. 3.09 amnd. by Resolution 667-09, prop. 2, adopted 11/12/09)

Sec. 3.10. Meetings of the city councilpersons.

The city council shall hold at least one (1) regular meeting each month, at a time to be fixed by it for such regular meetings, and as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens. (Sec. 3.10 amnd. by Resolution 667-09, prop. 3, adopted 11/12/09)

Sec. 3.11. Rules of the city council.

The city council shall determine its own rules of procedure and may compel the attendance of its members.

Sec. 3.12. Legislature procedure.

A majority of the city council shall constitute a quorum to do business, and the affirmative vote of at least three (3) of those attending any meeting at which there is a quorum present shall be necessary and sufficient to adopt any ordinance or resolution. All meetings of the city council shall be public, except when otherwise directed by the council, and minutes of all proceedings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the city. The vote upon the passage of all ordinances and resolutions shall be taken by the "ayes" and "nays" and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be authenticated by the signature of the presiding officer and the person performing the duties of city secretary.

Sec. 3.13. Vacancies.

- (a) If a vacancy occurs in the office of the Mayor, it shall be filled by the Mayor Pro Tem. Any other vacancy on the City Council, including a position vacated by the Mayor Pro Tem, shall be filled in accordance with this section.
- (b) A vacancy on the Council for an office with a three year term must be filled by special election in accordance with the requirements of the Texas Constitution.
- (c) Vacancies on the Council for offices with two year terms shall be filled as provided in this subsection. In the event there is one vacancy on the Council, the Council may call a special election or by a majority vote all remaining members appoint a qualified person to fill the vacancy. In the event there is more than one vacancy, the Council shall call a special election, unless appointment is required to achieve a quorum. If appointment is required to achieve a quorum, a majority of the remaining council may appoint a person or persons to fill the vacancy(s) who shall serve only until the special election.

(Sec. 3.13 amnd. by Resolution 667-09, prop. 2, adopted 11/12/09)

CHAPTER 7. ELECTIONS*

Sec. 7.01. City Elections

The regular city election shall be held annually on the first Saturday in May, or other date established by state law, at which time officers will be elected to fill those offices, the terms of which expire that year. The council shall fix the hours and place for holding such election. Notice of the election shall be published according to state law. In the order, ordinance, or resolution of the council calling any election, at which more than one (1) council member shall be elected, the council shall, in calling such election, provide for a separate place on the ballot for each vacancy to be filled at such election, designating such places as Place No. One, Place No. Two, etc.; and in case an unexpired term is to be filled at such election, the place for the unexpired term shall be so designated.

State law references—Authority to order election by political subdivision, V.T.C.A., Election Code, sec. 3.004; date for election of officers, V.T.C.A., Local Government Code, sec. 26.042; election dates, V.T.C.A., Election Code, ch. 41.

Sec. 7.02. Special elections.

The council, by ordinance or resolution, may call such special elections as are authorized by the state law, this charter, or for any other reason the council deems necessary, fix the time and place of holding same, and provide all means for holding such special elections in accordance with state law.

State law references—Ordering elections, V.T.C.A., Election Code, ch. 3; notice of special elections, V.T.C.A., Election Code, ch. 4; election dates, V.T.C.A., Election Code, ch. 41.

Sec. 7.03. Regulation of elections.

All general and special elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with this charter and ordinances or resolutions adopted by the council for the conduct of elections. The council shall appoint the election judges and shall provide for the compensation of all election officials in the city elections and for all other expenses in holding said elections.

Sec. 7.04. Judge of election.

The city council shall be the judge of the election and qualification of its own members and the mayor, subject to review of the courts in case of contest.

Sec. 7.05. Exception of Election Code.

In the event there is a conflict between any of the provisions of this charter and the Texas Election Code or an omission of any elements or provisions necessary for the conduct of an election, then those provisions of the Texas Election Code then existing shall prevail.

Sec. 7.06. Filing for office/procedures.

- (a) Each candidate for an elective office shall meet the qualifications set forth in Section 3.07 of this charter.
- (b) Any person so qualified who desires to become a candidate for election shall file an application with the city secretary, in accordance with the Texas Election Code.

State law references—Age and residence requirements for home-rule city office, V.T.C.A., Election Code, sec. 141.003; candidates for city office, V.T.C.A., Election Code, ch. 143.

Sec. 7.07. Holding other office.

(a) No person elected to the council shall, during the term for which he is elected to the council, hold or be appointed to any office, position, or employment in the service of the city, and no former member of the council shall hold any compensated, appointive city office or employment until one (1) year after the expiration of the term for which he is elected to the council. This section shall not prohibit a member of the council from serving on the board of an economic development corporation, crime control and prevention district, or other instrumentality of the city, nor shall it prohibit a member of the council from

holding a non-compensated office or position in the service of the city if the city council determines by a majority vote of the entire council that holding the office or position will benefit the city.

(b) If any employee of the city becomes a candidate for election to any public office of the City of River Oaks they shall, immediately upon becoming a candidate, forfeit the employment held with the city.

Sec. 7.08. Official ballots.

(a) **Candidates' Names on Ballots:** The names of all candidates who have filed for office shall be printed on the official ballots without party designation. The order on the ballot of the names of the candidates for each office or position shall be determined by lot in a drawing to be held under the supervision of the city secretary, or as otherwise required by state law.

(b) Early Voting shall be governed by the Texas Election Code.

State law references—Ballot form, content and preparation, V.T.C.A., Election Code, ch. 52.

Sec. 7.09. Canvassing and election results.

Returns of every municipal election shall be delivered forthwith by the election judges to the city secretary with a copy of the returns being sent to the Mayor. The council shall canvass the returns, investigate the qualifications of the candidates and declare the official results of the election prior to the first regular council meeting following delivery of the votes to the city secretary all in accordance with the Texas Election Code. The results of every municipal election shall be recorded in the minutes of the council. The qualified person receiving a majority of the votes cast for any office shall thereupon be declared elected by said council. The decision of the council, as to qualifications of candidates, shall be conclusive and final for all purposes.

State law reference—Canvassing elections, V.T.C.A., Election Code, ch. 67.

Sec. 7.10. Runoff.

In the event no candidate receives a majority of the votes cast, there shall be a runoff election held in accordance with state law.

Sec. 7.11. Notification of city officers.

After canvass of the votes, the city secretary, with the concurrence of the council, shall promptly notify all persons elected to office. A candidate who is elected in a regular, or special city election shall, take office, and enter upon his duties at the next council meeting after the date of the election.

CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

FORM C/OH COVER SHEET PG 1

The C/OH Instruction Guide explains how to complete this form.

1 Filer ID (Ethics Commission Filers)

2 Total pages filed:

3 CANDIDATE /
OFFICEHOLDER
NAME

MS / MRS / MR FIRST MI

NICKNAME LAST SUFFIX

OFFICE USE ONLY

Date Received

4 CANDIDATE /
OFFICEHOLDER
MAILING
ADDRESS

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

Change of Address

5 CANDIDATE/
OFFICEHOLDER
PHONE

AREA CODE PHONE NUMBER EXTENSION

()

Date Hand-delivered or Date Postmarked

6 CAMPAIGN
TREASURER
NAME

MS / MRS / MR FIRST MI

NICKNAME LAST SUFFIX

Receipt #

Amount \$

Date Processed

Date Imaged

7 CAMPAIGN
TREASURER
ADDRESS

STREET ADDRESS (NO PO BOX PLEASE); APT / SUITE #; CITY; STATE; ZIP CODE

(Residence or Business)

8 CAMPAIGN
TREASURER
PHONE

AREA CODE PHONE NUMBER EXTENSION

()

9 REPORT TYPE

- January 15
 30th day before election
 Runoff
 15th day after campaign treasurer appointment (Officeholder Only)
 July 15
 8th day before election
 Exceeded \$500 limit
 Final Report (Attach C/OH - FR)

10 PERIOD
COVERED

Month / Day / Year THROUGH Month / Day / Year

11 ELECTION

ELECTION DATE

Month / Day / Year

ELECTION TYPE

- Primary Runoff Other Description
 General Special

12 OFFICE

OFFICE HELD (if any)

13 OFFICE SOUGHT (if known)

GO TO PAGE 2

CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

FORM C/OH
COVER SHEET PG 2

14 C/OH NAME

15 Filer ID (Ethics Commission Filers)

16 NOTICE FROM
POLITICAL
COMMITTEE(S)

THIS BOX IS FOR NOTICE OF POLITICAL CONTRIBUTIONS ACCEPTED OR POLITICAL EXPENDITURES MADE BY POLITICAL COMMITTEES TO SUPPORT THE CANDIDATE / OFFICEHOLDER. THESE EXPENDITURES MAY HAVE BEEN MADE WITHOUT THE CANDIDATE'S OR OFFICEHOLDER'S KNOWLEDGE OR CONSENT. CANDIDATES AND OFFICEHOLDERS ARE REQUIRED TO REPORT THIS INFORMATION ONLY IF THEY RECEIVE NOTICE OF SUCH EXPENDITURES.

COMMITTEE TYPE

COMMITTEE NAME

GENERAL

SPECIFIC

COMMITTEE ADDRESS

COMMITTEE CAMPAIGN TREASURER NAME

COMMITTEE CAMPAIGN TREASURER ADDRESS

Additional Pages

17 CONTRIBUTION
TOTALS

1. TOTAL POLITICAL CONTRIBUTIONS OF \$50 OR LESS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS), UNLESS ITEMIZED

\$

2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)

\$

EXPENDITURE
TOTALS

3. TOTAL POLITICAL EXPENDITURES OF \$100 OR LESS, UNLESS ITEMIZED

\$

4. TOTAL POLITICAL EXPENDITURES

\$

CONTRIBUTION
BALANCE

5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF REPORTING PERIOD

\$

OUTSTANDING
LOAN TOTALS

6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD

\$

18 AFFIDAVIT

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

Signature of Candidate or Officeholder

AFFIX NOTARY STAMP / SEAL ABOVE

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

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

SUBTOTALS - C/OH

FORM C/OH
COVER SHEET PG 3

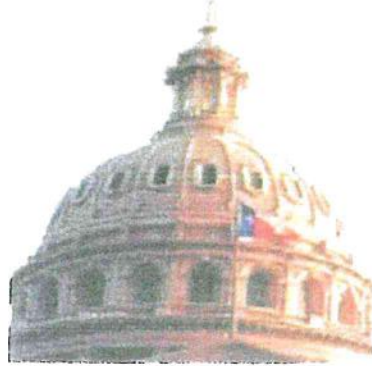
19 FILER NAME

20 Filer ID (Ethics Commission Filers)

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

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

TDD (800) 735-2989

Visit us at www.ethics.state.tx.us on the Internet.

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
2. the full name of one of the following: (a) the person who paid for the political advertising; (b) the political committee authorizing the political advertising; or (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

The disclosure statement must appear on the face of the political advertising or be clearly spoken if the political advertising does not include written text.

The advertising should not be attributed to entities such as "Committee to Elect John Doe" unless a specific-purpose committee named "Committee to Elect John Doe" has filed a campaign treasurer appointment with the Ethics Commission or a local filing authority.

IV. Are There Any Exceptions To The Disclosure Statement Requirement?

The following types of political advertising do not need the disclosure statement:

1. t-shirts, balloons, buttons, emery boards, hats, lapel stickers, small magnets, pencils, pens, pins, wooden nickels, candy wrappers, and similar materials;
2. invitations or tickets to political fundraising events or to events held to establish support for a candidate or officeholder;

3. an envelope that is used to transmit political advertising, provided that the political advertising in the envelope includes the disclosure statement;
4. circulars or fliers that cost in the aggregate less than \$500 to publish and distribute; 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.

*CITY COUNCIL
MEMORANDUM*



TO: Mayor Earwood and River Oaks City Council

FROM: Marvin Gregory, City Administrator

Sec. 3.12.135 Political signs

(a) A person commits an offense if the person erects or displays a political sign more than two (2) weeks before the commencement of early voting for an election or more than ten (10) days after the election and the sign is:

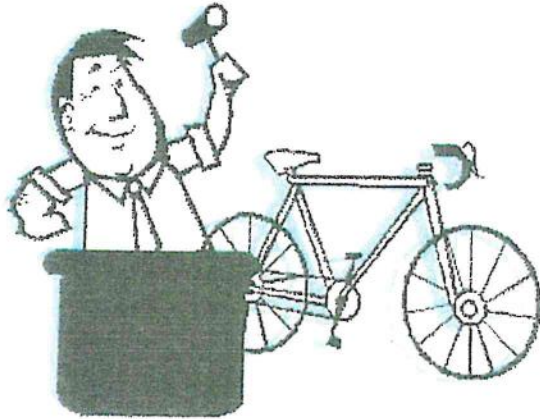
- (1) More than eight feet in height;
- (2) Has an effective area greater than 36 feet;
- (3) Is illuminated; or
- (4) Has any moving elements.

(b) A person who erects or maintains a sign which contains primarily a political message on a temporary basis on a sign generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political shall comply with the regulations applicable to that type of sign.

(c) Political signs are prohibited on property owned, leased or operated by the city.

POLITICAL FUNDRAISERS:

What You Need to Know



**A GUIDE FOR CANDIDATES, OFFICEHOLDERS,
AND POLITICAL COMMITTEES**

August 17, 2015

Visit us at <https://www.ethics.state.tx.us> on the Internet

Fundraising Events

Rule No. 1

File a Campaign Treasurer Appointment

All candidates must file a campaign treasurer appointment with the proper filing authority before accepting a campaign contribution or making or authorizing a campaign expenditure, including an expenditure from personal funds.

All political committees must file a campaign treasurer appointment before accepting or spending over \$500, and additional requirements may also apply.

Rule No. 2

No Raffles

Texas law allows only certain charitable and nonprofit organizations to conduct raffles to support their charitable causes. An unlawful raffle may constitute illegal gambling, which may carry criminal penalties.

For more information see: <https://www.texasattorneygeneral.gov/agency/weeklyag/2004/0604raffles.pdf> on the Office of the Attorney General website.

Rule No. 3

No Cash Contributions Over \$100

Texas law prohibits a candidate, officeholder, or specific-purpose committee from accepting political contributions in cash (excluding checks) that in the aggregate exceed \$100 from a single contributor in a reporting period.

Rule No. 4

Auction Activity is Reportable

Donations to a candidate or political committee at a fundraiser are campaign contributions.

An item donated to be auctioned at a fundraiser is an “in-kind” campaign contribution. The purchase of the item at the auction is also a contribution. Both the item and the purchase price must be reported as political contributions.

Rule No. 5

No Anonymous Contributions

Texas law requires filers to know the name of each contributor and the amount of each contribution, even for small contributions. Do not “pass the hat” or use a contribution jar. Depending on the filer and the amount of the contribution, additional information may be required.

Rule No. 6

**No Contributions from
Corporations or Labor
Organizations**

Texas law prohibits corporations and labor organizations from making political contributions to candidates, officeholders, and related specific-purpose committees. Contributions to GPACs are also restricted. Limited exceptions also exist.

The prohibition also applies to other organizations, such as partnerships and limited liability companies (LLC), if they are owned by a corporation or include an incorporated member or partner.

Rule No. 7

**No Contributions from
Foreign Nationals**

The Federal Election Campaign Act (FECA) prohibits certain foreign nationals from contributing, donating, or spending funds in connection with any federal, state, or local election in the U.S., either directly or indirectly. It is also unlawful to help foreign nationals violate that ban or to solicit, receive, or accept contributions or donations from them.

Rule No. 8

**No Misuse of Government
Property to Campaign**

Chapter 39 of the Penal Code prohibits a public servant from using government property, services, personnel, or any other thing of value belonging to the government to obtain a benefit or to harm or defraud another. The commission has held that the use of state computers to prepare campaign finance reports, or to use state resources to gather information for a campaign fundraiser, constitutes a misuse of government property.

Texas Ethics Commission

P.O. Box 12070

Austin, Texas 78711-2070

(512) 463-5800

Fax (512) 463-5777

Note: This brochure is not intended to encompass all the rules, but is intended to give a broad overview of the most common questions involving fundraisers. Be sure to check with the Texas Ethics Commission and your local municipality for any additional limits that might apply.

In compliance with the Americans With Disabilities Act, the publications of the Texas Ethics Commission are available by request in alternative formats. To request an accessible format, please contact our ADA Compliance Officer by telephone at 512-463-5800 or through RELAY Texas at 800-735-2989; or by mail in care of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711.

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Notice of Required Identification

A voter must show one of the following forms of acceptable photo identification at the polling location before the voter may be accepted for voting, unless the voter has a reasonable impediment to obtaining one of these forms of acceptable photo identification or the voter qualifies for one of the other exemptions identified below:

- **Texas Driver's License issued by the Department of Public Safety ("DPS")**
- **Texas Election Identification Certificate issued by DPS;**
- **Texas Personal Identification Card issued by DPS;**
- **Texas Handgun License issued by DPS;**
- **United States Military Identification Card containing the person's photograph;**
- **United States Citizenship Certificate containing the person's photograph; or**
- **United States Passport.**

With the exception of the U.S. citizenship certificate, the identification must be current or have expired no more than 4 years before being presented for voter qualification at the polling place.

If a voter does not possess one of the forms of acceptable photo identification listed above, and the voter cannot reasonably obtain such identification, the voter has the right to execute a Reasonable Impediment Declaration and present one of the following supporting documents:

- **valid voter registration certificate;**
- **certified birth certificate (must be an original);**
- **copy of or original current utility bill;**
- **copy of or original bank statement;**
- **copy of or original government check;**
- **copy of or original paycheck; or**
- **copy of or original other government document that displays your name and an address (though an original is required if it contains a photograph).**

Exemptions: Voters with a disability may apply with the county voter registrar for a permanent exemption to showing an acceptable form of photo identification at the polls. Voters with a religious objection to being photographed or voters who cannot present an acceptable form of photo identification due to certain natural disasters may apply for a temporary exemption to showing an acceptable form of photo identification at the polls. Please contact your voter registrar for more details.

Provisional Voting: If (a) a voter does not possess one of the seven (7) acceptable forms of photo identification, which is not expired for more than four years, and the voter can reasonably obtain one of these forms of identification or (b) if a voter possesses, but did not bring to the polling place, one of the seven forms of acceptable photo identification, which is not expired for more than four years, or (c) if the voter does not possess one of the seven forms of acceptable photo identification, which is not expired for more than four years, could otherwise not obtain one due to a reasonable impediment, but did not bring a supporting form of identification to the polling place, the voter may cast a provisional ballot at the polls and will have **six (6) calendar days** after election day to present an acceptable form of photo identification, which is not expired for more than four years, in the presence of the county voter registrar.

Aviso de Identificación Requerida

El elector debe presentar una de las siguientes formas de identificación aprobadas con fotografía en la casilla electoral para poder ejercer su voto, a menos que tenga un impedimento razonable para obtener una de estas formas de identificación aprobadas con fotografía o si califica para una de las otras excepciones identificadas a continuación:

- Licencia de Conducir de Texas expedida por el Departamento de Seguridad Pública ("DPS", según sus siglas en inglés);
- Certificado de Identificación Electoral de Texas expedido por el DPS;
- Tarjeta de Identificación Personal de Texas expedida por el DPS;
- Licencia para Portar Armas de Fuego de Texas expedida por el DPS;
- Cédula de Identificación Militar de los Estados Unidos con fotografía;
- Certificado de Ciudadanía de los Estados Unidos con fotografía; o
- Pasaporte de los Estados Unidos.

Con la excepción del certificado de ciudadanía estadounidense, la identificación debe estar actualizada o no haber vencido más de 4 años antes de ser presentada en la casilla electoral para poder ejercer su voto.

Si el elector no posee una de las formas de identificación aprobadas con fotografía mencionadas anteriormente, y no puede obtener razonablemente tal identificación, tiene derecho a llenar una Declaración de Impedimento Razonable y presentar una de las siguientes formas de identificación adicionales:

- Certificado de registro electoral válido;
- Acta de nacimiento certificada (original);
- Factura reciente de servicios públicos (original o copia);
- Estado de cuenta bancaria (original o copia);
- Cheque del gobierno (original o copia);
- Cheque de pago (original o copia); o
- Documento del gobierno con su nombre y una dirección (original o copia) (se requiere documento original si contiene una fotografía).

Excepciones: Electores con alguna discapacidad pueden solicitar una excepción permanente para no presentar una forma de identificación aprobada con fotografía en las casillas por medio de la oficina de registro electoral de su condado. Electores con una objeción religiosa a ser fotografiados o que no puedan presentar una forma de identificación aprobada con fotografía debido a ciertos desastres naturales pueden solicitar una excepción temporal para no presentar una forma de identificación aprobada con fotografía en la casilla de votación. Por favor comuníquese con la oficina de registro electoral de su condado para más detalles.

Voto Provisional: Si (a) un elector no posee una de las siete (7) formas de identificación aprobadas con fotografía, que no haya vencido más de cuatro años antes, y puede obtener razonablemente una de las formas de identificación o (b) posee una de las siete formas de identificación aprobadas con fotografía, que no haya vencido más de cuatro años antes, pero no la trajo a la casilla electoral, o (c) no posee una de las siete formas de identificación aprobadas con fotografía, que no haya vencido más de cuatro años antes, no pudo obtener una debido a un impedimento razonable, pero no llevo una forma de identificación adicional a la casilla electoral, podrá ejercer un voto provisional en las casillas y tendrá que presentar una forma de identificación aprobada con fotografía, que no haya vencido más de cuatro años antes, en presencia del funcionario de registro electoral en los próximos seis (6) días después del día de la elección.