

# TEXAS ETHICS COMMISSION RULES



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# TEXAS ETHICS COMMISSION RULES

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## Chapter 6. ORGANIZATION AND ADMINISTRATION

### Subchapter A. GENERAL RULES

#### § 6.1. Definitions

The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Act--The Government Code, Chapter 571 (concerning Texas Ethics Commission).
- (2) Administrative Procedure Act--The Government Code, Chapter 2001 (concerning Administrative Procedure).
- (3) Agency--The state agency governed by the commission, as it functions and operates through the administrative staff hired by the commission and its executive director.
- (4) Commission--The Texas Ethics Commission, as constituted and described in the Texas Constitution, Article 3, § 24a.
- (5) Document--A report, complaint, response, letter, or any other written material.
- (6) Executive director--The person employed by the commission to serve as the agency's chief administrative officer, or any other employee of the commission acting as the designee of the executive director.
- (7) Family member or relative--An individual who is related within the second degree of affinity or consanguinity, as defined by the Government Code, Chapter 573, Subchapter B (concerning Relationships by Consanguinity or by Affinity).
- (8) Filer--A person required to file a report with the commission or a local filing authority in accordance with this title.
- (9) Individual--A human being who has been born and is alive.
- (10) Local filing authority--A public servant other than the Texas Ethics Commission with whom a filer must file a report in accordance with this title, as identified in § 20.5 of this title (relating to Reports Filed with a County Filing Authority) and § 20.7 of this title (relating to Reports Filed with Other Local Filing Authority).
- (11) Open Meetings Law--The Government Code, Chapter 551 (concerning Open Meetings).
- (12) Open Records Law--The Government Code, Chapter 552 (concerning Open Records).
- (13) Person--An individual, representative, corporation, association, or other entity, including any nonprofit corporation, or any agency or instrumentality of federal, state, or local government.

(14) Postmark--A postal cancellation by the United States Postal Service that contains the post office name, state, and zip code and the month, day, and year the canceling post office accepted custody of the material.

(15) Presiding officer--The person elected to serve as the commission's chairman or chairwoman under § 6.21 of this title (relating to Officers of the Commission).

(16) Report--Any document or other information required to be filed under this title.

(17) Staff--Employees of the commission, hired by the commission or the executive director.

(18) Title 15--The Election Code, Title 15 (concerning Regulating Political Funds and Campaigns).

### **§ 6.3. Purpose and Construction of Rules**

(a) This title is adopted for the following purposes:

(1) to establish and explain the practice and procedures followed by the commission and its employees performing its duties under the law; and

(2) to provide specific guidance necessary to encourage and ensure full compliance with all laws administered and enforced by the commission.

(b) A person's obligation to comply with a requirement or prohibition established by statute exists even if this title is silent concerning a statutory requirement.

(c) This title shall always be construed in a manner consistent with all applicable constitutional and statutory requirements.

### **§ 6.5. Authority To Adopt Rules**

(a) This title is adopted under the authority granted by the Act, the Administrative Procedure Act, and by any other law administered and enforced by the commission that establishes the commission's authority to adopt rules.

(b) The commission will not adopt a rule that in the opinion of the commission, directly addresses the subject matter of pending litigation known to the commission.

### **§ 6.7. Actions That Require Six Votes**

(a) The following actions require the affirmative vote of no less than six members of the commission:

(1) to adopt a rule to administer any law administered and enforced by the commission;

(2) to render any decision on a complaint or a report of a violation as provided by the Government Code, Chapter 571 (concerning Texas Ethics Commission), other than a final decision after a formal hearing that a violation has not occurred, which requires only five votes;

(3) to prohibit participation by a member of the commission in commission proceedings relating to the investigation, complaint, or motion;

(4) without a sworn complaint, to initiate a preliminary review of an alleged violation of a law administered or enforced by the commission;

(5) to subpoena and examine witnesses and documents that directly relate to a sworn complaint and issue a written request to a peace officer to serve a subpoena of the commission in the manner prescribed for service of a district court subpoena;

(6) to order and perform a complete audit at an informal or formal hearing of a sworn complaint or commission-initiated complaint; and

(7) to initiate civil enforcement actions and refer matters to the appropriate prosecuting attorney for criminal prosecution.

(b) Any action not listed in subsection (a) of this section that requires a vote of the commission requires the affirmative vote of no less than five members of the commission.

### **§ 6.9. Computation of Time**

(a) This section states how to compute a period of time prescribed or allowed by this title, by any order of the agency, or by any applicable statute. The day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period is included. However, if the last day of the time period would be a Saturday, a Sunday, or a legal holiday, the period is extended until the next day that is not a Saturday, a Sunday, or a legal holiday. A legal holiday, for purposes of this section, is any day other than a Saturday or Sunday that the agency is closed for a holiday established by state law.

(b) A time period described by statute or this title to be a certain number of business days is calculated under subsection (a) of this section without including any Saturday, Sunday, or legal holiday within that time period.

(c) A document required to be filed or served by a deadline established by statute or this title is filed or served when it is actually received. A document may be deemed to be filed or served when it is deposited with the United States Postal Service, properly addressed to the recipient, with all postage prepaid. The date of the postmark on the envelope for the document is presumed to be the date the document was deposited with the United States Postal Service.

(d) A document filed or served by delivery to the United States Postal Service is presumed to have been filed before 5:00 p.m. on the date indicated by the postmark.

**Subchapter B. OFFICERS AND EMPLOYEES OF THE COMMISSION**

**§ 6.21. Officers of the Commission**

- (a) The commission shall select a presiding officer and a vice-presiding officer.
- (b) Commission officers are elected annually by majority vote of the commission. The election shall take place at the first commission meeting scheduled after November 19 of each year. Each officer shall serve until his or her successor is selected.
- (c) The presiding officer shall preside at all meetings of the commission. While presiding, the presiding officer shall direct the order of the meeting, appoint subcommittees and persons to chair subcommittees, recognize persons to be heard at hearings, set reasonable and necessary time limits for speakers, and take other actions to clarify issues and preserve order. When the presiding officer is absent, the vice-presiding officer shall perform all duties of the presiding officer.

**§ 6.23. Commission Staff**

- (a) The executive director is the chief administrative officer of the agency. The executive director shall attend commission meetings at the pleasure of the commission and serve as liaison between the commission and the public.
- (b) The commission delegates to the executive director all powers conferred on the commission by the Act or other law, except for any power that requires a vote of the commission. Any action taken by the executive director shall conform with all applicable law, including this title and other policies that may be adopted from time to time by the commission.
- (c) The executive director shall attend commission meetings unless specifically excused by the commission and shall perform any duties or assignments established by the commission.
- (d) The general counsel shall attend commission meetings unless specifically excused by the commission, shall provide legal advice to the commission and executive director, and shall perform any duties delegated by the executive director.

**§ 6.25. Appointment and Operation of Advisory Committees**

- (a) The commission by resolution may establish one or more committees to obtain the viewpoints and advice of interested persons with respect to any contemplated rulemaking. The membership or method of appointment of members to a committee established under this section shall be specified in the resolution that creates the committee. A committee created under this section is advisory only.
- (b) In addition to committees established under subsection (a) of this section, with the consent of other members of the commission the presiding officer may from time to time establish and appoint commission members and others to a special committee to exercise advisory duties specified by the presiding officer.

**Subchapter C. COMMISSION MEETINGS**

**§ 6.31. Quorum**

Five commissioners must be present as a quorum to hold a commission meeting.

**§ 6.33. Frequency of Meetings**

The commission shall meet at least once a quarter at the call of the presiding officer.

**§ 6.35. Called Meetings**

The executive director shall give notice to each commissioner of the date and time of each meeting. Notice under this section shall be provided a reasonable amount of time in advance of the meeting, and may be by telephone, fax, or mail.

**§ 6.37. Open Meetings**

(a) Except as provided by subsection (b) of this section, each meeting of the commission shall be conducted in accordance with the Open Meetings Law.

(b) A commission meeting limited to consideration and action on matters relating to sworn complaints is not subject to the Open Meetings Law.

**§ 6.39. Meeting Agenda**

(a) The agenda shall consist of agenda items proposed by the executive director prior to the meetings for which the agenda is specified. At a reasonable time before filing a copy of the agenda as required by the Open Meetings Law, the executive director shall provide a copy of the proposed agenda to the presiding officer. If the presiding officer is not reasonably available, the executive director shall provide a copy of the proposed agenda to the vice-presiding officer. If the vice-presiding officer is not reasonably available, the executive director shall provide a copy of the proposed agenda to any two commissioners.

(b) The presiding officer, a commission member with the consent of the presiding officer, or any two commissioners may direct the executive director to include an item on the agenda if it complies with the posting requirements specified by law. The presiding officer may direct the executive director to remove an item included on a proposed agenda unless that item is requested by two commission members other than the presiding officer.

(c) A member of the public may ask the executive director to place an item on a proposed agenda. The executive director shall advise the commission of the request and may include the item on a proposed agenda.

**§ 6.41. Public Hearing and Participation**

(a) A public hearing on an agenda item shall be conducted when required by law or requested by a commissioner.

(b) The executive director shall prepare and maintain a plan for providing special assistance (including without limitation translation of the English language) to persons who request such assistance for the purpose of attending, observing, or participating in a commission meeting.

**§ 6.43. Speakers Addressing the Commission**

(a) The executive director shall prescribe a speaker registration form. Each person who wishes to speak at a commission meeting shall provide the following information:

- (1) the speaker's name;
- (2) the person or entity the speaker represents, if any;
- (3) the agenda item the speaker wishes to address; and
- (4) his or her mailing address and telephone number.

(b) Any person who addresses the commission shall state his or her name and the name of the person or entity the speaker represents, if any, for purposes of the tape recording under § 6.47 of this title (relating to Tape Recording of Meeting; Minutes).

**§ 6.45. Order and Conduct of Commission Meeting**

(a) The presiding officer shall preside at all meetings of the commission. The presiding officer shall direct the order of the meeting in accordance with its agenda, recognize persons to be heard, set reasonable and necessary time limits for speakers, maintain and enforce appropriate standards of conduct, and take any other action necessary in his or her discretion to clarify issues and preserve order. When the presiding officer is absent, the vice-presiding officer shall perform all duties under this subsection.

(b) Commission meetings shall be conducted in accordance with rules and procedures set forth in the most recently published edition of Robert's Rules of Order.

(c) With unanimous consent of all commissioners present, any provision or requirement of this section may be waived.

(d) No action of the commission that otherwise complies with law shall be void or invalid because the action was taken in violation of a rule or procedure established by this section.

**§ 6.47. Tape Recording of Meeting; Minutes**

(a) All meetings of the commission shall be tape recorded. The tape recording shall be the official record of actions taken at the meeting.

(b) The presiding officer shall announce the names of each commissioner who makes or seconds a motion to be voted upon by the commission. After the vote has been taken, the presiding officer shall announce the vote in a manner that identifies how each commissioner voted, if a commissioner abstained, or if a commissioner was not present for the vote.

(c) The executive director shall prepare minutes after each meeting that reflect all commission votes and other actions taken during the meeting. The minutes shall be approved by vote of the commission at a subsequent commission meeting.

#### **Subchapter D. RULEMAKING PROCEDURES**

##### **§ 6.61. Comments on Proposed Rules**

(a) Written comments on a proposed rule received at the agency office shall be reviewed by the executive director and made available to each member of the commission before final action to adopt the rule.

(b) Oral or written comments on a proposed rule may also be offered at the public hearing required by § 6.63 of this title (relating to Public Hearings on Proposed Rules).

##### **§ 6.63. Public Hearings on Proposed Rules**

The commission will hold a public hearing on each proposed rule before it takes final action to adopt the rule. Unless otherwise scheduled, the public hearing will be held immediately before the commission votes on the proposed rule.

#### **Subchapter E. AGENCY FEES AND CHARGES**

##### **§ 6.81. Charges; Payment of Money; Refunds**

(a) Any fee or charge payable to the agency shall be paid in advance, unless satisfactory arrangements for subsequent payment are approved by the executive director.

(b) Money paid by actual mistake or in excess, such as a payment not required by law, may be refunded. A mere change of purpose after the payment of money, as when a party desires to withdraw a filing, will not entitle a party to a refund.

##### **§ 6.83. Copying Charges**

The charge for providing copies of documents shall be in accordance with rules established by the General Services Commission or other applicable law.

##### **§ 6.87. Waiver of Fees for Copies or Publications**

The executive director may waive or reduce a charge established by this subchapter when, in his or her discretion, a waiver or reduction of the fee is in the public interest because furnishing the information primarily benefits the general public.



## Chapter 8. ADVISORY OPINIONS

### § 8.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise: AOR number--An advisory opinion request file number assigned by the executive director to a pending advisory opinion in accordance with this chapter.

### § 8.3. Subject of an Advisory Opinion

(a) The commission will issue a written advisory opinion on the following laws to a person qualified to make a request under § 8.5 of this title (relating to Persons Eligible To Receive an Advisory Opinion):

- (1) Government Code, Chapter 302 (concerning Speaker of the House of Representatives);
- (2) Government Code, Chapter 303 (concerning Governor for a Day and Speaker's Reunion Day Ceremonies);
- (3) Government Code, Chapter 305 (concerning Registration of Lobbyists);
- (4) Government Code, Chapter 572 (concerning Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest);
- (5) Government Code, Chapter 2004 (concerning Representation Before State Agencies);
- (6) Local Government Code, Chapter 159, Subchapter C, in connection with a county judicial officer, as defined by Section 159.051, Local Government Code, who elects to file a financial statement with the commission;
- (7) Election Code, Title 15 (concerning Regulating Political Funds and Campaigns);
- (8) Penal Code, Chapter 36 (concerning Bribery and Corrupt Influence); and
- (9) Penal Code, Chapter 39 (concerning Abuse of Office).

(b) The commission will not issue an advisory opinion that concerns the subject matter of pending litigation known to the commission.

(c) An advisory opinion cannot resolve a disputed question of fact.

### § 8.5. Persons Eligible To Receive an Advisory Opinion

A person who is subject to one of the laws described in § 8.3(a) of this title (relating to Subject of Advisory Opinions) may request an opinion that advises how the law applies to that person in a specific real or hypothetical factual situation.

### **§ 8.7. Request for an Advisory Opinion**

(a) A request for an advisory opinion shall describe a specified factual situation. The facts specified may be real or hypothetical. The request must provide sufficient detail to permit the commission to provide a response to the request.

(b) A request for an advisory opinion shall be in writing. A written request may be mailed, hand-delivered, or faxed to the commission at the agency office.

### **§ 8.9. Commission Initiated Opinion**

When a majority of the commission determines that an opinion would be in the public interest or in the interest of any person or persons within the jurisdiction of the commission, the commission may on its own motion issue an advisory opinion.

### **§ 8.11. Review and Processing of a Request**

(a) Upon receipt of a request for an advisory opinion, the executive director will determine whether the request is one the commission will answer under § 8.3 of this title (relating to Subject of an Advisory Opinion).

(b) If the commission will answer the request, the executive director will assign an AOR number to the request. The executive director shall notify the person making the request of the AOR number and of the proposed wording of the question to be answered by the commission.

(c) If the request is one the commission cannot answer, the executive director shall notify the person making the request of the reason the request will not be answered.

### **§ 8.13. Time Period**

(a) The commission shall issue an advisory opinion not later than the 60th day after the date the commission receives the written request.

(b) For purposes of calculating the time period under subsection (a) of this section, an advisory opinion request is deemed to have been received on the date the executive director determines the request complies with §§ 8.3, 8.5, and 8.7 of this title (relating to Subject of an Advisory Opinion; Persons Eligible To Receive an Advisory Opinion; and Request for an Advisory Opinion) and assigns the request an AOR number.

(c) The authority granted by the Act, § 1.29(b), is delegated to the staff of the commission.

### **§ 8.15. Publication in Texas Register; Comments**

(a) Each request assigned an AOR number under this chapter shall be published in summary form in the Texas Register.

(b) Any interested person may submit written comments concerning an advisory opinion request. Comments submitted should reference the AOR number.

**§ 8.17. Letter Response**

If the executive director determines a request can be answered by reference to the plain language of a statute or a commission rule, or if the question has already been answered by the commission, then in either case the executive director may provide a written response to the person making the request that cites the language of the statute or rule or the prior determination, as applicable.

**§ 8.19. Confidentiality**

(a) The name of a person who requests an advisory opinion is confidential.

(b) The original request for an advisory opinion shall be placed in a confidential file. No original request or copy of an original request may be removed from the agency office.

(c) Confidentiality under subsection (a) of this section may be waived only if the person making the request for an advisory opinion provides a verified, written waiver of confidentiality to the executive director.

(d) If a request for a copy of an advisory opinion request is received, the executive director shall prepare a redacted version of the advisory opinion request by deleting any information that is likely to identify the person making the request. The redacted version of the request shall be provided to the person who requested a copy of the advisory opinion request.

**§ 8.21. Compilation of Advisory Opinions**

The executive director shall number and categorize each advisory opinion issued and shall annually compile a summary of advisory opinions in a single reference document. The executive director may publish and provide copies of advisory opinions in other formats as may be in the public interest.

## **Chapter 10. ETHICS TRAINING PROGRAMS**

### **§ 10.1. Training Programs**

Upon approval of the commission, the executive director shall establish a program to provide training relating to the laws administered and enforced by the commission and related laws for:

- (1) members and members-elect of the legislature, to be held by January of each odd-numbered year;
- (2) state employees, in cooperation with state agencies; and
- (3) other persons and officials whose conduct is regulated by laws administered and enforced by the commission and related laws.

### **§ 10.3. Tuition Charges to Attendees of Training Programs**

Upon approval of the commission, the executive director may establish tuition charges for persons who attend training programs under § 10.1(3) of this title (relating to Training Programs) to recover costs of the training.

## Chapter 12. SWORN COMPLAINTS

### Subchapter A. GENERAL PROVISIONS AND PROCEDURES

#### § 12.5. Deadline for Filing a Complaint

(a) The commission has no jurisdiction over an alleged violation:

(1) if the alleged violation is also a criminal offense, and if, at the time the complaint is filed or at the time the commission would vote to initiate a preliminary review of a matter, the allegation would be barred from criminal prosecution by operation of the applicable statute of limitations; or

(2) if the alleged violation is not also a criminal offense and if the allegation is based on facts that occurred more than three years before the date the complaint is filed or the date the commission would vote to initiate a preliminary review of a matter.

(b) For purposes of this section, a complaint is filed on the date it is hand-delivered to the commission or on the date that it is deposited in the mail or with a common or contract carrier, properly addressed, with postage prepaid.

(c) For purposes of this section, a complaint is not filed unless it complies with the requirements of section 571.122 of the Government Code.

#### § 12.6. File Date for Purposes of Commission Response Deadline

For purposes of section 571.123 of the Government Code, the file date for a complaint is the date the complaint is received at the agency office.

#### § 12.7. Confidentiality

(a) The commission and its employees shall not communicate any information about a sworn complaint, including whether or not a complaint has been filed, to any person other than the respondent, the complainant, and a witness or potential witness identified by the respondent, the complainant, or another witness or potential witness.

(b) Confidentiality under section 571.140 of the Government Code may be waived only if the complainant and each respondent named in the complaint provide a verified, written waiver of confidentiality to the executive director.

#### § 12.9. Compliance with Open Meetings Law and Open Records Law

(a) The Open Meetings Law, chapter 551 of the Government Code, does not apply to a meeting or decision of the commission in connection with a complaint until written notice of a formal hearing on the complaint is sent to the respondent and complainant.

(b) The Open Records Law, chapter 552 of the Government Code, does not apply to information relating to a complaint until written notice of a formal hearing on the complaint is sent to the respondent and complainant.

### **§ 12.11. Delegation to Executive Director**

Any duty or power of the commission relating to a complaint that does not require a commission vote is delegated to the executive director.

### **§ 12.13. Representation by Counsel**

A respondent has the right to be represented by counsel retained by the respondent in any proceeding of a complaint.

### **§ 12.15. Appearance of Complainant at Hearing**

The commission may grant a complainant the opportunity to be heard at a hearing.

### **§ 12.19. Agreements to be in Writing**

No stipulation or agreement with respect to any matter in a complaint shall be effective unless it has been:

- (1) reduced to writing and signed by each person making the stipulation or agreement, or by that person's authorized representative; or
- (2) entered into the record during the course of a hearing.

### **§ 12.21. Notice**

(a) A notice required to be sent to a complainant under chapter 571 of the Government Code shall be sent to the address most recently provided by the complainant.

(b) A notice required to be sent to a respondent under chapter 571 of the Government Code shall be sent to the address provided by the complainant or to the address most recently provided by the respondent.

(c) Notice of a hearing must be given at least 10 business days before the date of the hearing, and must include:

- (1) the date, time, place, and nature of the hearing;
- (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) a reference to the particular sections of the statutes and rules involved; and
- (4) a short and plain statement of the matters asserted.

(d) A person entitled to receive notice may waive that right by filing a written waiver with the executive director.

(e) A respondent or complainant in a complaint may waive the right under section 571.032 of the Government Code to receive written notices related to the complaint by registered or certified mail, restricted delivery, return receipt requested, and may agree to receive written notices related to the complaint by first class mail.

### **§ 12.23. Hearing in Respondent's Absence**

If a respondent fails to appear at a hearing, the commission may proceed in the respondent's absence and may find credible evidence of the violations alleged in the complaint and may issue a final order imposing a civil penalty.

### **§ 12.25. Waiver of Hearing**

A respondent may waive the right to a hearing.

### **§ 12.27. Deadline Extension**

The executive director may extend a deadline pursuant to section 571.136 of the Government Code.

### **§ 12.29. Subpoenas**

(a) A subpoena issued under section 571.137 of the Government Code shall specify the date, time, place, and manner for execution of the subpoena.

(b) A subpoena that requires a person to provide testimony shall be served on that person at least 10 business days before the date the subpoena is to be executed.

### **§ 12.35. Frivolous Complaint**

(a) By a record vote of at least six commissioners, the commission may order a complainant to show cause why the commission should not determine that the complaint filed by the complainant is a frivolous complaint.

(b) In deciding if a complaint is frivolous, the commission will be guided by the Texas Rules of Civil Procedure, Rule 13, and interpretations of that rule, and may also consider:

- (1) the timing of the complaint with respect to when the facts supporting the alleged violation became known or should have become known to the complainant, and with respect to the date of any pending election in which the respondent is a candidate or is involved with a candidacy, if any;

- (2) the nature and type of any publicity surrounding the filing of the complaint, and the degree of participation by the complainant in publicizing the fact that a complaint was filed with the commission;
  - (3) the existence and nature of any relationship between the respondent and the complainant before the complaint was filed;
  - (4) if respondent is a candidate for election to office, the existence and nature of any relationship between the complainant and any candidate or group opposing the respondent;
  - (5) any evidence that the complainant knew or reasonably should have known that the allegations in the complaint were groundless; and
  - (6) any evidence of the complainant's motives in filing the complaint.
- (c) Notice of a show cause hearing must be given at least 10 business days before the date of the hearing. Notice shall be sent by registered or certified mail, restricted delivery, return receipt requested.
- (d) Notice of an order to show cause shall include:
- (1) an explanation of why the complaint appears to be frivolous; and
  - (2) the date, time, and place of the show cause hearing to be held under subsection (e) of this section.
- (e) Before making a determination that a complaint is a frivolous complaint, the commission shall hold a hearing at which the complainant may be heard and may be represented by counsel retained by the complainant.

### **Subchapter B. FILING AND INITIAL PROCESSING OF A COMPLAINT**

#### **§ 12.52. Response to Notice of Complaint**

- (a) The response required by section 571.1242 of the Government Code must:
- (1) be in writing;
  - (2) admit or deny the allegations set forth in the complaint; and
  - (3) be signed by the respondent.
- (b) If a respondent does not submit a response within the time period prescribed by section 571.1242 of the Government Code, the commission may issue an order imposing a civil penalty for failure to file a response.



(c) If a respondent does not submit a response that satisfies the requirements of subsection (a) of this section, the commission may issue an order imposing a penalty for failure to file a complete response.

### **§ 12.53. Commission Initiated Complaint**

A preliminary review initiated by the commission under section 571.124(b) of the Government Code is deemed to be a complaint for purposes of all further proceedings under chapter 571 of the Government Code and of this chapter.

### **§ 12.57. Contents of a Complaint**

(a) In addition to the contents set out in Government Code section 571.122, a complaint must include the following information:

- (1) the telephone number of the complainant; and
- (2) if known to the complainant, the mailing address and telephone number of each respondent.

(b) A complaint must include the position and title of a respondent only if the alleged violation is related to the position or title of the respondent.

### **§ 12.59. Description of Violation**

(a) If a complaint does not include the specific rule or provision of law alleged to have been violated, the complaint must clearly and concisely describe facts that, if true, would constitute a violation of a law administered and enforced by the commission.

(b) A complaint that erroneously cites a specific rule or provision of law is nonetheless sufficient if the correct citation can reasonably be ascertained by the commission. When a complaint erroneously cites a specific rule or provision of law, the commission shall cite the correct rule or provision of law in the notice provided to the respondent.

### **§ 12.61. Statement of Facts**

(a) The alleged facts must provide sufficient detail to reasonably place the respondent on notice of the law violated and of the manner and means by which the violation allegedly occurred and to afford the respondent a basis on which to prepare a response.

(b) The facts alleged must disclose the specific date or dates on which the alleged violation occurred, if that date is known to the complainant. If the complainant is unable to provide a specific date for the violation, the complaint must disclose a specific period of time during which the alleged violation may have occurred.

(c) The facts alleged may adopt by reference the content of documents submitted with the complaint. However, the allegations must reasonably identify those portions of the document that are relevant to the alleged violation.

**§ 12.67. Copies and Documents Provided by the Commission**

(a) The executive director shall provide to a respondent copies of all documents submitted with a complaint unless the executive director determines that certain supporting documents are redundant.

(b) If the executive director determines that supporting documents are redundant, the notice of complaint shall describe the documents and inform the respondent that the documents are available for examination by the respondent at the agency office and that copies will be provided to the respondent on request at the respondent's expense.

(c) Whenever the executive director believes a complainant or respondent may agree a document is not needed, the executive director may ask if the complainant or respondent will waive the right to receive the document.

**Subchapter C. INVESTIGATION AND PRELIMINARY REVIEW**

**§ 12.83. Preliminary Review**

(a) A respondent must respond to written questions submitted to the respondent pursuant to section 571.1243 of the Government Code not later than 15 business days after the respondent receives the written questions. The executive director may grant an extension of the time period for good cause shown.

(b) If the commission staff submits written questions to a respondent pursuant to section 571.1243 of the Government Code, the time period set forth in section 571.1242(a)(2) of the Government Code or section 571.1242(b)(2) of the Government Code, as applicable, is increased by the number of business days during the period beginning on the date the commission sends the written questions and ending on the date the commission receives the respondent's written response.

(c) If the commission staff applies to the commission for the issuance of a subpoena pursuant to section 571.137(a-1) of the Government Code, the time period set forth in section 571.1242(a)(2) of the Government Code or section 571.1242(b)(2) of the Government Code as applicable, is increased by the number of business days during the period beginning on the date the staff applies to the commission for the subpoena and ending on either:

- (1) the date the commission rejects the staff's application for a subpoena;
- (2) the date the person to whom the subpoena is directed complies with the subpoena; or
- (3) the date the commission reports to a district court pursuant to section 571.137(c) of the Government Code.

(d) The executive director may report to the commission any findings and conclusions from a preliminary review of a complaint.

**§ 12.85. Preliminary Review Hearing**

The executive director and the respondent may present any relevant evidence at a preliminary review hearing, including examination and cross-examination of witnesses.

**§ 12.87. Resolution of Preliminary Review Hearing**

The executive director shall dismiss a complaint if the commission fails to issue a decision under section 571.126 of the Government Code within 180 days after a preliminary review hearing.

**Subchapter E. FORMAL HEARING**

**§ 12.117. Formal Hearing: Venue**

When the commission orders a formal hearing the commission shall decide whether the formal hearing will be held before the commission or before the State Office of Administrative Hearings.

**§ 12.119. Resolution after a Formal Hearing**

The executive director shall dismiss a complaint if the commission fails to adopt a motion under section 571.132 of the Government Code. The dismissal shall state the complaint was dismissed because there were insufficient commission votes to find that there was or was not a violation of law.

## Chapter 18. GENERAL RULES CONCERNING REPORTS

### § 18.1. Forms

(a) The executive director shall prescribe forms for statements and reports required to be filed with the commission.

(b) The executive director may issue a certificate approving a form submitted to the commission for approval if the form:

(1) provides for the reporting of all information required on the prescribed form;

(2) is substantially similar in paper size and format to the prescribed form; and

(3) will not be confusing to those who use the form.

(c) A filer whose form has been approved by the executive director under subsection (b) must submit a new form for approval if information required to be reported has changed since the original form was approved.

(d) A filer who files a report using computer software provided by the commission or using computer software that meets commission specifications for a standard file format must enter data for the report in accordance with the instructions provided for the software.

(e) A filer who files a report using computer software provided by the commission must use the most current version of the software.

### § 18.3. Provision of Forms by Local Filing Authority

A local filing authority shall make the appropriate form available for use by persons required to file a report with that filing authority.

### § 18.5. Specification of Office

When a filer is required to identify the office sought by a candidate or held by an officeholder, the filer shall list the title of the public office, including the district and, if the office is an office of a political subdivision, the name of the political subdivision.

### § 18.7. Timely Reports and Complete Reports

(a) A report is timely if it is complete and is filed by the applicable deadline using the reporting method required by law.

(b) A report is late if it is:

(1) incomplete;

(2) not filed by the applicable deadline; or

(3) not filed by computer diskette, modem, or other means of electronic transfer and the filer is required by law to file using one of these methods.

### **§ 18.9. Corrected Reports**

- (a) A filer may correct a report filed with the commission or a local filing authority at any time.
- (b) A corrected report must clearly identify how the corrected report is different from the report being corrected.
- (c) A filer who files a corrected report must submit an affidavit identifying the information that was corrected.
- (d) A corrected report is not subject to a late fine if filed in accordance with sections 571.0771 and 305.033(f) of the Government Code, as applicable.
- (e) This section does not apply to a corrected report filed under Section 571.069, Government Code, or a corrected report filed in response to a sworn complaint.

### **§ 18.13. Fine for a Late Report**

- (a) Except as provided by subsection (b) or (c) of this section, the fine is \$500 for:
  - (1) a late report required to be filed with the commission under Election Code chapter 254 or 257, Government Code chapter 302, Government Code chapter 305, or Government Code chapter 572; or
  - (2) a late report filed with the commission under Local Government Code chapter 159, subchapter C.
- (b) The fine for a report due eight days before an election is \$500 for the first day the report is late and \$100 for each day thereafter that the report is late, up to a maximum fine of \$10,000.
- (c) The fine for the first semiannual report under Section 254.063, 254.123, or 254.153, Election Code, that is required to be filed by a candidate or political committee following the primary or general election is \$500 for the first day the report is late and \$100 for each day thereafter that the report is late, up to a maximum fine of \$10,000.
- (d) A fine assessed under this chapter is in addition to any other sanction assessed under other law.

### **§ 18.15. Additional Fine**

In addition to any other fine assessed under this chapter, the commission may vote to impose a fine against a filer whose report is more than 30 days late or who has not paid an assessed fine within 10 days after receiving the commission notice of lateness, subject to the statutory limit.

**§ 18.17. Report Must be Filed**

The payment of a civil or criminal fine for failure to file a report, or for filing a report late, does not satisfy a filer's obligation to file the report. Late fines continue to accrue until the report is filed.

**§ 18.19. Affidavit of Timely Filing**

A filer who has been notified by the commission that a report is late but who filed the report on or before the deadline may submit an affidavit to the executive director swearing that the report was timely filed.

**§ 18.21. Jurisdiction to Consider Waiver Request**

A filer must file a complete report before the executive director or commission will consider a request to waive or reduce a fine assessed for failure to file a timely report.

**§ 18.23. Administrative Waiver of Fine**

(a) A filer may request the executive director to waive a late fine by submitting an affidavit to the executive director that states facts that establish that:

(1) the report was filed late because of a medical emergency or condition that involved the filer, a family member or relative of the filer, a member of the filer's household, or a person whose usual job duties include preparation of the report;

(2) the filer of the personal financial disclosure report is not an elected official, a candidate for election, or a salaried public servant, and the late report:

(A) was the first personal financial disclosure report filed late by the filer under Government Code chapter 572; and

(B) was filed no later than 30 days after the individual was notified that the report appeared to be late;

(3) the filer of the campaign finance report:

(A) had filed all previous reports by the applicable deadline;

(B) had no contributions, expenditures, or loans to report; and

(C) filed the report no later than 30 days after the filer was notified that the report appeared to be late;

(4) the filer reasonably relied on incorrect information given to the filer by the agency; or

(5) other administrative error by the agency.

(b) If, in the executive director's discretion, the affidavit establishes grounds for a waiver under this section, the executive director shall waive the fine.

**§ 18.27. Sworn Complaints**

(a) The commission may consider the fine amounts established by this chapter in determining the amount of a fine to be assessed in a sworn complaint proceeding.

(b) The commission is not required to waive the fine for a respondent who files a corrected report but may consider the correction to be a mitigating factor in determining the amount of any fine.

## Chapter 20. REPORTING POLITICAL CONTRIBUTIONS AND EXPENDITURES

### Subchapter A. GENERAL RULES

#### § 20.1. Definitions

The following words and terms, when used in Title 15 of the Election Code, in this chapter, Chapter 22 of this title (relating to Restrictions on Contributions and Expenditures), and Chapter 24 of this title (relating to Restrictions on Contributions and Expenditures Applicable to Corporations and Labor Organizations), shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Campaign communication--The term does not include a communication made by e-mail.
- (2) Campaign treasurer--Either the individual appointed by a candidate to be the campaign treasurer, or the individual responsible for filing campaign finance reports of a political committee under Texas law or the law of any other state.
- (3) Contribution--The term does not include a transfer for consideration of any thing of value pursuant to a contract that reflects the usual and normal business practice of the vendor.
- (4) Corporation--The term does not include professional corporations or professional associations.
- (5) Direct campaign expenditure--A campaign expenditure that does not constitute a contribution by the person making the expenditure. A campaign expenditure is not a contribution from the person making the expenditure if:
  - (A) it is made without the prior consent or approval of the candidate or officeholder on whose behalf the expenditure was made; or
  - (B) it is made in connection with a measure, but is not a political contribution to a political committee supporting or opposing the measure.
- (6) Election cycle--A single election and any related primary or runoff election.
- (7) Identified measure--A question or proposal submitted in an election for an expression of the voters' will and includes the circulation and submission of a petition to determine whether a question or proposal is required to be submitted in an election for an expression of the voters' will.
- (8) In-kind contribution--A contribution of goods, services, or any other thing of value, except money, and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make such a contribution. The term does not include a direct campaign expenditure.



(9) Non-political expenditure--An expenditure from political contributions that is not an officeholder expenditure or a campaign expenditure.

(10) Opposed candidate--A candidate who has an opponent whose name is to appear on the ballot. The name of a write-in candidate does not appear on the ballot.

(11) Out-of-state political committee--A political committee that makes political expenditures outside Texas and in the 12 months immediately preceding the making of a political expenditure by the committee inside Texas (other than an expenditure made in connection with a campaign for a federal office or made for a federal officeholder), makes 80% or more of the committee's total political expenditures in any combination of elections outside this state and federal offices not voted on in this state. Section 20.13 of this title (relating to Out-of-State Committees) explains the practical application of this definition.

(12) Pledge--A contribution in the form of an unfulfilled promise or unfulfilled agreement, whether enforceable or not, to provide a specified amount of money or specific goods or services. The term does not include a contribution actually made in the form of a check.

(13) Political advertising:

(A) A communication that supports or opposes a political party, a public officer, a measure, or a candidate for nomination or election to a public office or office of a political party, and:

(i) is published in a newspaper, magazine, or other periodical in return for consideration;

(ii) is broadcast by radio or television in return for consideration;

(iii) appears in a pamphlet, circular, flier, billboard, or other sign, bumper sticker, or similar form of written communication; or

(iv) appears on an Internet website.

(B) The term does not include a communication made by e-mail.

(14) Political committee--Two or more persons that have as a principal purpose accepting political contributions or making political expenditures to support or oppose candidates, officeholders, or measures. The term does not include a group composed exclusively of two or more individual filers or political committees required to file reports under Election Code, Title 15 (concerning Regulating Political Funds and Campaigns), who make reportable expenditures for a joint activity such as a fundraiser or an advertisement.

(15) Political subdivision--A county, city, or school district or any other governmental entity that:

(A) embraces a geographic area with a defined boundary;

(B) exists for the purpose of discharging functions of government; and

(C) possesses authority for subordinate self-government through officers selected by it.

(16) Report--Any document required to be filed by this title, including an appointment of campaign treasurer, any type of report of contributions and expenditures, and any notice.

(17) Specific-purpose committee--A political committee that does not meet the definition of general-purpose committee and that has among its principal purposes:

(A) supporting or opposing one or more:

(i) candidates, all of whom are identified and are seeking offices that are known; or

(ii) measures, all of which are identified;

(B) assisting one or more officeholders, all of whom are identified; or

(C) supporting or opposing only one candidate who is unidentified or who is seeking an office that is unknown.

(18) Unidentified measure--A question or proposal that is intended to be submitted in an election for an expression of the voters' will and that is not yet legally required to be submitted in an election, except that the term does not include the circulation or submission of a petition to determine whether a question or proposal is required to be submitted in an election for an expression of the voters' will. The circulation or submission of a petition to determine whether a question or proposal is required to be submitted in an election for an expression of the voters' will is considered to be an identified measure.

### **§ 20.3. Reports Filed with the Commission**

The Ethics Commission is the appropriate filing authority for reports filed by:

(1) a candidate for one of the following offices:

(A) a statewide office;

(B) a district office filled by voters in more than one county;

(C) a seat in the state legislature;

(D) a seat on the State Board of Education;

(E) an office of a political subdivision other than a county, if the governing body of the political subdivision has not been formed and if the political subdivision includes territory in more than one county; or

(F) a judicial district office filled by voters of only one county, subject to § 20.5(b);

(2) a person holding an office listed in paragraph (1) of this section;

(3) the secretary of state;

(4) a specific-purpose committee supporting or opposing a candidate or officeholder required to file with the commission; or

(5) a specific-purpose committee supporting or opposing:

(A) a measure to be submitted to the voters of the entire state; or

(B) a measure that concerns a political subdivision other than a county, if the governing body of the political subdivision has not been formed and if the political subdivision includes territory in more than one county;

(6) a general-purpose committee.

### **§ 20.5. Reports Filed with a County Filing Authority**

(a) The county clerk (or the county elections administrator or tax assessor-collector, as applicable in a particular county) is the appropriate filing authority for reports filed by:

(1) a candidate for:

(A) a county office;

(B) a precinct office;

(C) a district office (except for an office in a multi-county district; or

(D) 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;

(2) a person holding an office listed in paragraph (1) of this section;

(3) a specific-purpose committee supporting or opposing a candidate listed in paragraph (1) of this section or an office holder listed in paragraph (2) of this section;

(4) a specific-purpose committee supporting or opposing:

(A) a measure to be submitted to the voters of a single county; or

(B) a measure concerning a political subdivision other than a county when the governing body for the political subdivision has not been formed and no boundary of the political subdivision crosses a boundary of a county.

(b) A report must be filed with both the county filing authority and the commission if the report is required to be filed by a candidate for or holder of a judicial district office filled by voters of only one county, or by a specific-purpose committee supporting, opposing, or assisting such a candidate or officeholder. However, the campaign treasurer appointment must be filed only with the commission.

### **§ 20.7. Reports Filed with Other Local Filing Authority**

The secretary of a political subdivision (or the presiding officer if the political subdivision has no secretary) is the appropriate filing authority for:

- (1) a candidate for an office of a political subdivision other than a county;
- (2) a person holding an office of a political subdivision other than a county; or
- (3) a specific-purpose committee supporting or opposing a measure to be submitted at an election ordered by the authority of a political subdivision other than a county.

### **§ 20.9. Filing Option for Certain Specific-Purpose Committees**

A specific-purpose committee required to file reports with more than one authority may choose to file reports only with the commission.

### **§ 20.11. Federal Candidates and Officeholders**

The laws administered and enforced by the commission do not apply to a candidate for election to an office of the federal government or to a federal officeholder.

### **§ 20.13. Out-of-State Committees**

(a) An out-of-state political committee is required to file reports for each reporting period under Subchapter F, Chapter 254, Election Code, in which the out-of-state political committee accepts political contributions or makes political expenditures in connection with a state or local election in Texas. Section 254.1581, Election Code, applies to a report required to be filed under this section. An out-of-state political committee that files reports electronically in another jurisdiction may comply with Section 254.1581, Election Code, by sending a letter to the commission within the time prescribed by that section specifying in detail where the electronic report may be found on the website of the agency with which the out-of-state political committee is required to file its reports. An out-of-state political committee that does not file reports electronically in another jurisdiction may comply with Section 254.1581, Election Code, by sending a copy of the cover sheets of the report and a copy of each page on which the committee reports a contribution or expenditure accepted or made in connection with a state or local election in Texas.

(b) An out-of-state political committee that files an appointment of campaign treasurer with a Texas filing authority is required to file reports under this title.

(c) A political committee must determine if it is an "out-of-state political committee" each time the political committee plans to make a political expenditure in Texas (other than an expenditure in connection with a campaign for a federal office or an expenditure for a federal officeholder). The determination is made as follows.

(1) Before making the expenditure (other than an expenditure in connection with a campaign for a federal office or an expenditure for a federal officeholder), the committee must calculate its total political expenditures made during the 12 months immediately preceding the date of the planned expenditure. This total does not include the planned political expenditure triggering the calculation requirement.

(2) If 80% or more of the total political expenditures are in connection with elections not voted on in Texas, the committee is an out-of-state committee.

(3) If less than 80% of the total political expenditures are in connection with elections not voted on in Texas, the committee is no longer an out-of-state committee.

(d) Section 22.7 of this title (relating to Contribution from Out-of-State Committee) contains other provisions regarding requirements applicable to recipients of contributions from out-of-state political committees.

(e) An out-of-state political committee planning an expenditure in connection with a campaign for federal office voted on in Texas is not required to make the determination required under subsection (c) of this section. However, an expenditure in connection with a campaign for federal office voted on in Texas must be included in the calculation set out in subsection (c) of this section for an out-of-state committee making an expenditure in connection with a non-federal campaign voted on in Texas.

### **§ 20.15. Change of Address**

The campaign treasurer of a political committee required to file reports with the commission shall provide written notice to the commission of any change in his or her mailing address no later than the 10th day after the date of the change.

### **§ 20.17. Retention of Records and Reports**

(a) Each candidate, officeholder, or campaign treasurer of a political committee shall maintain a copy of each report filed and the records supporting that report for a period of two years from the date of the filing deadline for the report.

(b) The records required by subsection (a) of this section shall contain all information used to prepare all required reports, including, for example, bank statements, check logs, receipts, and ledgers of contributions and expenditures.

### **§ 20.19. Reports Must Be Filed on Official Forms**

Except for telegram reports, all reports required by Chapters 20 through 38 must be filed on forms prescribed by the commission pursuant to § 18.1 of this title (relating to Adoption and Revision of Forms) or on forms approved by the executive director pursuant to § 18.11 of this title (relating to Substitution or Replication of Forms).

### **§ 20.21. Due Dates on Holidays and Weekends**

(a) Except as provided in subsection (b) of this section, if the deadline for a report falls on a Saturday, Sunday, or a legal state or national holiday, the report is due on the next regular business day.

(b) Subsection (a) of this section does not apply to a report required by § 20.221 of this title (relating to Telegram Report by Certain Candidates), § 20.333 of this title (relating to Telegram Report by Certain Specific-Purpose Committees), or § 20.435 of this title (relating to Telegram Report by Certain General-Purpose Committees). Reports under those sections are due on the date assigned by those sections.

### **§ 20.23. Timeliness of Action by Mail**

When this chapter requires a notice, report, or other document or paper to be delivered, submitted, or filed within a specified period or before a specified deadline, a delivery, submission, or filing by first-class United States mail is timely except as otherwise provided by this chapter, if:

- (1) it is properly addressed with postage prepaid; and
- (2) it bears a post office cancellation mark indicating a time within the period or before the deadline, or if the person required to take the action furnishes satisfactory proof that it was deposited within in the mail within the period or before the deadline.

### **§ 20.25. Affidavit**

Except for telegram reports, each report of contributions and expenditures must include an affidavit to be executed by the filer before a notary or other person authorized by law to administer oaths, under penalty of perjury, stating: “I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.”

### **§ 20.27. Electronic Filing of Telegram Reports**

(a) A person required to file a report under § 254.038 or § 254.039, Election Code, may file the report by computer diskette, modem, or other means of electronic transfer if the person uses that method to file reports under Chapter 254, Election Code.

(b) A person filing a report under this section must:

- (1) use computer software provided by the commission or computer software that meets commission specifications for a standard file format; and
- (2) file the report within the period specified by § 254.038 or § 254.039, Election Code, as applicable.

(c) A person filing a report under this section by computer diskette must deliver the diskette to the commission within the period specified by § 254.038 or § 254.039, Election Code, as applicable.

(d) A report filed under this section is in lieu of the report filed by telegram or telephonic facsimile machine or by hand.

### **§ 20.29. Information About Out-of-State Committees**

(a) A person who files a report with the commission by electronic transfer and who accepts political contributions from an out-of-state political committee required to file its statement of organization with the Federal Election Commission shall either:

- (1) enter the out-of-state committee's federal PAC identification number in the appropriate place on the report; or
- (2) timely file a certified copy of the out-of-state committee's statement of organization that is filed with the Federal Election Commission.

(b) A person who files a report with the commission by electronic transfer and who accepts political contributions from an out-of-state political committee that is not required to file its statement of organization with the Federal Elections Commission shall either:

- (1) enter the information required by § 253.032(a)(1) or (e)(1), Election Code, as applicable, on the report filed by electronic transfer; or
- (2) timely file a paper copy of the information required by § 253.032(a)(1) or (e)(1), Election Code, as applicable.

(c) Section 251.007, Election Code, applies to a document filed under subsection (a)(2) or (b)(2) of this section.

### **§ 20.31. Use of Political Contributions for Contributions to Speaker Candidate**

(a) An individual who has accepted political contributions may not use political contributions to make a contribution to a speaker candidate for use in the speaker candidate's campaign unless:

- (1) the political contributions from which the speaker candidate contribution will be made have been deposited in an account in a financial institution and the speaker candidate contribution is made from funds in that account;
  - (2) the account was opened in the name of the individual who accepted the political contributions and who will be making the contribution to the speaker candidate;
  - (3) the account contains no funds obtained from a source that is prohibited from making a contribution to a speaker candidate under Chapter 302, Government Code; and
  - (4) the individual has filed an affidavit as described by subsection (b) before the contribution to the speaker candidate is made.
- (b) The affidavit required by subsection (a) must be filed with the commission on a form prescribed by the commission and must provide the individual's name, address, and telephone number, and the name and address of the financial institution and the number of the account in which the political contributions have been deposited.
- (c) An individual who uses political contributions to make a contribution to a speaker candidate for use in the speaker candidate's campaign must specify on the campaign finance report filed under Title 15, Election Code, that the purpose of the expenditure is to make a contribution for an identified speaker candidate's campaign. The expenditure must be reported on the campaign finance report covering the period during which the expenditure was made. An individual's failure to comply with this subsection may not be cured by filing a corrected report after the report deadline has passed.
- (d) In this section:
- (1) "Financial institution" means a bank, savings and loan association, savings bank, or credit union.
  - (2) "Speaker candidate" has the meaning assigned by Section 302.011, Government Code.

### **§ 20.33. Termination of Campaign Treasurer Appointment By Commission**

- (a) The commission may terminate the campaign treasurer appointment of an inactive candidate or an inactive political committee.
- (b) For purposes of subsection (a) of this section and Section 252.0131, Election Code, a candidate becomes "inactive" if the candidate files a campaign treasurer appointment with the commission and more than one year has lapsed since the candidate has filed any required campaign finance reports with the commission.
- (c) For purposes of subsection (a) of this section and Section 252.0131, Election Code, a political committee becomes "inactive" if the political committee files a campaign treasurer appointment



with the commission and more than one year has lapsed since the campaign treasurer of the political committee has filed any required campaign finance reports with the commission.

(d) This section does not apply to a candidate who has been elected to an office specified by Section 252.005(1) or (5), Election Code.

### **§ 20.35. Notice of Proposed Termination of Campaign Treasurer Appointment**

(a) Before the commission may consider termination of a campaign treasurer appointment under Section 20.33 of this title (relating to Termination of Campaign Treasurer Appointment by Commission) and Section 252.0131, Election Code, the commission shall send written notice to the affected candidate or political committee.

(b) The written notice must be given at least 30 days before the date of the meeting at which the commission will consider the termination of campaign treasurer appointment and must include:

- (1) The date, time, and place of the meeting;
- (2) A statement of the commission's intention to consider termination of the campaign treasurer;
- (3) A reference to the particular sections of the statutes and rules that give the commission the authority to consider the termination of the campaign treasurer; and
- (4) The effect of termination of the campaign treasurer appointment.

## **Subchapter B. GENERAL REPORTING RULES**

### **§ 20.51. Value of In-Kind Contribution**

(a) For reporting purposes, the value of an in-kind contribution is the fair market value.

(b) If an in-kind contribution is sold at a political fundraiser, the total amount received for the item at the fundraiser must be reported. This reporting requirement is in addition to the requirement that the fair market value of the in-kind contribution be reported.

(c) If political advertising supporting or opposing two or more candidates is an in-kind contribution, each person benefiting from the contribution shall report the amount determined by dividing the full value of the political advertising by the number of persons benefited by the political advertising.

### **§ 20.52. Description of In-Kind Contribution for Travel**

The description of an in-kind contribution for travel outside of the state of Texas must provide the following:

- (1) The name of the person or persons traveling on whose behalf the travel was accepted;

- (2) The means of transportation;
- (3) The name of the departure city or the name of each departure location;
- (4) The name of the destination city or the name of each destination location;
- (5) The dates on which the travel occurred;
- (6) The campaign or officeholder purpose of the travel, including the name of a conference, seminar, or other event.

**§ 20.53. Disclosure of True Source of Contribution or Expenditure**

A person may not knowingly make or authorize a political contribution or political expenditure in the name of or on behalf of another unless the person discloses the name and address of the person who is the true source of the contribution or expenditure.

**§ 20.55. Time of Accepting Contribution**

(a) A candidate, office holder, or political committee shall make a determination to accept or refuse a political contribution not later than the end of the reporting period during which the contribution is received, except as provided by subsection (e) of this section.

(b) A determination to refuse a political contribution is a distinct act from returning a political contribution and may occur at a different time.

(c) If a determination to accept or refuse a political contribution is not made before the end of the reporting period during which the contribution is received, the contribution is considered to have been accepted on the last day of that reporting period.

(d) A political contribution that is received but not accepted shall be returned to the contributor not later than the 30th day after the deadline for filing a report for the reporting period during which the contribution is received. A contribution not returned within that time is considered to be accepted.

(e) A determination to accept or refuse a political contribution received during a special legislative session shall be made not later than the third day after the date the contribution is received.

**§ 20.57. Time of Making Expenditure**

(a) The date of a political expenditure is the date the amount is readily determinable by the person making the expenditure, except as provided by subsection (b) of this section.

(b) If under normal business practices, the amount of an expenditure is not known or readily ascertainable until receipt of a periodic bill, the date of the expenditure is the date the bill is received. Examples of expenditures to which this subsection is applicable are expenditures for use of electricity or for long-distance telephone calls.

(c) A political expenditure by credit card *made during the period covered by a report required to be filed under Section 254.064(b) or (c), 254.124(b) or (c), or 254.154(b) or (c) of the Election Code*, must be included in the report for the period during which the charge was made, not in the report for the period during which the statement from the credit card company was received.

(d) *A political expenditure by credit card made during a period not covered by a report listed under subsection (c) of this section, must be included in the report for the period during which:*

*(1) the charge was made; or*

*(2) the person receives the credit card statement that includes the expenditure.*

### **§ 20.59. Reporting Expenditure by Credit Card**

A report of a political expenditure by credit card must identify the vendor who receives payment from the card company.

### **§ 20.61. Description of Expenditure**

(a) The report of a political expenditure for goods or services must describe the categories of goods or services received in exchange for the expenditure.

(b) The description of a political expenditure for travel outside of the state of Texas must provide the following:

(1) The name of the person or persons traveling on whose behalf the expenditure was made;

(2) The means of transportation;

(3) The name of the departure city or the name of each departure location;

(4) The name of the destination city or the name of each destination location;

(5) The dates on which the travel occurred;

(6) The campaign or officeholder purpose of the travel, including the name of a conference, seminar, or other event.

### **§ 20.63. Reporting the Use and Reimbursement of Personal Funds**

(a) A candidate is required to report a campaign expenditure from personal funds.

(b) An officeholder is not required to report an officeholder expenditure from personal funds unless he or she intends to be reimbursed from political contributions.

(c) A candidate or officeholder must report a political expenditure from personal funds as a political expenditure, not as a political contribution or a loan.

(d) A candidate or officeholder who makes political expenditures from his or her personal funds may reimburse those personal funds from political contributions only if:

(1) the expenditures were fully reported as political expenditures on the report covering the period during which the expenditures were made; and

(2) the report disclosing the expenditures indicates that the expenditures were made from the candidate's or officeholder's personal funds and are subject to reimbursement.

(e) A candidate's or officeholder's failure to comply with subsection (d) of this section may not be cured by filing a corrected report after the report deadline has passed.

(f) A candidate or officeholder who has complied with subsection (d) of this section and whose personal funds have been reimbursed from political contributions must report the amount of the reimbursement as a political expenditure in the report covering the period during which the reimbursement was made.

(g) Section 22.21 of this title (relating to Additional Restrictions on Reimbursement of Personal Funds and Payments on Certain Loans) set limits on the amount of political expenditures from personal funds that a statewide officeholder may reimburse from political contributions.

### **§ 20.65. Reporting No Activity**

(a) As a general rule, a candidate or officeholder must file a report required by Subchapter C of this chapter (relating to Reporting Requirements for a Candidate) or Subchapter D of this chapter (relating to Reporting Requirements for an Officeholder Who Does Not Have a Campaign Treasurer Appointment on File) even if there has been no reportable activity during the period covered by the report.

(b) This general rule does not apply to:

(1) telegram reports;

(2) special session reports; or

(3) a local officeholder who does not have a campaign treasurer appointment on file and who does not accept more than \$500 in political contributions or make more than \$500 in political expenditures during the reporting period.

(c) If a required report will disclose that there has been no reportable activity during the reporting period, the filer shall submit only those pages of the report necessary to identify the filer and to swear to the lack of reportable activity.

**§ 20.67. Reporting after the Death or Incapacity of a Filer**

(a) The responsibility to file reports required by this title survives the death or incapacity of a candidate or officeholder.

(b) The legal representative or the estate of a candidate or officeholder who has died, or the legal representative of a candidate who is incapacitated, shall file any reports due under Subchapter C of this chapter (relating to Reporting Requirements for a Candidate) or Subchapter D of this chapter (relating to Reporting Requirements for an Officeholder Who Does Not Have a Campaign Treasurer Appointment on File).

**Subchapter C. REPORTING REQUIREMENTS FOR A CANDIDATE**

**§ 20.201. Required Appointment of Campaign Treasurer**

A candidate must file a campaign treasurer appointment before accepting any campaign contributions or making or authorizing any campaign expenditures, including campaign expenditures from personal funds.

**§ 20.203. Candidates for State Party Chair**

Because the state chair of a political party does not hold a public office, a candidate for state chair of a political party is not within the definition of “candidate” set out in § 20.1(4) of this title (relating to Definitions). Nonetheless, a candidate for the state chair of a political party is subject to filing requirements as provided by Subchapter J of this chapter (relating to Reports by a Candidate for State Party Chair).

**§ 20.205. Contents of Candidate’s Campaign Treasurer Appointment**

Each candidate’s campaign treasurer appointment shall include the following information:

- (1) the name of the candidate making the appointment;
- (2) the mailing address of the candidate making the appointment;
- (3) the office sought by the candidate making the appointment, if known;
- (4) the office held by the candidate, if any;
- (5) the name of the individual appointed campaign treasurer;
- (6) the campaign treasurer’s residence or business street address;
- (7) the campaign treasurer’s telephone number;
- (8) a statement acknowledging awareness of the Government Code, Chapter 573, Subchapter C (concerning Nepotism Prohibitions); and

(9) the signature of the candidate making the appointment.

**§ 20.206. Transfer of Campaign Treasurer Appointment**

(a) If a candidate who has filed a campaign treasurer appointment decides to seek a different office that would require the appointment to be filed with another authority, a copy of the appointment certified by the authority with whom it was originally filed must be filed with the other authority in addition to the new campaign treasurer appointment.

(b) The original appointment terminates on the filing of the copy with the appropriate authority or on the 10th day after the date the decision to seek a different office is made, whichever is earlier.

**§ 20.207. Termination of Campaign Treasurer Appointment**

(a) A candidate may terminate a campaign treasurer appointment by:

(1) filing a campaign treasurer appointment for a successor campaign treasurer; or

(2) filing a final report.

(b) A person may terminate his or her own status as campaign treasurer by immediately notifying both the appointing authority and the filing authority in writing.

(c) If a person terminates his or her own status as campaign treasurer, the termination is effective on the date the candidate receives the notice or on the date the filing authority actually receives the notice, whichever is later.

(d) Section 20.23 of this title (relating to Timeliness of Action by Mail) does not apply to subsection (c) of this section.

**§ 20.209. Reporting Obligations Imposed on Candidate, Not Campaign Treasurer**

A candidate, not the candidate's campaign treasurer, is responsible for complying with this title.

**§ 20.211. Semiannual Reports**

(a) A candidate shall file semiannual reports as provided by this section.

(b) One semiannual report is due no earlier than July 1 and no later than July 15.

(1) The period covered by a report under this subsection begins on the later of the following dates, as applicable:

(A) January 1;

(B) the first day after the period covered by the last report required by this subchapter (other than a telegram report or a special session report) or Subchapter D of this chapter (relating to Reporting Requirements for an Officeholder Who Does Not Have a Campaign Treasurer Appointment on File); or

(C) the day the candidate's campaign treasurer appointment was filed, if this is the candidate's first report filed under this subchapter (other than a telegram report or a special session report) or Subchapter D of this chapter.

(2) The period covered by a report under this subsection ends on June 30.

(c) One semiannual report is due no earlier than January 1 and no later than January 15.

(1) The period covered by a report under this subsection begins on the later of the following dates, as applicable:

(A) July 1;

(B) the first day after the period covered by the last report required by this subchapter (other than a telegram report or a special session report) or Subchapter D of this chapter; or

(C) the day the candidate's campaign treasurer appointment was filed, if this is the candidate's first report filed under this subchapter (other than a telegram report or a special session report) or Subchapter D of this chapter.

(2) The period covered by a report under this subsection continues through December 31.

### **§ 20.213. Pre-election Reports**

(a) A candidate who has an opponent on the ballot in an election must file two pre-election reports, except as provided by subsections (b), (e), and (f) of this section.

(b) A candidate who has declared the intention to file reports in accordance with § 20.217 of this title (relating to Modified Reporting) and who remains eligible to file under the modified schedule is not required to file pre-election reports.

(c) The first pre-election report is due not later than 30 days before election day. If this is the candidate's first report filed, the report covers a period that begins on the day the candidate's campaign treasurer appointment was filed. Otherwise the period begins on the first day after the period covered by the last report required by this subchapter (other than a telegram report or a special session report) or Subchapter D of this chapter (relating to Reporting Requirements for an Officeholder Who Does Not Have a Campaign Treasurer Appointment on File). The period covered by the report continues through the 40th day before the election.

(d) The second pre-election report is due not later than eight days before election day. The report covers the period that begins on the 39th day before the election and ends on the 10th day before the election.

(e) If a person becomes an opposed candidate during the period that begins on the 39th day before the election and ends on the 10th day before the election, the person shall file one pre-election report. The report shall cover a period that begins on the day the candidate's campaign treasurer appointment was filed, if this is the candidate's first report filed, or on the first day after the period covered by the last report required by this subchapter (other than a telegram report or a

special session report) or Subchapter D of this chapter. The period covered by the report ends on the 10th day before the election.

(f) If a person becomes an opposed candidate after the 10th day before the election, the person is not required to file pre-election reports. The person is required to file any telegram reports required by § 20.221 of this title (relating to Telegram Report by Certain Candidates).

### **§ 20.215. Runoff Report**

(a) A candidate in a runoff election shall file a runoff report, except as provided by subsection (b) of this section.

(b) A candidate who has declared an intention to file reports in accordance with § 20.217 of this title (relating to Modified Reporting) and who remains eligible to file under the modified schedule is not required to file a runoff report.

(c) A runoff report is due no later than the eighth day before the runoff election.

(d) A runoff report covers the period that begins on the ninth day before the date of the main election and ends on the 10th day before the runoff.

### **§ 20.217. Modified Reporting**

(a) An opposed candidate who 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 election in an election cycle may choose to file under the modified schedule.

(b) Under the modified schedule, an opposed candidate is not required to file pre-election reports or a runoff report.

(c) To select modified filing, a candidate must file a declaration of intent not to accept more than \$500 in political contributions or make more than \$500 in political expenditures (excluding filing fees) in connection with the election. The declaration must include a statement that the candidate understands that if either one of those limits is exceeded, the candidate will be required to file pre-election reports and, if necessary, a runoff report.

(d) A declaration under subsection (c) of this section is filed with the candidate's campaign treasurer appointment.

(e) To file under the modified schedule, a candidate must file the declaration required under subsection (c) of this section no later than the 30th day before the first election to which the declaration applies. A declaration filed under subsection (c) of this section is valid for one election cycle only.

(f) If an opposed candidate exceeds either of the \$500 limits, the candidate must file reports under § 20.213 of this title (relating to Pre-election Reports) and § 20.215 of this title (relating to Runoff Report).



(g) If an opposed candidate exceeds either of the \$500 limits after the 30th day before the election, the candidate must file a report not later than 48 hours after exceeding the limit. If this is the candidate's first report filed, the report covers a period that begins on the day the candidate's campaign treasurer appointment was filed. Otherwise the period begins on the first day after the period covered by the last report required by this subchapter (other than a telegram report or a special session report) or Subchapter D of this chapter (relating to Reporting Requirements for an Officeholder Who Does Not Have a Campaign Treasurer Appointment on File). The period covered by the report continues through the day the candidate exceeded one of the limits for modified reporting.

**§ 20.219. Content of Candidate's Sworn Report of Contributions and Expenditures**

Semiannual reports, pre-election reports, and runoff reports must cover reportable activity during the reporting period and must include the following information:

- (1) the candidate's full name;
- (2) the candidate's address;
- (3) the office sought by the candidate, if known;
- (4) the identity and date of the election for which the report is filed, if known;
- (5) the campaign treasurer's name;
- (6) the campaign treasurer's telephone number;
- (7) the campaign treasurer's residence or business street address;
- (8) for each political committee from which the candidate received notice under § 20.319 of this title (relating to Notice to Candidate or Officeholder) or § 20.421 of this title (relating to Notice to Candidate or Officeholder):
  - (A) the committee's full name;
  - (B) the committee's address;
  - (C) identification of the political committee as a general-purpose or a specific-purpose committee;
  - (D) the full name of the committee's campaign treasurer; and
  - (E) the address of the committee's campaign treasurer;
- (9) for each individual making a reportable direct campaign expenditure from whom the candidate received notice under § 22.5 of this title (relating to Direct Campaign Expenditures):
  - (A) the full name of the individual; and

(B) the address of the individual;

(10) on a separate page, the following information for each expenditure from political contributions made to a business in which the candidate has a participating interest of more than 10%, holds a position on the governing body of the business, or serves as an officer of the business:

(A) the full name of the business to which the expenditure was made;

(B) the address of the person to whom the expenditure was made;

(C) the date of the expenditure;

(D) the nature of the goods or services for which the expenditure was made; and

(E) the amount of the expenditure;

(11) for each person from whom the candidate accepted a political contribution (other than a pledge, loan, or a guarantee of a loan) of more than \$50 in value or political contributions (other than pledges, loans, or guarantees of loans) that total more than \$50 in value:

(A) the full name of the person making the contribution;

(B) the address of the person making the contribution;

(C) the total amount of contributions;

(D) the date each contribution was accepted; and

(E) a description of any in-kind contribution;

(12) for each person from whom the candidate accepted a pledge or pledges to provide more than \$50 in money or goods or services worth more than \$50:

(A) the full name of the person making the pledge;

(B) the address of the person making the pledge;

(C) the amount of each pledge;

(D) the date each pledge was accepted; and

(E) a description of any goods or services pledged; and

(F) the total of all pledges accepted during the period for \$50 and less from a person, except those reported under subparagraphs (A)-(E) of this paragraph;

(13) for each person making a loan or loans to the candidate for campaign purposes if the total amount loaned by the person during the period is more than \$50:

- (A) the full name of the person or financial institution making the loan;
- (B) the address of the person or financial institution making the loan;
- (C) the amount of the loan;
- (D) the date of the loan;
- (E) the interest rate;
- (F) the maturity date;
- (G) the collateral for the loan, if any; and
- (H) if the loan has guarantors:
  - (i) the full name of each guarantor;
  - (ii) the address of each guarantor;
  - (iii) the principal occupation of each guarantor;
  - (iv) the name of the employer of each guarantor; and
  - (v) the amount guaranteed by each guarantor;

(14) the total amount of loans accepted during the period for \$50 and less from persons other than financial institutions engaged in the business of making loans for more than one year, except for a loan reported under paragraph (13) of this section;

(15) for political expenditures made during the reporting period that total more than \$50 to a single payee, other than expenditures reported under paragraph (10) of this section:

- (A) the full name of the person to whom each expenditure was made;
- (B) the address of the person to whom the expenditure was made;
- (C) the date of the expenditure;
- (D) the purpose of the expenditure; and
- (E) the amount of the expenditure;

(16) for each political expenditure of any amount made out of personal funds for which reimbursement from political contributions is intended:

- (A) the full name of the person to whom each expenditure was made;

- (B) the address of the person to whom the expenditure was made;
- (C) the date of the expenditure;
- (D) the purpose of the expenditure;
- (E) a declaration that the expenditure was made out of personal funds;
- (F) a declaration that reimbursement from political contributions is intended; and
- (G) the amount of the expenditure;

(17) for each non-political expenditure made from political contributions, other than expenditures reported under paragraph (10) of this section:

- (A) the date of each payment;
- (B) the full name of the person to whom the payment was made;
- (C) the address of the person to whom the payment was made;
- (D) the nature of the goods or services for which the payment was made; and
- (E) the amount of the payment;

(18) for each other candidate or officeholder who benefits from a direct campaign expenditure made by the candidate during the reporting period:

- (A) the name of the candidate or officeholder; and
- (B) the office sought or held by the candidate or officeholder;

(19) for each political contribution from an out-of-state political committee, the information required by § 22.7 of this title (relating to Contribution from Out-of-State Committee);

(20) the following total amounts:

- (A) the total principal amount of all outstanding loans as of the last day of the reporting period;
- (B) the total amount or an itemized listing of political contributions (other than pledges, loans, or guarantees of loans) of \$50 and less;
- (C) the total amount of all political contributions (other than pledges, loans, or guarantees of loans);
- (D) the total amount or an itemized listing of the political expenditures of \$50 and less; and

(E) the total amount of all political expenditures;

(21) if applicable, a statement that no reportable activity occurred during the reporting period; and

(22) an affidavit, executed by the candidate, stating: “I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.”

### **§ 20.221. Telegram Report by Certain Candidates**

(a) As provided by subsection (b) of this section, certain candidates must file reports about certain contributions accepted during the period that begins on the ninth day before an election and ends at noon on the second day before an election. Reports under this section are known as "telegram" reports, although they may be filed by hand or by telephonic facsimile machine as well as by telegram.

(b) The following candidates must file telegram reports:

(1) an opposed candidate for statewide office or state senator who, during the period described in subsection (a) of this section, accepts one or more political contributions from a person that in the aggregate exceed \$1,000; and

(2) an opposed candidate for state representative who, during the period described in subsection (a) of this section, accepts political contributions from a person that in the aggregate exceed \$200.

(c) A candidate must file a telegram report no later than 48 hours after the candidate accepts a contribution from a person that triggers the requirement to file the telegram report.

(d) The report filed under subsection (c) of this section may be delivered by hand, by telegram, or by telephonic facsimile machine. Section 20.23 of this title (relating to Timeliness of Action by Mail) does not apply to this section.

(e) If, during the reporting period for telegram contributions, a candidate receives additional contributions from a person whose previous contribution or contributions have triggered the requirement to file a telegram report during that period, the candidate must file an additional telegram report for each such contribution. Each such telegram report is due no later than 48 hours after the candidate accepts the contribution.

(f) A candidate must file telegram reports for each person whose contribution or contributions made during the period for telegram reports exceed the threshold for telegram reports.

(g) A candidate must also report contributions reported on a telegram report on the next semiannual, pre-election, or runoff report filed, as applicable.

**§ 20.223. Form and Contents of Telegram Report**

(a) A telegram report shall be filed by telegram or telephonic facsimile machine or by hand. The report is not required to be on a form prescribed by the commission.

(b) A telegram report shall include the following information:

- (1) the name of the candidate;
- (2) the office sought by the candidate;
- (3) the name of the person making a contribution or contributions that triggered the requirement to file a telegram report;
- (4) the address of the person making the contribution or contributions;
- (5) the amount of each contribution;
- (6) the date each contribution was accepted; and
- (7) a description of any in-kind contribution.

**§ 20.225. Special Session Reports**

(a) A candidate for a statewide office or for the legislature who accepts a political contribution during the period that begins on the date the governor signs a proclamation calling a special legislative session and ends on the date of final adjournment must file a special session report.

(b) A special session report must be filed with the commission no later than the 30th day after the date of final adjournment of the special session.

(c) A special session report is a report of contributions only, not expenditures. Expenditures made during the period covered by a special session report are required to be reported in the next applicable sworn report of contributions and expenditures.

(d) Contributions reported in a special session report are required to be reported in the next applicable sworn report of contributions and expenditures.

(e) A determination to accept or refuse a political contribution received during the period covered by a special session report shall be made no later than the third day after the date the contribution is received.

(f) A contribution that is refused under subsection (e) of this section must be returned no later than the 30th day after the date of final adjournment. A contribution not returned by that date will be deemed accepted.

(g) A candidate is not required to file a separate special session report if another report is due no later than the tenth day after the date a report required under this section would be due.

**§ 20.227. Contents of Special Session Report**

A special session report shall include the following information:

- (1) the candidate's name;
- (2) the candidate's address;
- (3) the office sought by the candidate;
- (4) the date each contribution was accepted;
- (5) the full name of each person making a contribution;
- (6) the address of each person making a contribution;
- (7) the amount of each contribution accepted during the period;
- (8) a description of any in-kind contribution accepted during the period; and
- (9) an affidavit, executed by the candidate, stating: "I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code."

**§ 20.229. Final Report**

- (a) A candidate who expects no further reportable activity in connection with his or her candidacy may file a final report at any time.
- (b) The term "reportable activity" includes an expenditure to pay a campaign debt.
- (c) Filing a final report terminates the candidate's campaign treasurer appointment and relieves the candidate of the responsibility for filing reports, except as provided by subsection (e) of this section.
- (d) A former candidate may not accept campaign contributions or make campaign expenditures without a campaign treasurer appointment on file.
- (e) A candidate who is not an officeholder when he or she files a final report under this section, and who retains unexpended political contributions, unexpended interest or other income from political contributions, assets purchased with political contributions or interest, or other income from political contributions is subject to the requirements of §§ 20.233, 20.235, 20.237, 20.239, 20.241, and 20.243 of this title (relating to Reporting Requirements for a Candidate).
- (f) A candidate who is an officeholder when he or she files a final report under this section becomes subject to the reporting requirements set out in Subchapter D of this chapter (relating to Reporting Requirements for an Officeholder Who Does Not Have a Campaign Treasurer Appointment on File).

**§ 20.231. Contents of Final Report**

A final report must contain the following:

- (1) the information listed in § 20.219 of this title (relating to Content of Candidate’s Sworn Report of Contributions and Expenditures);
- (2) the following statement, signed by the candidate: “I do not expect any further political contributions or political expenditures in connection with my candidacy. I understand that designating a report as a final report terminates my campaign treasurer appointment. I also understand that I may not accept any campaign contributions or make any campaign expenditures without a campaign treasurer appointment on file.”;
- (3) if the candidate is not an officeholder, a statement that the candidate does or does not have unexpended contributions or unexpended interest or other income earned from political contributions;
- (4) if the candidate is not an officeholder and has unexpended contributions or unexpended interest or income earned from political contributions, the following statement signed by the candidate: “I understand that I may not convert unexpended political contributions or unexpended interest or other income earned from political contributions to personal use. I also understand that I must file an annual report of unexpended contributions and that I may not retain unexpended contributions or unexpended interest or other income earned from political contributions longer than six years after filing this final report. Further, I understand that I must dispose of unexpended political contributions and unexpended interest or other income earned from political contributions in accordance with the requirements of Election Code, § 254.204 (relating to Disposition of Unexpended Contributions).”;
- (5) if the candidate is not an officeholder, a statement that the candidate does or does not retain assets purchased with political contributions or interest or other income earned from political contributions;
- (6) if the candidate is not an officeholder and retains assets purchased with political contributions or interest or other income from political contributions, the following statement signed by the candidate: “I understand that I may not convert assets purchased with political contributions or interest or other income earned from political contributions to personal use. I also understand that I must file an annual report of unexpended contributions and that I may not retain assets purchased with political contributions or interest or other income earned from political contributions longer than six years after filing this final report. I also understand that I must dispose of assets purchased with political contributions or interest or other income earned from political contributions in accordance with the requirements of Election Code, § 254.204 (relating to Disposition of Unexpended Contributions).”; and
- (7) if the candidate is an officeholder, a statement that the officeholder is aware that he or she remains subject to filing requirements applicable to an officeholder who does not have a campaign treasurer appointment on file.



**§ 20.233. Annual Report of Unexpended Contributions**

(a) A candidate who files a final report and is not an officeholder when he or she files a final report under § 20.229 of this title (relating to Final Report) must file an annual report for each year that the former candidate retains unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions.

(b) The report is due not earlier than January 1 and not later than January 15 of the year after a year in which the former candidate retained unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions.

(c) The report is filed with the authority with whom the former candidate's campaign treasurer appointment was required to be filed.

(d) The requirement to file annual reports ends after:

(1) all unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions have been disbursed and reported on an annual report; or

(2) the former candidate has complied with § 20.237 of this title (relating to Disposition of Unexpended Contributions) and § 20.239 of this title (relating to Report of Final Disposition of Unexpended Contributions).

**§ 20.235. Contents of Annual Report**

An annual report of unexpended contributions shall include the following information:

(1) the candidate's full name;

(2) the candidate's address;

(3) for each payment made by the candidate from unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions during the previous year:

(A) the full name of each person to whom a payment was made;

(B) the address of each person to whom a payment was made;

(C) the date of each payment;

(D) the nature of the goods or services for which the payment was made; and

- (E) the amount of each payment;
- (4) the total amount of unexpended political contributions as of December 31 of the previous year;
- (5) the total amount of interest and other income earned on unexpended political contributions during the previous year; and
- (6) an affidavit, executed by the candidate, stating, “I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.”

**§ 20.237. Final Disposition of Unexpended Contributions**

(a) A former candidate who was not an officeholder at the time he or she filed a final report may not retain unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions for more than six years after the date of the final report, except as provided by subsection (f) of this section.

(b) During the six-year period after the final report is filed, a former candidate may disburse unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions to one of the following:

- (1) the political party with which the person was affiliated when the person’s name last appeared on a ballot;
- (2) a candidate or political committee, subject to the reporting requirements of § 20.243 of this title (relating to Contribution of Unexpended Political Contributions to Candidate or Political Committee);
- (3) the Comptroller of Public Accounts, for deposit in the state treasury for use in financing primary elections;
- (4) one or more persons from whom political contributions were received, with contributions to a person not to exceed the aggregate amount the former candidate accepted from that person during the last two years that the candidate accepted political contributions;
- (5) a recognized, tax-exempt charitable organization; or
- (6) a public or private post-secondary educational institution or an institution of higher education, as defined by the Education Code, § 61.003(8) (concerning Definitions), solely for the purpose of assisting or creating a scholarship program.

(c) A former candidate may not convert unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions to personal use.

(d) At the end of the six-year period after the final report is filed, a former candidate must dispose of unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions in one of the ways listed in subsection (b) of this section.

(e) A former candidate must make the disposition required by subsection (d) of this section by the 10th day after the end of the six-year period.

(f) The six-year period prescribed by subsection (a) of this section ceases to run if the former candidate files a new campaign treasurer appointment during the period.

### **§ 20.239. Report of Final Disposition of Unexpended Contributions**

(a) A person required by § 20.237 of this title (relating to Final Disposition of Unexpended Contributions) to dispose of unexpended contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions at the end of the period for retaining such funds is required to file a report of the disposition of such funds.

(b) The report must be filed no later than the 30th day after the end of the six-year period prescribed by § 20.237(a) of this title (relating to Final Disposition of Unexpended Contributions).

(c) The report shall be filed with the authority with whom the person's campaign treasurer appointment was required to be filed.

(d) The report shall cover the period that begins on the first day after the period covered by the last annual report required through the day a report under this section is filed.

### **§ 20.241. Contents of Report of Final Disposition of Unexpended Contributions**

A report of final disposition of unexpended contributions shall include the following information:

(1) the candidate's full name;

(2) the candidate's address;

(3) the full name of each person to whom a payment from unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions was made;

(4) the address of each person to whom such a payment was made;

- (5) the date of each payment;
- (6) the nature of the goods or services for which the payment was made;
- (7) the amount of each payment; and
- (8) an affidavit, executed by the candidate, stating: “I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.”

**§ 20.243. Contribution of Unexpended Political Contributions to Candidate or Political Committee**

(a) A former candidate who has filed a final report and who contributes unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions to a candidate or political committee must report the contribution on an annual report of unexpended contributions or on a report of final disposition of unexpended contributions, as applicable. The former candidate must also report the contribution under subsection (b) of this section.

(b) A former candidate who has filed a final report and who contributes unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions to a candidate or political committee must report each contribution to the filing authority with whom the candidate or political committee receiving the contribution files reports. The contribution must be reported on the form used for reports of contributions and expenditures by specific-purpose committees. The report should be filed by the due date for the report in which the candidate or political committee receiving the contribution must report the receipt of the contribution.

**Subchapter D. REPORTING REQUIREMENTS FOR AN OFFICEHOLDER WHO DOES NOT HAVE A CAMPAIGN TREASURER APPOINTMENT ON FILE**

**§ 20.271. Officeholders Covered**

(a) The provisions in this subchapter that apply to an officeholder apply only to a person who holds an elective public office in the state and to the secretary of state.

(b) For purposes of this subchapter, a statewide officer-elect or a member-elect of the legislature is considered to be an officeholder beginning on the day after the date of the general or special election at which the officer-elect or member-elect was elected.

(c) An officeholder who has a campaign treasurer appointment on file is a candidate for filing purposes and shall file under Subchapter C of this chapter (relating to Reporting Requirements for a Candidate) rather than under this subchapter.

**§ 20.273. Semiannual Reports of Contributions and Expenditures**

(a) Except as provided by § 20.275 of this title (relating to Exception from Filing Requirement for Certain Local Officeholders), an officeholder shall file semiannual reports of contributions and expenditures as provided by this section.

(b) One semiannual report is due no earlier than July 1 and no later than July 15.

(1) The period covered by a report under this subsection begins on the later of the following dates, as applicable:

(A) January 1;

(B) the first day after the period covered by the last report required by this chapter, whether that report was filed by the officeholder in his or her status as an officeholder or as a candidate; or

(C) the day the officeholder took office, if the report is the first report filed by the officeholder under this chapter.

(2) The period covered by a report under this subsection ends on June 30.

(c) One semiannual report is due no earlier than January 1 and no later than January 15.

(1) The period covered by a report under this subsection begins on the later of the following dates, as applicable:

(A) July 1;

(B) the first day after the period covered by the last report required by this chapter, whether that report was filed by the officeholder in his or her status as an officeholder or as a candidate; or

(C) the day the officeholder took office, if the report is the first report filed by the officeholder under this chapter.

(2) The period covered by a report under this subsection ends on December 31.

**§ 20.275. Exception from Filing Requirement for Certain Local Officeholders**

An officeholder is not required to file a semiannual report of contributions and expenditures if the officeholder:

(1) is required to file with an authority other than the commission;

(2) does not have a campaign treasurer appointment on file; and

(3) does not accept more than \$500 in political contributions or make more than \$500 in political expenditures during the reporting period.

**§ 20.277. Appointment by Officeholder of Campaign Treasurer**

(a) An officeholder who appoints a campaign treasurer after a period in which the officeholder did not have a campaign treasurer appointment on file must file a sworn report of contributions and expenditures no later than 15 days after the date the campaign treasurer appointment was filed.

(b) A report required by this section covers a period that begins on the later of the following dates, as applicable:

(1) the first day after the period covered by the last report filed under this chapter, whether that report was filed by the officeholder in his or her status as an officeholder or as a candidate; or

(2) the day the officeholder took office, if the report is the first report filed by the officeholder under this chapter.

(c) The period covered by a report required by this section ends on the day the campaign treasurer appointment was filed.

(d) After an officeholder files a campaign treasurer appointment, the officeholder is a candidate for filing purposes and shall file under Subchapter C of this chapter (relating to Reporting Requirements for a Candidate) rather than under this subchapter.

**§ 20.279. Contents of Officeholder’s Sworn Report of Contributions and Expenditures**

An officeholder’s semiannual report of contributions and expenditures required by this subchapter must cover reportable activity during the reporting period and must include the following information:

(1) the officeholder’s full name;

(2) the officeholder’s address;

(3) the office held by the officeholder;

(4) for each political committee from which the officeholder received notice under § 20.319 of this title (relating to Notice to Candidate or Officeholder) or § 20.421 of this title (relating to Notice to Candidate or Officeholder):

(A) the committee’s full name;

(B) the committee’s address;

(C) identification of the political committee as a general-purpose or a specific-purpose committee;

(D) the full name of the committee's campaign treasurer; and

(E) the address of the committee's campaign treasurer;

(5) on a separate page, the following information for each expenditure from political contributions made to a business in which the officeholder has a participating interest of more than 10%, holds a position on the governing body of the business, or serves as an officer of the business:

(A) the full name of the business to which the expenditure was made;

(B) the address of the business to which the expenditure was made;

(C) the date of the expenditure;

(D) the nature of the goods or services for which the expenditure was made; and

(E) the amount of the expenditure;

(6) for each person from whom the officeholder accepted a political contribution (other than a pledge, loan, or a guarantee of a loan) of more than \$50 in value or political contributions (other than pledges, loans, or guarantees of loans) that total more than \$50 in value:

(A) the full name of the person making the contribution;

(B) the address of the person making the contribution;

(C) the total amount of contributions;

(D) the date each contribution was accepted; and

(E) a description of any in-kind contribution;

(7) for each person from whom the officeholder accepted a pledge or pledges to provide more than \$50 in money or goods or services worth more than \$50:

(A) the full name of the person making the pledge;

(B) the address of the person making the pledge;

(C) the amount of each pledge;

(D) the date each pledge was accepted; and

(E) a description of any goods or services pledged;

(8) the total of all pledges accepted during the period for \$50 and less from a person, except those reported under paragraph (7) of this section;

(9) for each person making a loan or loans to the officeholder for officeholder purposes, if the total amount loaned by the person during the period is more than \$50:

(A) the full name of the person or financial institution making the loan;

(B) the address of the person or financial institution making the loan;

(C) the amount of the loan;

(D) the date of the loan;

(E) the interest rate;

(F) the maturity date;

(G) the collateral for the loan, if any; and

(H) if the loan has guarantors:

(i) the full name of each guarantor;

(ii) the address of each guarantor;

(iii) the principal occupation of each guarantor;

(iv) the name of the employer of each guarantor; and

(v) the amount guaranteed by each guarantor;

(10) the total amount of loans accepted during the period for \$50 and less from persons other than financial institutions engaged in the business of making loans for more than one year, except those reported under paragraph (9) of this section;

(11) for political expenditures made during the reporting period that total more than \$50 to a single payee, other than expenditures reported under paragraph (5) of this section:

(A) the full name of the person to whom each expenditure was made;

(B) the address of the person to whom the expenditure was made;

(C) the date of the expenditure;

(D) the purpose of the expenditure, for example, the nature of the goods or services for which the expenditure was made; and

(E) the amount of the expenditure;

(12) for each political expenditure of any amount made out of personal funds for which reimbursement from political contributions is intended:



- (A) the full name of the person to whom each expenditure was made;
- (B) the address of the person to whom the expenditure was made;
- (C) the date of each expenditure;
- (D) the purpose of the expenditure, for example, the nature of the goods or services for which the expenditure was made;
- (E) a declaration that the expenditure was made from personal funds;
- (F) a declaration that reimbursement from political contributions is intended; and
- (G) the amount of the expenditure;

(13) for each non-political expenditure made from political contributions, other than expenditures reported under paragraph (5) of this section:

- (A) the date of each payment;
- (B) the full name of the person to whom the payment was made;
- (C) the address of the person to whom the payment was made;
- (D) the purpose of the expenditure, for example, the nature of the goods or services for which the payment was made; and
- (E) the amount of the payment;

(14) for each candidate or other officeholder who benefits from a direct campaign expenditure made by the officeholder during the reporting period:

- (A) the name of the candidate or officeholder; and
- (B) the office sought or held by the candidate or officeholder;

(15) for each political contribution from an out-of-state political committee, the information required by § 22.7 of this title (relating to Contribution from Out-of-State Committee);

(16) the following total amounts:

- (A) the total principal amount of all outstanding loans as of the last day of the reporting period;
- (B) the total amount or an itemized listing of political contributions (other than pledges, loans, or guarantees of loans) of \$50 and less;

(C) the total amount of all political contributions (other than pledges, loans, or guarantees of loans);

(D) the total amount or an itemized listing of the political expenditures of \$50 and less; and

(E) the total amount of all political expenditures;

(17) if applicable, a statement that no reportable activity occurred during the reporting period; and

(18) an affidavit, executed by the officeholder, stating: “I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.”

### **§ 20.281. Special Session Report by Certain Officeholders**

(a) A statewide officeholder or member of the legislature who accepts a political contribution during the period that begins on the date the governor signs a proclamation calling a special legislative session and ends on the date of final adjournment must file a special session report.

(b) A special session report is a report of contributions only, not expenditures. Expenditures made during the period covered by a special session report are required to be reported in the next applicable sworn report of contributions and expenditures.

(c) Contributions reported in a special session report are required to be reported in the next applicable sworn report of contributions and expenditures.

(d) A special session report must be filed with the commission no later than the 30th day after the date of final adjournment of the special session.

(e) A determination to accept or refuse a political contribution received during the period covered by a special session report shall be made no later than the third day after the date the contribution is received.

(f) A contribution that is refused under subsection (e) of this section must be returned no later than the 30th day after the date of final adjournment. A contribution not returned by that date will be deemed accepted.

(g) An officeholder is not required to file a separate special session report if another report is due not later than the 10th day after the date a report required under this section would be due.

### **§ 20.283. Contents of Special Session Report**

A report required by § 20.281 of this title (relating to Special Session Report by Certain Officeholders) shall include the following information:

(1) the officeholder’s name;

- (2) the officeholder's address;
- (3) the office held;
- (4) the date each contribution was accepted;
- (5) the name of each person making a contribution;
- (6) the address of each person making a contribution;
- (7) the amount of each contribution accepted during the period;
- (8) a description of any in-kind contribution; and
- (9) an affidavit, executed by the officeholder, stating: "I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code."

**§ 20.285. Annual Report of Unexpended Contributions by Former Officeholder**

- (a) A person who ceases to be an officeholder at a time when he or she does not have a campaign treasurer appointment on file must file an annual report if he or she has unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions after filing the last required report as an officeholder.
- (b) A report under this section shall be filed not earlier than January 1 and not later than January 15 of each year following the year in which the former officeholder filed the last required report as an officeholder, unless the requirement to file annual reports has ended as provided by subsection (d) of this section.
- (c) The report is filed with the authority with whom the former officeholder's campaign treasurer appointment was required to be filed.
- (d) The requirement to file annual reports ends after:
  - (1) all political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions have been disbursed and reported on an annual report; or
  - (2) the former officeholder has complied with § 20.289 of this title (relating to Disposition of Unexpended Contributions) and § 20.291 of this title (relating to Report of Final Disposition of Unexpended Contributions).

**§ 20.287. Contents of Annual Report**

- (a) An annual report of unexpended contributions shall include the following information:

- (1) the officeholder's full name;
- (2) the officeholder's address;
- (3) for each payment made by the officeholder from unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions during the previous year:
  - (A) the full name of each person to whom a payment was made;
  - (B) the address of each person to whom a payment was made;
  - (C) the date of each payment;
  - (D) the nature of the goods or services for which the payment was made; and
  - (E) the amount of the payment;
- (4) the total amount of unexpended political contributions as of December 31 of the previous year;
- (5) the total amount of interest and other income earned on unexpended political contributions during the previous year; and
- (6) an affidavit, executed by the former officeholder, stating: "I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code."

#### **§ 20.289. Disposition of Unexpended Contributions**

- (a) A former officeholder who did not have a campaign treasurer appointment on file at the time he or she ceased to be an officeholder may not retain unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions for more than six years after the date he or she ceased to be an officeholder, except as provided by subsection (f) of this section.
- (b) During the six-year period after the date a former officeholder ceased to be an officeholder, the former officeholder covered by subsection (a) of this section may disburse unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions for a purpose listed in § 20.237 of this title (relating to Final Disposition of Unexpended Contributions).
- (c) A former officeholder may not convert political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions to personal use.

(d) At the end of the six-year period, a former officeholder covered by subsection (a) of this section must dispose of unexpended political contributions, unexpended interest or other income earned from political contributions, and assets purchased with political contributions or interest or other income earned from political contributions in one of the ways listed in § 20.237 of this title (relating to Final Disposition of Unexpended Contributions).

(e) A former officeholder must make the disposition required by subsection (c) of this section by the 10th day after the end of the six-year period.

(f) The six-year period prescribed by subsection (a) of this section ceases to run if the former officeholder files a campaign treasurer appointment during the period.

### **§ 20.291. Report of Final Disposition of Unexpended Contributions**

(a) A former officeholder who disposes of unexpended contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions under § 20.289 of this title (relating to Disposition of Unexpended Contributions) is required to file a report of the final disposition.

(b) A report of final disposition of unexpended contributions must be filed no later than the 30th day after the end of the six-year period prescribed by § 20.289(a) of this title.

(c) The report shall be filed with the authority with whom the former officeholder's last required report as an officeholder was required to be filed.

(d) The report shall cover the period that begins on the first day after the period covered by the last report required through the day a report under this section is filed.

### **§ 20.293. Contents of Report of Final Disposition of Unexpended Contributions**

(a) A report of final disposition of unexpended contributions shall include the following information:

(1) the officeholder's full name;

(2) the officeholder's address;

(3) the full name of each person to whom a payment from unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions was made;

(4) the address of each person to whom such a payment was made;

(5) the date of each payment;

(6) the nature of the goods and services received for each payment;

(7) the amount of each payment; and

(8) an affidavit, executed by the former officeholder, stating: “I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.”

**§ 20.295. Contribution of Unexpended Political Contributions to Candidate or Political Committee**

(a) A former officeholder who contributes unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions to a candidate or political committee must report the contribution on an annual report of unexpended contributions or on a report of final disposition of unexpended contributions, as applicable. The former officeholder must also report the contribution under subsection (b) of this section.

(b) A former officeholder who contributes unexpended political contributions, unexpended interest or other income earned from political contributions, or assets purchased with political contributions or interest or other income earned from political contributions to a candidate or political committee must report each contribution to the filing authority with whom the candidate or political committee receiving the contribution files reports.

(1) The former officeholder must report such contributions on the form used for reports of contributions and expenditures a specific-purpose committee.

(2) The former officeholder must file the report by the due date for the report in which the candidate or political committee receiving the contribution must report the receipt of the contribution.

**Subchapter E. REPORTS BY A SPECIFIC-PURPOSE COMMITTEE**

**§ 20.301. Thresholds for Campaign Treasurer Appointment**

(a) A specific-purpose committee may not accept political contributions exceeding \$500 and may not make or authorize political expenditures exceeding \$500 without filing a campaign treasurer appointment with the appropriate filing authority.

(b) A specific-purpose committee may not knowingly make or authorize campaign contributions or campaign expenditures exceeding \$500 to support or oppose a candidate in a primary or general election for an office listed below unless the committee's campaign treasurer appointment was filed not later than the 30th day before the appropriate election day:

(1) a statewide office;

(2) a seat in the state legislature;

(3) a seat on the State Board of Education;

(4) a multi-county district office; or

(5) a judicial district office filled by voters of only one county.

**§ 20.303. Appointment of Campaign Treasurer**

(a) A specific-purpose committee may appoint a campaign treasurer at any time before exceeding the thresholds described in § 20.301(a) of this title (relating to Thresholds for Campaign Treasurer Appointment).

(b) After a specific-purpose committee appoints a campaign treasurer, the campaign treasurer must comply with all the requirements of this subchapter, even if the committee has not yet exceeded \$500 in political contributions or expenditures.

(c) With the exception of the campaign treasurer appointment, the individual named as a committee's campaign treasurer is legally responsible for filing all reports of the specific-purpose committee, including a report following the termination of his or her appointment as campaign treasurer.

**§ 20.305. Appointing an Assistant Campaign Treasurer**

(a) A specific-purpose committee for supporting or opposing a candidate for a statewide office, the state legislature, the State Board of Education, or a multi-county district office or a statewide or district measure may appoint an assistant campaign treasurer by written appointment filed with the commission.

(b) A statewide measure is a measure to be voted on by all eligible voters in the state.

(c) A district measure is a measure to be voted on by the voters of a district.

(d) The assistant campaign treasurer has the same authority as the campaign treasurer. However, if the campaign treasurer appointment is terminated the assistant campaign treasurer no longer has authority to act as the campaign treasurer.

(e) The campaign treasurer, not the assistant campaign treasurer, is liable for any penalties assessed by the commission for late reports or incomplete reports or for failure to file a report.

(f) Section 20.315 of this title (relating to Termination of Campaign Treasurer Appointment) and § 20.317 of this title (relating to Termination Report) apply to the appointment and removal of an assistant campaign treasurer.

**§ 20.307. Name of Specific-Purpose Committee**

The name of a specific-purpose committee that supports a candidate for or an officeholder of a statewide office, the state legislature, the State Board of Education, or a multi-county district office must include the full name of that candidate or officeholder.

**§ 20.309. Contents of Specific-Purpose Committee Campaign Treasurer Appointment**

A campaign treasurer appointment for a specific-purpose committee shall include the following information:

- (1) the full name of the specific-purpose committee;
- (2) the address of the specific-purpose committee;
- (3) the full name of the person appointing the campaign treasurer;
- (4) the following information for the individual appointed campaign treasurer and, if an assistant campaign treasurer is appointed, for that individual also:
  - (A) the individual's full name;
  - (B) the individual's residence or business street address;
  - (C) if the individual's mailing address is different from the street address provided, the mailing address for the individual; and
  - (D) the individual's telephone number;
- (5) for each candidate supported or opposed by the specific-purpose committee:
  - (A) the full name of the candidate;
  - (B) the office sought by the candidate; and
  - (C) an indication whether the specific-purpose committee supports or opposes the candidate;
- (6) for each officeholder assisted by the specific-purpose committee:
  - (A) the full name of the officeholder;
  - (B) the office held by the officeholder; and
  - (C) an indication that the specific-purpose committee assists the officeholder;
- (7) for each measure supported or opposed by the specific-purpose committee:
  - (A) a description of the measure; and
  - (B) an indication whether the specific-purpose committee supports or opposes the measure; and



(8) the signature of the individual appointed campaign treasurer.

### **§ 20.311. Updating Certain Information on the Campaign Treasurer Appointment**

(a) Except as provided by subsection (b) of this section, if there is a change in any information that is required to be reported in a specific-purpose committee's campaign treasurer appointment, the campaign treasurer must notify the filing authority of the change no later than the 10th day after the date on which the change occurs.

(b) The campaign treasurer must report a change in the name of or office sought by a candidate whom the specific-purpose committee supports or opposes within 24 hours of the change.

### **§ 20.313. Converting to a General-Purpose Committee**

(a) A specific-purpose committee that changes its operation and becomes a general-purpose committee is subject to the requirements applicable to a general-purpose committee as of the date it files its campaign treasurer appointment as a general-purpose committee with the commission.

(b) The campaign treasurer of a specific-purpose committee that becomes a general-purpose committee must deliver written notice of its change in status to the authority with whom the committee was required to file as a specific-purpose committee.

(c) The notice required under subsection (b) of this section is due no later than the next deadline for filing a report under this subchapter that:

(1) occurs after the committee's change in status; and

(2) would be applicable to the political committee if it were still a specific-purpose committee.

(d) The notice must state that future reports will be filed with the commission.

(e) The notice required under subsection (b) of this section is in addition to the requirement that the new general-purpose committee file a campaign treasurer appointment with the commission before it exceeds \$500 in political expenditures or \$500 in political contributions as a general-purpose committee.

(f) As provided by § 20.401 of this title (relating to Thresholds for Appointment of Campaign Treasurer by a General-Purpose Committee), the new general-purpose committee may not make political expenditures totaling more than \$500 unless the committee has accepted political contributions from at least 10 people and has filed its campaign treasurer appointment as a general-purpose committee not later than the 60th day before the date the expenditure is made that causes the committees total expenditures to exceed \$500.

### **§ 20.315. Termination of Campaign Treasurer Appointment**

(a) A specific-purpose committee may terminate a 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.
- (b) A committee's campaign treasurer may resign by immediately notifying both the appointing authority and the filing authority in writing.
- (c) Except as provided by subsection (e) of this section, 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.
- (d) Section 20.23 of this title (relating to Timeliness of Action by Mail) does not apply to subsection (c) of this section.
- (e) For purposes of the termination report required by § 20.317 of this title (relating to Termination Report), a campaign treasurer's resignation is effective on the date the treasurer resigns as provided by subsection (b) of this section.
- (f) Section 20.23 of this title (relating to Timeliness of Action by Mail) applies to subsection (e) of this section.
- (g) A termination of a specific-purpose committee's campaign treasurer appointment and the filing of the termination report by themselves do not dissolve the specific-purpose committee. A specific-purpose committee can be dissolved only by filing a dissolution report.

### **§ 20.317. Termination Report**

- (a) If the campaign treasurer appointment of a specific-purpose committee is terminated, the campaign treasurer whose appointment was terminated shall file a termination report that contains the information listed in § 20.331 of this title (relating to Contents of Specific-Purpose Committee Sworn Report of Contributions and Expenditures).
- (b) A termination report is not required if the termination occurs on the last day of a reporting period under this subchapter and the campaign treasurer files a report for that period as provided by this subchapter.
- (c) A termination report covers a period that begins on the day after the period covered by the last report of contributions and expenditures required to be filed under this subchapter (other than a telegram report or a special session report) or the day the campaign treasurer appointment was filed (if the committee has not yet filed a report of contributions and expenditures). The period covered by the report ends on the day the termination of the campaign treasurer appointment is effective.

(d) The report shall be filed not later than the 10th day after the date the termination of the campaign treasurer appointment is effective.

(e) Activity reported in a termination report is not required to be included in any subsequent report of the specific-purpose committee that is filed under this subchapter.

**§ 20.319. Notice to Candidate or Officeholder**

(a) The campaign treasurer of a specific-purpose committee that accepts political contributions or makes political expenditures for a candidate or officeholder shall notify the affected candidate or officeholder of that fact in accordance with this section.

(b) This section does not apply to a specific-purpose committee that has not appointed a campaign treasurer in accordance with § 20.303(b) of this title (relating to Appointment of Campaign Treasurer).

(c) The notice required by this section shall be in writing and shall include:

- (1) the full name of the specific-purpose committee;
- (2) the address of the specific-purpose committee;
- (3) the full name of the specific-purpose committee's campaign treasurer;
- (4) the address of the specific-purpose committee's campaign treasurer;
- (5) a statement that the committee is a specific-purpose committee; and
- (6) a statement that the specific-purpose committee has accepted political contributions or has made political expenditures on behalf of the candidate or officeholder.

(d) The notice required by this section shall be delivered no later than the end of the reporting period in which the reportable activity occurs.

**§ 20.321. Involvement in More Than One Election by Certain Specific-Purpose Committees**

A specific-purpose committee that supports or opposes more than one candidate or measure may be required to file reports covering overlapping periods. If so, the committee is only required to report activity occurring during the period of overlap on the first report on which the activity is required to be reported.

**§ 20.323. Semiannual Reports**

(a) The campaign treasurer of a specific-purpose committee shall file semiannual reports as provided by this section.

(b) One semiannual report is due no earlier than July 1 and no later than July 15.

(1) The period covered by a report under this subsection begins on the later of the following dates, as applicable:

(A) January 1;

(B) the day the committee's campaign treasurer appointment was filed, if this is the committee's first report filed under this subchapter (other than a telegram report or a special session report); or

(C) the first day after the period covered by the last report required by this subchapter (other than a telegram report or a special session report).

(2) The period covered by a report under this subsection ends on June 30.

(c) One semiannual report is due no earlier than January 1 and no later than January 15.

(1) The period covered by a report under this subsection begins on the later of the following dates, as applicable:

(A) July 1;

(B) the day the committee's campaign treasurer appointment was filed, if this is the committee's first report filed under this subchapter (other than a telegram report or a special session report); or

(C) the first day after the period covered by the last report required by this subchapter (other than a telegram report or a special session report).

(2) The period covered by a report under this subsection ends on December 31.

### **§ 20.325. Pre-election Reports**

(a) The campaign treasurer of a specific-purpose committee that supports or opposes a candidate or a measure in an election shall file pre-election reports as provided by subsections (d) and (e) of this section.

(b) For purposes of this section, supporting or opposing a candidate or a measure in an election means accepting political contributions or making political expenditures to support or oppose the candidate or measure.

(c) The campaign treasurer of a specific-purpose committee that has declared an intention to file under the modified schedule in accordance with § 20.329 of this title (relating to Modified Reporting) and that remains eligible to file under the modified schedule is not required to file pre-election reports.

(d) A specific-purpose committee that supports or opposes a candidate or measure in an election during the reporting period set out in the next sentence of this subsection must file a report under this subsection. The report required by this subsection covers a period that begins on either the day the committee's campaign treasurer appointment was filed or the first day after the period

covered by the last report (other than a telegram report or special session report) filed under this subchapter, as applicable, and ends on the 40th day before the election. The report due under this subsection shall be filed no later than the 30th day before the election.

(e) A specific-purpose committee that was required to file a pre-election report under subsection (d) of this section must file a report under this subsection by the eighth day before the election. The report shall cover a period that begins on the 39th day before the election and ends on the 10th day before the election. The report is due no later than the eighth day before the election.

(f) A committee that was not required to file a report under subsection (d) of this section is required to file a report by the eighth day before the election if the committee supports or opposes a candidate or measure during the period that begins on the 39th day before the election and ends on the 10th day before the election. A report required under this subsection shall cover a period that begins on either the day the committee's campaign treasurer appointment was filed or the first day after the period covered by the last report (other than a telegram report or special session report) filed under this subchapter, as applicable, and ends on the 10th day before the election.

### **§ 20.327. Runoff Report**

(a) A specific-purpose committee that supports or opposes a candidate or measure in an election and in an ensuing runoff election shall file a runoff report, except as provided by subsection (b) of this section.

(b) A specific-purpose committee that has declared an intention to file under the modified schedule in accordance with § 20.329 of this title (relating to Modified Reporting) and that remains eligible to file under the modified schedule is not required to file a runoff report.

(c) A runoff report is due no later than the eighth day before the runoff election.

(d) A runoff report covers the period that begins on the ninth day before the date of the main election and ends on the 10th day before the runoff.

(e) For purposes of this section, supporting or opposing a candidate or a measure in an election means accepting political contributions or making political expenditures to support or oppose the candidate or measure.

### **§ 20.329. Modified Reporting**

(a) A specific-purpose committee that would otherwise be required to file pre-election reports and a runoff report, if necessary, may choose to file under the modified schedule if 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 election in an election cycle.

(b) Under the modified schedule, the campaign treasurer of a specific-purpose committee is not required to file pre-election reports or a runoff report.

(c) To select modified filing, a specific-purpose committee must file a declaration of the committee's intent not to accept more than \$500 in political contributions or make more than

\$500 in political expenditures (excluding filing fees) in connection with the election. The declaration must include a statement that 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.

(d) A declaration under subsection (c) of this section is filed with the committee's campaign treasurer appointment.

(e) To file under the modified schedule, a specific-purpose committee must file the declaration required under subsection (c) of this section no later than the 30th day before the first election to which the declaration applies. A declaration filed under subsection (c) of this section is valid for one election cycle only.

(f) Except as provided by subsection (g) of this section, a specific-purpose committee's campaign treasurer must file pre-election reports and, if necessary, a runoff report under the schedule set out in § 20.325 of this title (relating to Pre-election Reports) and § 20.327 of this title (relating to Runoff Report) if the committee exceeds either of the \$500 limits for modified reporting.

(g) If a specific-purpose committee exceeds either of the \$500 limits for modified reporting after the 30th day before the election, the committee's campaign treasurer must file a report not later than 48 hours after exceeding the limit.

(1) The period covered by a 48-hour report shall begin either on the day the committee's campaign treasurer appointment was filed (if it is the committee's first report of contributions and expenditures) or on the first day after the period covered by the last report (other than a telegram report or special session report) filed under this subchapter, as applicable.

(2) The period covered by a 48-hour report shall continue through the day the committee exceeded one of the limits for modified reporting.

(h) A specific-purpose committee that exceeds either of the \$500 limits for modified reporting after the 30th day before the election and on or before the 10th day before the election must file a report under § 20.325(f) of this title (relating to Pre-election Reports), in addition to any required telegram reports.

### **§ 20.331. Contents of Specific-Purpose Committee Sworn Report of Contributions and Expenditures**

Semiannual reports, pre-election reports, and runoff reports must cover reportable activity during the reporting period and must include the following information:

- (1) the full name of the specific-purpose committee;
- (2) the address of the specific-purpose committee;
- (3) the full name of the specific-purpose committee's campaign treasurer;

- (4) the residence or business street address of the specific-purpose committee's campaign treasurer;
- (5) the committee campaign treasurer's telephone number;
- (6) the identity and date of the election for which the report is filed, if applicable;
- (7) for each candidate supported or opposed by the specific-purpose committee:
  - (A) the full name of the candidate;
  - (B) the office sought by the candidate; and
  - (C) an indication of whether the committee supports or opposes the candidate;
- (8) for each officeholder assisted by the specific-purpose committee:
  - (A) the full name of the officeholder;
  - (B) the office held by the officeholder; and
  - (C) an indication of whether the committee supports or opposes the officeholder;
- (9) for each measure supported or opposed by the specific-purpose committee:
  - (A) a description of the measure; and
  - (B) an indication of whether the committee supports or opposes the measure;
- (10) for each political expenditure by the committee that was made as a political contribution to a candidate, officeholder, or another political committee and that was returned to the specific-purpose committee during the reporting period:
  - (A) the amount returned;
  - (B) the full name of the person to whom the expenditure was originally made;
  - (C) the address of the person to whom the expenditure was originally made; and
  - (D) the date the expenditure was returned to the specific-purpose committee;
- (11) on a separate page, the following information for each expenditure from political contributions made to a business in which the candidate has a participating interest of more than 10%, holds a position on the governing body of the business, or serves as an officer of the business:
  - (A) the full name of the business to which the expenditure was made;
  - (B) the address of the business to which the expenditure was made;

- (C) the date of the expenditure;
- (D) the nature of the goods or services for which the expenditure was made; and
- (E) the amount of the expenditure;

(12) if the specific-purpose committee supports or opposes measures exclusively, for each contribution accepted from a labor organization or corporation, as defined by § 20.1 of this title (relating to Definitions):

- (A) the date each contribution was accepted;
- (B) the full name of the corporation or labor organization making the contribution;
- (C) the address of the corporation or labor organization making the contribution;
- (D) the amount of the contribution; and
- (E) a description of any in-kind contribution;

(13) for each person from whom the specific-purpose committee accepted a political contribution (other than a pledge, loan, or a guarantee of a loan) of more than \$50 in value or political contributions (other than pledges, loans, or guarantees of loans) that total more than \$50 in value:

- (A) the full name of the person;
- (B) the address of the person;
- (C) the total amount of contributions;
- (D) the date each contribution was accepted; and
- (E) a description of any in-kind contribution;

(14) for each person from whom the specific-purpose committee accepted a pledge or pledges to provide more than \$50 in money or to provide goods or services worth more than \$50:

- (A) the full name of the person making a pledge;
- (B) the address of the person making a pledge;
- (C) the amount of the pledge;
- (D) the date each pledge was accepted; and
- (E) a description of any goods or services pledged;



(15) the total of all pledges accepted during the period for \$50 and less from a person, except those reported under paragraph (14) of this section;

(16) for each person making a loan or loans to the specific-purpose committee for campaign or officeholder purposes if the total amount loaned by the person during the period is more than \$50:

(A) the full name of the person or financial institution making the loan;

(B) the address of the person or financial institution making the loan;

(C) the amount of the loan;

(D) the date of the loan;

(E) the interest rate;

(F) the maturity date;

(G) the collateral for the loan, if any; and

(H) if the loan has guarantors:

(i) the full name of each guarantor;

(ii) the address of each guarantor;

(iii) the principal occupation of each guarantor;

(iv) the name of the employer of each guarantor; and

(v) the amount guaranteed by each guarantor;

(17) the total amount of loans accepted during the period for \$50 and less from persons other than financial institutions engaged in the business of making loans for more than one year, except those reported under paragraph (16) of this section;

(18) for political expenditures made during the reporting period that total more than \$50 to a single payee:

(A) the full name of the person to whom each expenditure was made;

(B) the address of the person to whom the expenditure was made;

(C) the date of the expenditure;

(D) the purpose of the expenditure, for example, the goods or services for which the expenditure was made; and

(E) the amount of the expenditure;

(19) for each direct campaign expenditure benefiting a candidate or officeholder, except for a direct campaign expenditure made by a committee supporting only one candidate or officeholder:

- (A) the name of the candidate or officeholder; and
- (B) the office sought or held by the candidate or officeholder;

(20) for each non-political expenditure made from political contributions, other than expenditures reported under paragraph (11) of this section:

- (A) the date of the payment;
- (B) the full name of the person to whom the payment was made;
- (C) the address of the person to whom the payment was made;
- (D) the nature of the goods or services for which the payment was made; and
- (E) the amount of the payment;

(21) for each political contribution accepted from an out-of-state political committee, the information required by § 22.7 of this title (relating to Contribution from Out-of-State Committee);

(22) the following total amounts:

- (A) the total principal amount of all outstanding loans as of the last day of the reporting period;
- (B) the total amount or an itemized listing of political contributions (other than pledges, loans, or guarantees of loans) of \$50 and less;
- (C) the total amount of all political contributions (other than pledges, loans, or guarantees of loans);
- (D) the total amount or an itemized listing of the political expenditures of \$50 and less; and
- (E) the total amount of all political expenditures;

(23) if applicable, a statement that no reportable activity occurred during the reporting period; and

(24) an affidavit, executed by the campaign treasurer, stating: “I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.”

**§ 20.333. Telegram Report by Certain Specific-Purpose Committees**

(a) As provided by subsection (b) of this section, certain specific-purpose committees must file reports about certain contributions accepted during the period that begins on the ninth day before an election and ends at noon on the second day before an election. Reports under this section are known as "telegram" reports, although they may be filed by hand or by telephonic facsimile machine as well as by telegram.

(b) Campaign treasurers for the following specific-purpose committees must file telegram reports:

(1) a specific-purpose committee for supporting or opposing a candidate for statewide office or state senator that, during the period described in subsection (a) of this section, accepts one or more political contributions from a person that in the aggregate exceed \$1,000; and

(2) a specific-purpose committee for supporting or opposing a candidate for state representative that, during the period described in subsection (a) of this section, accepts political contributions from a person that in the aggregate exceed \$200.

(c) The campaign treasurer of a specific-purpose committee must file a report no later than 48 hours after the committee accepts a contribution from a person that triggers the requirement to file the telegram report.

(d) The report filed under subsection (c) of this section may be delivered by hand, by telegram, or by telephonic facsimile machine. Section 20.23 of this title (relating to Timeliness of Action by Mail) does not apply to a report filed under this section.

(e) If, during the reporting period for telegram contributions, a committee receives additional contributions from a person whose previous contribution or contributions have triggered the requirement to file a telegram report during the period, the campaign treasurer for the committee must file an additional telegram report for each such contribution. Each such telegram report is due no later than 48 hours after the committee accepts the contribution.

(f) The campaign treasurer of a specific-purpose committee must file a telegram report for each person whose contribution or contributions made during the period for telegram reports exceed the threshold for telegram reports.

(g) A campaign treasurer of a specific-purpose committee must also report contributions reported on a telegram report on the next semiannual, pre-election, or runoff report filed, as applicable.

**§ 20.335. Contents of Telegram Report by a Specific-Purpose Committee Supporting or Opposing a Candidate for State Senator or State Representative**

A telegram report shall include the following information:

(1) the full name of the specific-purpose committee;

- (2) the full name of the campaign treasurer;
- (3) the name of the person making a contribution or contributions that triggered the requirement to file a telegram report;
- (4) the address of the person making the contribution or contributions;
- (5) the amount of each contribution;
- (6) the date each contribution was accepted; and
- (7) a description of any in-kind contribution.

**§ 20.337. Special Session Reports by Specific-Purpose Committees**

(a) A campaign treasurer of a specific-purpose committee for supporting, opposing, or assisting a candidate for or holder of a statewide office or the legislature that accepts a political contribution during the period that begins on the date the governor signs a proclamation calling a special legislative session and ends on the date of final adjournment must file a special session report.

(b) A special session report must be filed with the commission not later than the 30th day after the date of final adjournment of the special session.

(c) A special session report is a report of contributions only, not expenditures. Expenditures made during the period covered by a special session report are required to be reported in the next applicable sworn report of contributions and expenditures.

(d) Contributions reported in a special session report are required to be reported in the next applicable sworn report of contributions and expenditures.

(e) A determination to accept or refuse a political contribution received during the period covered by a special session report shall be made no later than the third day after the date the contribution is received.

(f) A contribution that is refused under subsection (e) of this section must be returned no later than the 30th day after the date of final adjournment. A contribution not returned by that date will be deemed accepted.

(g) A specific-purpose committee's campaign treasurer is not required to file a separate special session report if another report is due no later than the 10th day after the date a report required under this section would be due.

**§ 20.339. Contents of the Special Session Report**

A report required by § 20.337 of this title (relating to Special Session Reports by Specific-Purpose Committees) shall include the following information:

- (1) the specific-purpose committee's full name;

- (2) the specific-purpose committee's address;
- (3) the committee campaign treasurer's full name;
- (4) the campaign treasurer's residence or business street address;
- (5) for each candidate supported or opposed by the specific-purpose committee:
  - (A) the full name of the candidate;
  - (B) the office sought by the candidate; and
  - (C) an indication of whether the committee supports or opposes the candidate;
- (6) for each officeholder supported or opposed by the committee:
  - (A) the full name of the officeholder;
  - (B) the office held by the officeholder; and
  - (C) an indication of whether the committee supports or opposes the officeholder;
- (7) the date each contribution was accepted;
- (8) the full name of each person making a contribution;
- (9) the address of each person making a contribution;
- (10) the amount of each contribution accepted during the period;
- (11) a description of any in-kind contribution; and
- (12) an affidavit, executed by the campaign treasurer, stating: "I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code."

**§ 20.341. Dissolution Report**

- (a) 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.
- (b) A dissolution report does not have to be filed by a designated deadline.
- (c) Filing a dissolution report:
  - (1) relieves the campaign treasurer of the duty to file additional reports under this subchapter; and
  - (2) terminates the specific-purpose committee's campaign treasurer appointment.

### § 20.343. Contents of Dissolution Report

A dissolution report must contain:

- (1) the information described in § 20.331 of this title (relating to Contents of Specific-Purpose Committee Sworn Report of Contributions and Expenditures); and
- (2) the following sworn statement, signed by the specific-purpose committee's campaign treasurer, and properly notarized:

“I, the undersigned campaign treasurer, do not expect the occurrence of any further reportable activity by this specific-purpose committee for this or any other campaign or election for which reporting under the Election Code is required. I declare that all of the information required to be reported by me has been reported. I understand that designating a report as a dissolution report terminates the appointment of campaign treasurer. I further understand the circumstances in which the specific-purpose committee may not make or authorize political expenditures or accept political contributions without having an appointment of campaign treasurer on file.”

### **Subchapter F: REPORTING REQUIREMENT FOR A GENERAL-PURPOSE COMMITTEE**

#### § 20.401. Thresholds for Appointment of Campaign Treasurer by a General-Purpose Committee

- (a) A general-purpose committee may not accept political contributions exceeding \$500 and may not make or authorize political expenditures exceeding \$500 without filing a campaign treasurer appointment with the commission.
- (b) Unless the committee's campaign treasurer appointment was filed not later than the 30th day before the appropriate election day, a general-purpose committee may not knowingly make or authorize campaign contributions or campaign expenditures exceeding \$500 to support or oppose a candidate in a primary or general election for the following:
  - (1) a statewide office;
  - (2) a seat in the state legislature;
  - (3) a seat on the State Board of Education;
  - (4) a multi-county district office; or
  - (5) a judicial district office filled by voters of only one county.
- (c) A general-purpose committee may not make or authorize political expenditures totaling more than \$500 unless the committee has:

(1) filed its campaign treasurer appointment not later than the 60th day before the date the expenditure is made that causes the total expenditures to exceed \$500; and

(2) received contributions from at least 10 persons.

(d) Subsection (c) of this section does not apply to a general-purpose committee that accepts contributions from a multi-candidate political committee (as defined by the Federal Election Campaign Act) that is registered with the Federal Election Commission, provided that the general-purpose committee is in compliance with § 22.7 of this title (relating to Contribution from Out-of-State Committee).

### **§ 20.403. Reporting Requirements for Certain General-Purpose Committees**

(a) A general-purpose committee that is established by a political party's county executive committee is subject to Subchapter I of this chapter (relating to Rules Applicable to a Political Party's County Executive Committee). Subchapter I of this chapter prevails over this subchapter in the case of conflict.

(b) A general-purpose committee that is the principal political committee of a political party is subject to Subchapter G of this chapter (relating to Rules Applicable to a Principal Political Committee of a Political Party). Subchapter G of this chapter prevails over this subchapter in the case of conflict.

(c) A general-purpose committee that supports or opposes a candidate for state chair of a political party is subject to Subchapter K of this chapter (relating to Reports by Political Committees Supporting or Opposing a Candidate for State Chair of a Political Party). Subchapter K of this chapter prevails over this subchapter in the case of conflict.

### **§ 20.405. Campaign Treasurer Appointment for a General-Purpose Political Committee**

(a) A general-purpose committee may appoint a campaign treasurer at any time before exceeding the thresholds described in § 20.401(a) of this title (relating to Thresholds for Appointment of Campaign Treasurer by a General-Purpose Committee).

(b) After a general-purpose committee appoints a campaign treasurer, the campaign treasurer must comply with all the requirements of this subchapter, even if the committee has not yet exceeded \$500 in political contributions or expenditures.

(c) With the exception of the campaign treasurer appointment, the individual named as a committee's campaign treasurer is legally responsible for filing all reports of the general-purpose committee, including a report following the termination of his or her appointment as campaign treasurer.

### **§ 20.407. Appointing an Assistant Campaign Treasurer**

(a) A general-purpose committee may appoint an assistant campaign treasurer by written appointment filed with the commission.

(b) The assistant campaign treasurer has the same authority as the campaign treasurer. However, if the campaign treasurer appointment is terminated, the assistant campaign treasurer no longer has authority to act as the campaign treasurer.

(c) The campaign treasurer, not the assistant campaign treasurer, is liable for any penalties assessed by the commission for late reports or incomplete reports or for failure to file a report.

(d) Section 20.415 of this title (relating to Termination of Campaign Treasurer Appointment) and § 20.417 of this title (relating to Termination Report) apply to the appointment and removal of an assistant campaign treasurer.

#### **§ 20.409. Name of General-Purpose Committee**

(a) The name of a general-purpose committee must include the full name of each corporation, labor organization, or other association or legal entity other than an individual that directly establishes, administers, or controls the general-purpose committee.

(b) A corporation, labor organization, or other association or legal entity that “directly establishes, administers, or controls” a general-purpose committee is one that has:

(1) the authority to actively participate in determining to whom the general-purpose committee makes political contributions or for what purposes the general-purpose committee makes political expenditures; or

(2) the authority to designate a person to a position of authority with the general-purpose committee, including that of an officer or director of the general-purpose committee.

(c) The name of an entity used in the name of a general-purpose committee may be a commonly recognized acronym by which the entity is known.

(d) The name of a general-purpose committee may not be the same as or deceptively similar to the name of any other general-purpose committee whose campaign treasurer appointment is filed with the commission. The commission shall determine whether the name of a general-purpose political committee is in violation of this prohibition and shall immediately notify the campaign treasurer of the offending political committee of that determination. The campaign treasurer of the political committee must file a name change with the commission not later than the 14th day after the date of notification.

#### **§ 20.411. Contents of General-Purpose Committee Campaign Treasurer Appointment**

A campaign treasurer appointment for a general-purpose committee shall include the following information:

(1) the full name of the general-purpose committee, and, if the name is an acronym, the words the acronym represents;

(2) the address of the general-purpose committee;



- (3) the full name of the person appointing the campaign treasurer;
- (4) the following information for the individual appointed campaign treasurer and, if an assistant campaign treasurer is appointed, for that individual as well:
  - (A) the individual's full name;
  - (B) the individual's residence or business street address;
  - (C) if the individual's mailing address is different from the street address provided, the mailing address for the individual; and
  - (D) the individual's telephone number;
- (5) one of the following:
  - (A) the full name and any acronym of the name that is used in the name of the general-purpose committee pursuant to § 20.409 of this title (relating to Name of General-Purpose Committee), if applicable; or
  - (B) the full name of each person who determines to whom the general-purpose committee makes contributions; or
  - (C) the full name of each person who determines for what purposes the general-purpose committee makes expenditures;
- (6) the name of each other general-purpose committee to which the general-purpose committee intends to make political contributions;
- (7) an indication whether the general-purpose committee will file under the regular reporting schedule pursuant to §§ 20.423, 20.425, and 20.427 of this title (relating to Semiannual Reports; Pre-election Reports; Runoff Report) or under the monthly schedule pursuant to § 20.429 of this title (relating to the Option To File Monthly); and
- (8) the signature of the individual appointed campaign treasurer.

### **§ 20.413. Updating Information on the Campaign Treasurer Appointment**

- (a) The campaign treasurer must notify the commission in writing of any change in the campaign treasurer's address no later than the 10th day after the date on which the change occurs.
- (b) If any of the information required to be included in the general-purpose committee's appointment changes, excluding changes in the campaign treasurer's address, the campaign treasurer shall file a corrected appointment with the commission no later than the 30th day after the date the change occurs.

### **§ 20.415. Termination of Campaign Treasurer Appointment**

(a) A general-purpose committee may terminate a campaign treasurer appointment at any time by:

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

(b) A committee's campaign treasurer may resign by immediately notifying both the appointing authority and the filing authority in writing.

(c) 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. Section 20.23 of this title (relating to Timeliness of Action by Mail) does not apply to this subsection.

(d) For purposes of the termination report required by § 20.417 of this title (relating to Termination Report), a campaign treasurer's resignation is effective on the date the treasurer resigns, as provided by subsection (b) of this section. Section 20.23 of this title (relating to Timeliness of Action by Mail) applies to this subsection.

(e) A termination of a general-purpose committee's campaign treasurer appointment and the filing of the termination report by themselves do not dissolve the general-purpose committee. A general-purpose committee can be dissolved only by filing a dissolution report with the commission.

### **§ 20.417. Termination Report**

(a) If the campaign treasurer appointment of a general-purpose committee is terminated, the campaign treasurer whose appointment was terminated shall file a termination report that contains the information listed in § 20.433 of this title (relating to Contents of General-Purpose Committee Sworn Report of Contributions and Expenditures), except as provided by § 20.434 of this title (relating to Alternate Reporting Requirements for Certain General-Purpose Committees).

(b) A termination report is not required if the termination occurs on the last day of a reporting period under this subchapter and the campaign treasurer files a report for that period as provided by this subchapter.

(c) A termination report covers a period that begins on either the day after the period covered by the last report of contributions and expenditures required to be filed under this subchapter (other than a telegram report) or the day the campaign treasurer appointment was filed (if the committee has not yet filed a report of contributions and expenditures). The period covered by the report continues through the day the termination of the campaign treasurer appointment is effective.

(d) The report shall be filed not later than the 10th day after the date the termination of the campaign treasurer appointment is effective.

(e) Activity reported in a termination report is not required to be included in any subsequent report of the general-purpose committee that is filed under this subchapter.

#### **§ 20.419. Converting to a Specific-Purpose Committee**

(a) A general-purpose committee that changes its operation and becomes a specific-purpose committee is subject to the requirements applicable to a specific-purpose committee as of the date it files its campaign treasurer appointment as a specific-purpose committee.

(b) The campaign treasurer of a general-purpose committee that changes its operation and becomes a specific-purpose committee shall deliver written notice of the change in status to the commission.

(c) The notice shall identify the filing authority with whom future filings by the committee are expected to be made.

(d) The notice required by this section is due not later than the next deadline for filing a report under this subchapter that:

(1) occurs after the change in status; and

(2) would be applicable to the committee if it were still a general-purpose committee.

(e) As provided by § 20.301 of this title (relating to Thresholds for Campaign Treasurer Appointment), a new specific-purpose committee involved in an election supporting or opposing a candidate for a statewide office, the state legislature, the State Board of Education, or a multi-county district office in a primary or general election may not accept political contributions exceeding \$500 and may not make or authorize political expenditure exceeding \$500 unless the committee's campaign treasurer appointment as a specific-purpose committee has been on file at least 30 days before the applicable election day.

#### **§ 20.421. Notice to Candidate or Officeholder**

(a) The campaign treasurer of a general-purpose committee that accepts political contributions or makes political expenditures for a candidate or officeholder shall notify the affected candidate or officeholder in accordance with this section.

(b) This section does not apply to a general-purpose committee that has not appointed a campaign treasurer in accordance with § 20.405 of this title (relating to Campaign Treasurer Appointment for a General-Purpose Political Committee).

(c) The notice required by this section shall be in writing and shall include:

(1) the full name of the general-purpose committee;

- (2) the address of the general-purpose committee;
- (3) the full name of the general-purpose committee's campaign treasurer;
- (4) the address of the general-purpose committee's campaign treasurer;
- (5) a statement that the committee is a general-purpose committee; and
- (6) a statement that the general-purpose committee has accepted political contributions or has made political expenditures on behalf of the candidate or officeholder.

(d) The notice required by this section shall be delivered no later than the end of reporting period in which the reportable activity occurs.

### **§ 20.423. Semiannual Reports**

(a) Except as provided by subsection (d) of this section, the campaign treasurer of a general-purpose committee shall file semiannual reports as provided by this section.

(b) One semiannual report is due no earlier than July 1 and no later than July 15.

(1) The report due by July 15 shall cover a period that begins on either January 1, the day the committee's campaign treasurer appointment was filed, or the first day after the period covered by the last report required to be filed under this subchapter (other than a telegram report), as applicable.

(2) The period covered by the report due on July 15 ends on June 30.

(c) One semiannual report is due no earlier than January 1 and no later than January 15.

(1) The report due on January 15 shall cover a period that begins on either July 1, the day the committee's campaign treasurer appointment was filed, or the first day after the period covered by the last report required to be filed under this subchapter (other than a telegram report), as applicable.

(2) The period covered by the report due on January 15 ends on December 31.

(d) A general-purpose committee that files monthly reports under § 20.429 of this title (relating to Option To File Monthly) does not file under this section.

### **§ 20.425. Pre-election Reports**

(a) A general-purpose committee that accepts political contributions or makes political expenditures in support of or in opposition to a candidate or measure to be voted on in an election shall file pre-election reports as provided by subsections (c) and (d) of this section.

(b) A general-purpose committee that files under § 20.429 of this title (relating to Option To File Monthly) does not file under this section.

(c) The first pre-election report is due no later than the 30th day before the election.

(1) A general-purpose committee that accepts a political contribution or makes a political expenditure to support or oppose a candidate or measure in the election during the period set out in paragraph (2) of this subsection must file a report under this subsection.

(2) The report covers a period that begins on either the day the committee's campaign treasurer appointment was filed or the first day after the period covered by the last report (other than a telegram report) filed under this subchapter, as applicable, and ends on the 40th day before the election.

(d) The second pre-election report is due no later than the eighth day before the election. The period covered by this report depends on whether the committee was required to file a report under subsection (c) of this section.

(1) A general-purpose committee that was required to file a pre-election report under subsection (c) of this section must file a report under this subsection by the eighth day before the election. The report shall cover a period that begins on the 39th day before the election and ends the 10th day before the election.

(2) A committee that was not required to file a report by the 30th day before the election is required to file a report by the eighth day before the election if the committee accepts a political contribution or makes a political expenditure to support or oppose a candidate or measure during the period that begins on the 39th day before the election and ends on the 10th day before the election.

(A) A report that is required to be filed under paragraph (2) of this subsection shall cover a period that begins on either the day the committee's campaign treasurer appointment was filed or the first day after the period covered by the last report (other than a telegram report) filed under this subchapter, as applicable.

(B) The period covered by a report under paragraph (2) of this subsection ends on the 10th day before the election.

### **§ 20.427. Runoff Report**

(a) A general-purpose committee that accepts political contributions or makes political expenditures to support or oppose a candidate or measure in an election and in an ensuing runoff election shall file a runoff report, except as provided by § 20.429 of this title (relating to Option To File Monthly).

(b) A runoff report is due no later than the eighth day before the runoff election.

(c) A runoff report covers the period that begins on the ninth day before the date of the main election and ends on the 10th day before the runoff.

**§ 20.429. Option To File Monthly**

(a) As an alternative to filing semiannual, pre-election, and runoff reports, a general-purpose committee may file monthly reports.

(b) A general-purpose committee that files on the monthly filing schedule must file telegram reports required by § 20.435 of this title (relating to Telegram Reports by Certain General-Purpose Committees).

(c) To be entitled to file monthly reports, the general-purpose committee must deliver written notice of its intent to file monthly to the commission.

(1) A general-purpose committee may file notice of its intent to file monthly at the time the committee files its campaign treasurer appointment.

(2) A general-purpose committee that does not file notice of its intent to file monthly at the time it files its campaign treasurer appointment may file the notice only during the period that begins on January 1 and ends on January 15.

(d) A general-purpose committee that files monthly reports may revert to the regular filing schedule prescribed by § 20.423 of this title (relating to Semiannual Reports), § 20.425 of this title (relating to Pre-election Reports), and § 20.427 of this title (relating to Runoff Report) by delivering notice to the commission of the general-purpose committee's intent to revert.

(1) The notice must be delivered in writing not earlier than January 1 or later than January 15 of the year for which the general-purpose committee intends to revert to the regular reporting schedule.

(2) The notice must include a report of all political contributions accepted and all political expenditures made that were not previously reported.

**§ 20.431. Monthly Reporting**

(a) A monthly report filed by a general-purpose committee shall include the information required by § 20.433 of this title (relating to Contents of General-Purpose Committee Sworn Report of Contributions and Expenditures), except that the threshold reporting amount of \$50 set out in § 20.433(11)-(16), and (20) of this title (relating to Contents of General-Purpose Committee Sworn Report of Contributions and Expenditures) does not apply to a general-purpose committee reporting monthly. For a general-purpose committee reporting monthly, the threshold reporting amount under § 20.433(11)-(16) and (20) of this title is \$10, except as provided by § 20.434 of this title (relating to Alternate Reporting Requirements for Certain General-Purpose Committees).

(b) A monthly report is due not later than the fifth day of the month following the end of the period covered by the report.

(c) Except for the first monthly report filed, a monthly report covers a period that begins on the 26th day of one month and ends on the 25th day of the next month.

(d) The beginning day for the first monthly report filed by a general-purpose committee shall be as follows.

(1) For a general-purpose committee that has been filing on the regular schedule and chooses monthly filing between January 1 and January 15 of a particular year, the first report will cover a period that begins on January 1 of that year.

(2) For a general-purpose committee that elected to file monthly at the time it filed its campaign treasurer appointment, the period covered by the first monthly report depends on the day of the month that the campaign treasurer was appointed.

(A) If the general-purpose committee filed its campaign treasurer appointment before the 25th of the month, the first report will cover a period that begins on the day the appointment was filed and ends on the 25th day of the same month.

(B) If the general-purpose committee filed its campaign treasurer appointment on or after the 25th of the month, the first report will cover the period that begins on the day the appointment is filed and ends on the 25th day of the next month.

**§ 20.433. Contents of General-Purpose Committee Sworn Report of Contributions and Expenditures**

(a) Semiannual reports, pre-election reports, and runoff reports must cover reportable activity during the reporting period and must include the following information:

(1) the full name of the general-purpose committee;

(2) the address of the general-purpose committee;

(3) the full name of the general-purpose committee's campaign treasurer;

(4) the residence or business street address of the general-purpose committee's campaign treasurer;

(5) the committee campaign treasurer's telephone number;

(6) the identity and date of the election for which the report is filed, if applicable;

(7) the full name of each identified candidate or measure or classification by party of candidates supported or opposed by the general-purpose committee and an indication of whether the general-purpose committee supports or opposes each listed candidate, measure, or classification by party of candidates;

(8) the full name of each identified officeholder or classification by party of officeholders assisted by the general-purpose committee;

(9) if the general-purpose committee supports or opposes measures exclusively, for each contribution accepted from a corporation as defined by § 20.1 of this title (relating to Definitions):

- (A) the date each contribution was accepted;
- (B) the full name of the corporation or labor organization making the contribution;
- (C) the address of the corporation or labor organization making the contribution;
- (D) the amount of the contribution; and
- (E) a description of any in-kind contribution;

(10) for each political expenditure by the general-purpose committee that was made as a political contribution to a candidate, officeholder, or another political committee and that was returned to the general-purpose committee during the reporting period:

- (A) the amount returned;
- (B) the full name of the person to whom the expenditure was originally made;
- (C) the address of the person to whom the expenditure was originally made; and
- (D) the date the expenditure was returned to the general-purpose committee;

(11) for each person from whom the general-purpose committee accepted a political contribution other than a pledge or a loan of more than \$50 in value, or political contributions other than pledges or loans that total more than \$50 in value (or more than \$10 for a general-purpose committee reporting monthly):

- (A) the date each contribution was accepted;
- (B) the full name of the person making the contribution;
- (C) the address of the person making the contribution;
- (D) the principal occupation of the person making the contribution;
- (E) the amount of the contribution; and
- (F) a description of any in-kind contribution;

(12) for each person from whom the general-purpose committee accepted a pledge or pledges to provide more than \$50 in money or to provide goods or services worth more than \$50 (more than \$10 for a general-purpose committee reporting monthly):

- (A) the full name of the person making the pledge;



- (B) the address of the person making the pledge;
- (C) the principal occupation of the person making the pledge;
- (D) the amount of each pledge;
- (E) the date each pledge was accepted; and
- (F) a description of any goods or services pledged;

(13) the total of all pledges accepted during the period for \$50 and less from a person, except for those reported under paragraph (12) of this section;

(14) for each person making a loan or loans to the general-purpose committee for campaign purposes if the total amount loaned by the person during the period is more than \$50 (more than \$10 for a general-purpose committee reporting monthly):

- (A) the full name of the person or financial institution making the loan;
- (B) the address of the person or financial institution making the loan;
- (C) the amount of the loan;
- (D) the date of the loan;
- (E) the interest rate;
- (F) the maturity date;
- (G) the collateral for the loan, if any; and
- (H) if the loan has guarantors:
  - (i) the full name of each guarantor;
  - (ii) the address of each guarantor;
  - (iii) the principal occupation of each guarantor;
  - (iv) the name of the employer of each guarantor; and
  - (v) the amount guaranteed by each guarantor;

(15) the total amount of loans accepted during the period for \$50 and less from persons other than financial institutions engaged in the business of making loans for more than one year, except for those reported under paragraph (14) of this section;

(16) for political expenditures made during the reporting period that total more than \$50 (more than \$10 for a general-purpose committee reporting monthly) to a single payee:

- (A) the full name of the person to whom each expenditure was made;
  - (B) the address of the person to whom the expenditure was made;
  - (C) the date of the expenditure;
  - (D) the purpose of the expenditure, for example, the goods or services for which the expenditure was made;
  - (E) the amount of the expenditure; and
  - (F) indication for an expenditure paid in full or in part from corporations or labor organizations that it was paid from such sources.
- (17) for each non-political expenditure made from political contributions:
- (A) the date of each payment;
  - (B) the full name of the person to whom the payment was made;
  - (C) the address of the person to whom the payment was made;
  - (D) the nature of the goods or services for which the payment was made;
  - (E) the amount of the payment; and
  - (F) indication for an expenditure paid in full or in part from corporations or labor organizations that it was paid from such sources.
- (18) for each candidate or officeholder who benefits from a direct campaign expenditure made by the committee:
- (A) the name of the candidate or officeholder; and
  - (B) the office sought or held by the candidate or officeholder;
- (19) for each political contribution from an out-of-state political committee, the information required by § 22.7 of this title (relating to Contribution from Out-of-State Committee);
- (20) the following total amounts:
- (A) the total principal amount of all outstanding loans as of the last day of the reporting period;
  - (B) the total amount or an itemized listing of political contributions (other than pledges, loans, or guarantees of loans) of \$50 and less (\$10 and less for a general-purpose committee reporting monthly);

(C) the total amount of all political contributions (other than pledges, loans, or guarantees of loans);

(D) the total amount or an itemized listing of the political expenditures of \$50 and less (\$10 and less for a general-purpose committee reporting monthly); and

(E) the total amount of all political expenditures;

(21) if applicable, a statement that no reportable activity occurred during the reporting period; and

(22) an affidavit, executed by the campaign treasurer, stating: “I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code.”

(b) Subsections (a)(16)(F) and (a)(17)(F) take effect on July 1, 2005.

#### **§ 20.434. Alternate Reporting Requirements for General-Purpose Committees**

(a) This section and Election Code § 254.1541 apply only to a general-purpose committee with less than \$20,000 in one or more accounts maintained by the committee in which political contributions are deposited, as of the last day of the preceding reporting period for which the committee was required to file a report.

(b) The alternative reporting requirement in Election Code § 254.1541 applies only to contributions.

(c) A report by a campaign treasurer of a general-purpose committee to which this section and Election Code § 254.154 apply shall include the information required by § 20.433 of this title (Contents of General-Purpose Committee Sworn Report of Contributions and Expenditures) except that the campaign treasurer may choose a threshold reporting amount for political contributions of \$100 instead of the threshold reporting amount of \$50 set out in § 20.433(a)(11) and (a)(20)(B) of this title.

(d) A monthly report by a campaign treasurer of a general-purpose committee to which this section and Election Code § 254.154 apply shall include the information required by § 20.433, except that the campaign treasurer may choose a threshold reporting amount for political contributions of \$20 instead of the threshold reporting amount of \$10 set out in § 20.433(a)(11) and (a)(20)(B) of this title.

#### **§ 20.435. Telegram Reports by Certain General-Purpose Committees**

(a) In addition to other reports required by this chapter, a general-purpose committee must file a telegram report if it makes direct campaign expenditures supporting or opposing a single candidate that in the aggregate exceed \$1,000 or a group of candidates that in the aggregate exceed \$15,000 during the period for telegram reports.

- (b) The period for telegram reports begins on the ninth day before election day and ends at noon on the second day before election day.
- (c) A report under this section may be filed by telegram or telephonic facsimile machine or by hand.
- (d) A report under this section must be filed with the commission not later than 48 hours after the expenditure is made.
- (e) Section 20.23 of this title (relating to Timeliness of Action by Mail) does not apply to this section.
- (f) The report does not have to be on a form issued by the commission.
- (g) Reports required by this section need not include an affidavit.
- (h) Contributions reported under this section must be reported again in the next applicable sworn report of contributions and expenditures.

**§ 20.437. Contents of Telegram Report**

A report required by § 20.435 of this title (relating to Telegram Reports by Certain General-Purpose Committees) shall include the following information:

- (1) the full name of the general-purpose committee;
- (2) the full name of the campaign treasurer;
- (3) the amount of each direct campaign expenditure;
- (4) the date of each direct campaign expenditure;
- (5) a description of the goods or services for which each direct campaign expenditure was made; and
- (6) the identification of the candidates or group of candidates benefiting from the direct campaign expenditure.

**§ 20.439. Dissolution Report**

- (a) The campaign treasurer of a general-purpose committee may file a dissolution report at any time that the committee expects no further reportable activity to occur.
- (b) A dissolution report does not have to be filed by a designated deadline.
- (c) Filing a dissolution report:

- (1) relieves the campaign treasurer of the duty to file additional reports under this subchapter; and
- (2) terminates the general-purpose committee’s campaign treasurer appointment.

#### **§ 20.441. Contents of Dissolution Report**

A dissolution report must contain:

- (1) the information listed in § 20.433 of this title (relating to Contents of General-Purpose Committee Sworn Report of Contributions and Expenditures), except as provided by § 20.434 of this title (relating to Alternate Reporting Requirements for Certain General-Purpose Committees); and
- (2) the following sworn statement, signed by the general-purpose committee’s campaign treasurer, and properly notarized:

“I, the undersigned campaign treasurer, do not expect the occurrence of any further reportable activity by this general-purpose committee for this or any other campaign or election for which reporting under the Election Code is required. I declare that all of the information required to be reported by me has been reported. I understand that designating a report as a dissolution report terminates the appointment of campaign treasurer. I further understand the circumstances in which the general-purpose committee may not make or authorize political expenditures or accept political contributions without having an appointment of campaign treasurer on file.”

### **Subchapter G: RULES APPLICABLE TO A PRINCIPAL POLITICAL COMMITTEE OF A POLITICAL PARTY**

#### **§ 20.501. Designation of Principal Political Committee**

The state or county executive committee of a political party may designate a general-purpose committee as the principal political committee for that state or county, as applicable.

#### **§ 20.503. Exceptions from Certain Notice Requirements**

- (a) The principal political committee for a political party in the state or in a county is exempted from complying with § 20.421 of this title (relating to Notice to Candidate or Officeholder).
- (b) The principal political committee for a political party in the state or in a county is not required to report under § 20.433(16) of this title (relating to Contents of General-Purpose Committee Sworn Report of Contributions and Expenditures) a direct campaign expenditure that it makes on behalf of a slate of two or more nominees of the party.

**Subchapter H: RULES APPLICABLE TO A POLITICAL PARTY ACCEPTING CONTRIBUTIONS FROM CORPORATIONS OR LABOR ORGANIZATIONS**

**§ 20.521. Restrictions on Use of Contributions from Corporations or Labor Organizations**

A political party that accepts a contribution authorized by § 24.19 of this title (relating to Contribution to a Political Party) may use the contribution only for the following purposes:

- (1) to defray normal overhead and administrative or operating costs incurred by the party;  
or
- (2) to administer a primary election or convention held by the party.

**§ 20.523. Separate Account Required**

(a) Contributions authorized by § 24.19 of this title (relating to Contribution to a Political Party) must be maintained in an account separate from other contributions accepted by a political party.

(b) Interest and other income earned from contributions authorized by § 24.19 of this title (relating to Contribution to a Political Party) must be maintained in the account required by subsection (a) of this section.

(c) Proceeds from the sale or rent of assets purchased either with contributions authorized by § 24.19 of this title (relating to Contribution to a Political Party) or with interest or other income earned from such contributions must be maintained in the account required by subsection (a) of this section.

**§ 20.525. Record of Contributions and Expenditures and Contents of Report**

(a) The party chair of a political party is required to maintain a record of all contributions from corporations and labor organizations and all expenditures from such contributions.

(b) The party chair of a political party shall preserve the record required by subsection (a) of this section for at least two years after the filing deadline for the report containing the information on the record.

(c) The party chair of a political party that accepts contributions authorized by § 24.19 of this title (relating to Contribution to a Political Party) shall report all contributions and expenditures made to and from the account required by § 20.523 of this title (relating to Separate Account Required), in accordance with the reporting schedule in § 20.529 of this title (relating to Reporting Schedule for Political Party Accepting Corporate or Labor Organization Contributions).

(d) The reports required by subsection (c) of this section shall contain the following information for the period covered by the report:

- (1) the full name of the political party;
- (2) the complete mailing address of the political party;

- (3) the full name of the political party's chair;
- (4) the residence or business street address of the political party's chair;
- (5) if the mailing address of the political party's chair is different from the street address provided, the mailing address for the political party's chair;
- (6) the political party chair's telephone number;
- (7) the identity and date of the election for which the report is filed, if applicable;
- (8) for each corporation or labor organization from whom the political party accepted a contribution (other than a pledge, loan, or guarantee of a loan):
  - (A) the full name of the corporation or labor organization making the contribution;
  - (B) the address of the corporation or labor organization making the contribution;
  - (C) the amount of the contribution; and
  - (D) the date the contribution was accepted;
  - (E) a description of any in-kind contribution;
- (9) for each corporation or labor organization from whom the political party accepted a pledge:
  - (A) the full name of the corporation or labor organization making the pledge;
  - (B) the address of the corporation or labor organization making the pledge;
  - (C) the amount of the pledge;
  - (D) the date the pledge was accepted; and
  - (E) a description of any goods or services pledged;
- (10) for each corporation or labor organization making a loan or loans to the political party:
  - (A) the full name of the person or financial institution making the loan;
  - (B) the address of the person or financial institution making the loan;
  - (C) the amount of the loan;
  - (D) the date of the loan;

- (E) the interest rate;
- (F) the maturity date;
- (G) the collateral for the loan, if any;
- (H) if the loan has guarantors:
  - (i) the full name of each guarantor;
  - (ii) the address of each guarantor;
  - (iii) the principal occupation of each guarantor;
  - (iv) the name of the employer of each guarantor; and
  - (v) the amount guaranteed by each guarantor;

(11) for each expenditure made by the political party from the account required by § 20.523 of this title (relating to Separate Account Required):

- (A) the date of the expenditure;
- (B) the full name of the person to whom each expenditure was made;
- (C) the address of the person to whom each expenditure was made;
- (D) the purpose of the expenditure, for example, the nature of the goods or services for which the expenditure was made; and
- (E) the amount of the expenditure;

(12) for each expenditure by the political party that was made as a political contribution to a candidate, officeholder, or another political committee and that was returned to the political party during the reporting period:

- (A) the amount returned;
- (B) the full name of the person to whom the expenditure was originally made;
- (C) the address of the person to whom the expenditure was originally made; and
- (D) the date the expenditure was returned to the general-purpose committee;

(13) the following total amounts:

- (A) total amount of all contributions (other than pledges, loans, or guarantees of loans) accepted during the period from corporations or labor organizations;



(B) the total amount of all expenditures made during the period from the account required by § 20.523 of this title (relating to Separate Account Required);

(14) if applicable, a statement that no reportable activity occurred during the reporting period; and

(15) an affidavit, executed by the political party's chair, stating:

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

### **§ 20.527. Form of Report**

(a) The report required by this subchapter is separate from any other report a political party is required to file under this title.

(b) The report is filed by the chair of the state party or county executive committee, as applicable, and not by the treasurer of a general-purpose committee. Contributions and expenditures required to be reported under this subchapter should not be included on a report filed in accordance with Subchapter F of this chapter (relating to Reporting Requirements for a General-Purpose Committee).

(c) Except as provided by Section 254.036(c), Election Code, each report filed with the commission under this subchapter and chapter 257 of the Election Code must be filed by computer diskette, modem, or other means of electronic transfer, using computer software provided by the commission or computer software that meets commission specifications for a standard file format.

### **§ 20.529. Reporting Schedule for Political Party Accepting Corporate or Labor Organization Contributions**

A political party that has accepted a contribution from a corporation or labor organization shall file the following reports until the political party is no longer accepting corporate or labor organization contributions and the acceptance and expenditure of all such funds has been reported.

(1) A report shall be filed not earlier than July 1 and not later than July 15, covering the period that begins on either January 1 or the day after the last day included in a primary election report filed under paragraph (3) of this section, as applicable, and ends on June 30.

(2) A report shall be filed not earlier than January 1 and not later than January 15, covering the period that begins on either July 1 or the day after the last day included in a general-election report filed under paragraph (4) of this section, as applicable, and ends on December 31.

(3) A report shall be filed for each primary election held by the political party. The report shall be filed not later than the eighth day before the primary election, covering the period that begins on January 1 and ends on the 10th day before the primary election.

(4) A report shall be filed for the general election for state and county officers. The report shall be filed not later than the 50th day before the general election, covering the period that begins on July 1 and ends on the 61st day before the general election for state and county officers.

### **§ 20.531. Restrictions on Contributions before General Election**

A political party may not knowingly accept a contribution authorized by § 20.521 of this title (relating to Restrictions on Use of Contributions from Corporations or Labor Organizations) or make an expenditure from a separate account established pursuant to § 20.523 of this title (relating to Separate Account Required) during the period that begins on the 60th day before the date of the general election for state and county officers and ends on the day of the election.

## **Subchapter I: RULES APPLICABLE TO A POLITICAL PARTY'S COUNTY EXECUTIVE COMMITTEE**

### **§ 20.551. Obligation To Maintain Records**

A county executive committee that accepts political contributions or makes political expenditures shall maintain the records required by § 20.17 of this title (relating to Retention of Records and Reports).

### **§ 20.553. County Executive Committee Accepting Contributions or Making Expenditures Totaling \$25,000 or Less**

(a) A county executive committee accepting political contributions or making political expenditures totaling \$25,000 or less in a calendar year is not required to:

(1) appoint a campaign treasurer before accepting political contributions or making political expenditures; or

(2) file the reports required by Subchapter F of this chapter (relating to Reporting Requirements for a General-Purpose Committee).

(b) A county executive committee described in subsection (a) of this section is required to comply with § 20.551 of this title (relating to Obligation To Maintain Records).

### **§ 20.555. County Executive Committee Accepting Contributions or Making Expenditures That Exceed \$25,000**

(a) A county executive committee described by subsection (b) of this section is subject to the requirements of Subchapter F of this chapter (relating to Reporting Requirements for a General-Purpose Committee), except where those rules conflict with this subchapter. In the case of conflict, this subchapter prevails over Subchapter F of this chapter.

(b) A county executive committee that accepts political contributions or that makes political expenditures that, in the aggregate, exceed \$25,000 in a calendar year shall file:

(1) a campaign treasurer appointment with the commission no later than the 15th day after the date that amount is exceeded; and

(2) the reports required by Subchapter F of this chapter (relating to Reporting Requirements for a General-Purpose Committee). The first report filed must include all political contributions accepted and all political expenditures made before the county executive committee filed its campaign treasurer appointment.

(c) Contributions accepted from corporations and labor organizations under § 24.19 of this title (relating to Contributions to a Political Party) and reported under Subchapter H of this chapter (relating to Accepting and Reporting Contributions from Corporations and Labor Organizations) do not count against the \$25,000 thresholds described in subsection (b) of this section.

(d) A county executive committee that filed a campaign treasurer appointment and reports of contributions and expenditures may file the report due by January 15 as its final report. Filing such a report will notify the filing authority that the county executive committee does not intend to file reports in the next calendar year unless it exceeds one of the \$25,000 thresholds.

#### **§ 20.557. Exceptions from Certain Restrictions**

A county executive committee is excepted from complying with § 20.401(a)-(c) of this title (relating to Thresholds for Appointment of Campaign Treasurer by a General-Purpose Committee).

#### **§ 20.559. Exception from Notice Requirement**

A county executive committee that accepts political contributions for or makes political expenditures on behalf of a candidate or officeholder is exempted from complying with § 20.421 of this title (relating to Notice to Candidate or Officeholder).

#### **§ 20.561. County Executive Committee Accepting Contributions from Corporations and/or Labor Organizations**

(a) A county executive committee that accepts contributions from corporations or labor organizations authorized by § 24.19 of this title (relating to Contribution to a Political Party) is subject to the provisions set out in Subchapter H of this chapter (relating to Rules Applicable to a Political Party Accepting Contributions from Corporations or Labor Organizations).

(b) The chair of a county executive committee that accepts contributions from a corporation or labor organization must file the report required by § 20.525 of this title (relating to Record of Contributions and Expenditures).

**Subchapter J: REPORTS BY A CANDIDATE FOR  
STATE OR COUNTY PARTY CHAIR**

**§ 20.571. Definitions**

The following term, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

Candidate for state chair of a political party--A person who seeks election to serve as the chair of the state executive committee of a political party with a nominee on the ballot in the most recent gubernatorial general election. Candidacy may be evidenced by any one or more of the following actions:

- (1) declaring candidacy;
- (2) soliciting or accepting a campaign contribution or making or authorizing a campaign expenditure; or
- (3) appointing a campaign treasurer as a candidate for state chair.

**§ 20.573. Rules Applicable to Candidate for State Chair of a Political Party**

Except as provided by this subchapter, a candidate for state chair of a political party is subject to the rules applicable to a candidate for a statewide public office.

**§ 20.575. Contributions to and Expenditures by Candidate for State Chair of a Political Party**

Except as provided by this subchapter, each contribution to and expenditure by a candidate for state chair of a political party is subject to the same rules as contributions to and expenditures by a candidate for statewide public office.

**§ 20.577. Reporting Schedule for a Candidate for State Chair**

(a) A candidate for state chair of a political party is required to file only the reports listed in this section and is not required to file any other reports required by candidates for public office under Subchapter C of this chapter (relating to Reporting Requirements for a Candidate).

(b) A candidate for state chair of a political party is required to file semiannual reports as provided by this subsection.

- (1) One semiannual report is due no earlier than July 1 and no later than July 15.

(A) The period covered by a report under this paragraph begins on the later of the following dates, as applicable:

- (i) January 1;

(ii) the first day after the period covered by the last report required by this subchapter; or

(iii) the day the state chair's campaign treasurer appointment was filed, if this is the first report filed under this subchapter.

(B) The period covered by the report under this paragraph ends on June 30.

(2) One semiannual report is due no earlier than January 1 and no later than January 15.

(A) The period covered by a report under this paragraph begins on the later of the following dates, as applicable:

(i) July 1;

(ii) the first day after the period covered by the last report required by this subchapter; or

(iii) the day the state chair's campaign treasurer appointment was filed, if this is the first report filed under this subchapter.

(c) A candidate for state chair of a political party shall also file the following reports.

(1) A candidate for state chair of a political party shall file a report not earlier than the 39th day before the convening of the state convention and not later than the 30th day before the convening of the state convention. The report shall cover the period that begins on either the day the candidate filed a campaign treasurer appointment with the commission or the first day after the period covered by the last report required to be filed, as applicable, and ends on the 40th day before the convening.

(2) A candidate for state chair of a political party shall file a report not earlier than the ninth day before the convening of the state convention and not later than the eighth day before the convening of the state convention. The report must cover the period that begins on either the day after the committee filed a campaign treasurer appointment with the commission or the first day after the period covered by the last report required to be filed, as applicable, and ends on the 10th day before the convening.

(d) A candidate for state chair of a political party who expects no further reportable activity in connection with his or her candidacy may file a final report at any time in accordance with § 20.229 of this title (relating to Final Report) and § 20.231 of this title (relating to Contents of Final Report).

(e) A former candidate for state chair of a political party who retains unexpended political contributions, unexpended interest or other income from political contributions, or assets purchased with political contributions at the time of filing a final report is subject to the requirements of §§ 20.233, 20.235, 20.237, 20.239, 20.241, and 20.243 of this title (relating to Reporting Requirements for a Candidate).

**§ 20.579. Candidates for County Chair in Certain Counties**

(a) This section applies to a candidate for election to the office of county chair of a political party with a nominee on the ballot in the most recent gubernatorial general election if the county has a population of 350,000 or more.

(b) The provisions of this subchapter that apply to a candidate for state party chair apply to a candidate for county chair covered by this section, except that a candidate for county chair is not required to file the pre-convention reports that a state party chair is required to file under section 20.577(c) of this title (relating to Reporting Schedule for a Candidate for State Chair).

(c) In addition to the semiannual reports due to be filed with the commission by January 15 and July 15 under section 20.577(b) of this title, a candidate for county chair covered by this section who has an opponent on the ballot in an election shall file the following two reports with the commission for each primary election except as provided by subsection (d).

(1) The first report shall be filed not later than the 30th day before primary election day. The report covers the period beginning the day the candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through the 40th day before primary election day.

(2) The second report shall be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before primary election day and continuing through the 10th day before primary election day.

(d) A candidate who has declared the intention to file reports in accordance with section 20.217 of this title (relating to Modified Reporting) and who remains eligible to file under the modified schedule is not required to file pre-election reports.

(e) In addition to other required reports, a candidate for county chair covered by this section who is in a runoff election shall file one report with the commission for the runoff election. The runoff election report shall be filed not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the primary election day and continuing through the tenth day before runoff election day.

(f) Except as provided by Section 254.036(c), Election Code, each report filed with the commission under this section must be filed by computer diskette, modem, or other means of electronic transfer, using computer software provided by the commission or computer software that meets commission specifications for a standard file format.

**Subchapter K: REPORTS BY POLITICAL COMMITTEES SUPPORTING OR  
OPPOSING A CANDIDATE FOR STATE OR COUNTY CHAIR OF A  
POLITICAL PARTY**

**§ 20.591. Appointment of Campaign Treasurer by Political Committee Supporting or Opposing Candidate for State Chair of a Political Party**

Except as provided by this subchapter, a political committee supporting or opposing a candidate for state chair of a political party is subject to the rules applicable to a specific-purpose committee supporting or opposing a candidate for a statewide public office.

**§ 20.593. Contributions and Expenditures by Political Committee Supporting or Opposing Candidate for State Chair of a Political Party**

Except as provided by this subchapter, each contribution to and expenditure by a political committee supporting or opposing a candidate for state chair of a political party is subject to the same rules as a specific-purpose committee supporting or opposing a candidate for statewide public office.

**§ 20.595. Reporting Schedule for a Political Committee Supporting or Opposing Candidate for State Chair of a Political Party**

(a) A political committee supporting or opposing a candidate for state chair of a political party is required to file semiannual reports in accordance with this section.

(1) One semiannual report is due no earlier than July 1 and no later than July 15.

(A) The period covered by a report under this paragraph begins on the later of the following dates, as applicable:

(i) January 1;

(ii) the first day after the period covered by the last report required by this subchapter; or

(iii) the day the political committee's campaign treasurer appointment was filed, if this is the first report filed under this subchapter.

(B) The period covered by the report under this subparagraph ends on June 30.

(2) One semiannual report is due no earlier than January 1 and no later than January 15.

(A) The period covered by a report under this paragraph begins on the later of the following dates, as applicable:

(i) July 1;

(ii) the first day after the period covered by the last report required by this subchapter; or

(iii) the day the political committee's campaign treasurer appointment was filed, if this is the first report filed under this subchapter.

(B) The period covered by the report under this subparagraph ends on December 31.

(b) A political committee supporting or opposing a candidate for state chair of a political party shall also file the following reports.

(1) A political committee supporting or opposing a candidate for state chair of a political party shall file a report not earlier than the 39th day before the convening of the state convention and not later than the 30th day before the convening of the state convention. The report shall cover the period that begins on either the day the political committee filed a campaign treasurer appointment with the commission or the first day after the period covered by the last report required to be filed, as applicable, and ends on the 40th day before the convening.

(2) A political committee supporting or opposing a candidate for state chair of a political party shall file a report not earlier than the ninth day before the convening of the state convention and not later than the eighth day before the convening of the state convention. The report covers the period that begins on either the date the political committee filed a campaign treasurer appointment with the commission or the first day after the period covered by the last report required to be filed, as applicable, and ends on the 10th day before the convening.

(c) A political committee supporting or opposing a candidate for state chair of a political party may file a dissolution report in accordance with § 20.341 of this title (relating to Dissolution Report) and § 20.343 of this title (relating to Contents of Dissolution Report) at any time that the committee expects no further reportable activity to occur).

**§ 20.597. Political Committees Supporting or Opposing Candidates for County Chair in Certain Counties**

(a) This section applies to a political committee supporting or opposing a candidate for election to the office of county chair of a political party with a nominee on the ballot in the most recent gubernatorial general election if the county has a population of 350,000 or more.

(b) The provisions of this subchapter that apply to a political committee supporting or opposing a candidate for state party chair apply to a political committee covered by this section, except that a political committee covered by this section is not required to file the pre-convention reports under section 20.595(b) of this title (relating to Reporting Schedule for a Political Committee Supporting or Opposing Candidate for State Chair of a Political Party).

(c) In addition to the semiannual reports due to be filed with the commission by January 15 and July 15, a political committee covered by this section shall file the following two reports with the commission for each primary election.



(1) The first report shall be filed not later than the 30th day before primary election day. The report covers the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through the 40th day before primary election day.

(2) The second report shall be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before primary election day and continuing through the 10th day before primary election day.

(d) In addition to other required reports, a political committee covered by this section shall file one report with the commission for a runoff election in which the candidate supported or opposed by the committee is involved. The runoff election report shall be filed not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the primary election day and continuing through the tenth day before runoff election day.

(e) Except as provided by Section 254.036(c), Election Code, each report filed with the commission under this section must be filed by computer diskette, modem, or other means of electronic transfer, using computer software provided by the commission or computer software that meets commission specifications for a standard file format.

## Chapter 22. RESTRICTIONS ON CONTRIBUTIONS AND EXPENDITURES

### § 22.1. Certain Campaign Treasurer Appointments Required before Political Activity Begins

(a) An individual must file a campaign treasurer appointment with the proper authority before accepting a campaign contribution or making or authorizing a campaign expenditure.

(1) An officeholder may accept an officeholder contribution and make or authorize an officeholder expenditure without a campaign treasurer appointment on file.

(2) An officeholder who does not have a campaign treasurer appointment on file may not accept a campaign contribution or make or authorize a campaign expenditure.

(b) A political committee may not accept political contributions exceeding \$500 and may not make or authorize political expenditures exceeding \$500 without filing a campaign treasurer appointment with the appropriate filing authority.

(c) A general-purpose committee may not make or authorize political expenditures totaling more than \$500 unless the committee has:

(1) filed its campaign treasurer appointment not later than the 60th day before the date the expenditure is made that causes the total expenditures to exceed \$500; and

(2) received contributions from at least 10 persons.

(d) Subsection (c) of this section does not apply to a general-purpose committee that accepts contributions from a multi-candidate political committee (as defined by the Federal Election Campaign Act) that is registered with the Federal Election Commission, provided that the general-purpose committee is in compliance with § 22.7 of this title (relating to Contribution from Out-of-State Committee).

(e) Unless the committee's campaign treasurer appointment was filed not later than the 30th day before the appropriate election day, a political committee may not knowingly make or authorize campaign contributions or campaign expenditures exceeding \$500 to support or oppose a candidate in a primary or general election for the following:

(1) a statewide office;

(2) a seat in the state legislature;

(3) a seat on the State Board of Education;

(4) a multi-county district office; or

(5) a judicial district office filled by voters of only one county.

(f) This section does not apply to the county executive committee of a political party except as provided in Chapter 20, Subchapter I of this title (relating to Rules Applicable to a Political Party's County Executive Committee).

### **§ 22.3. Disclosure of True Source of Contribution or Expenditure**

A person may not knowingly make or authorize a political contribution or political expenditure in the name of or on behalf of another unless the person discloses the name and address of the person who is the true source of the contribution.

### **§ 22.5. Direct Campaign Expenditures**

(a) Only the following persons, complying with applicable restrictions and procedures, may make or authorize a direct campaign expenditure:

- (1) an individual making an expenditure authorized by subsection (b) or (d) of this section;
- (2) a corporation or labor organization making an expenditure authorized by subsection (e) of this section;
- (3) a candidate making or authorizing an expenditure for the candidate's own election;
- (4) a political committee; or
- (5) a campaign treasurer or assistant campaign treasurer acting in an official capacity.

(b) An individual not acting in concert with another person may make one or more direct campaign expenditures in an election from his or her own property if:

- (1) the total expenditures on any one or more candidates or measures do not exceed \$100 and the individual receives no reimbursement for the expenditures; or
- (2) if the total expenditures on any one or more candidates or measures exceed \$100, the individual complies with Chapter 20, Subchapter E of this title (relating to Reporting Requirements for a Specific-Purpose Committee) as if the individual were a campaign treasurer of a political committee and the individual receives no reimbursement for the expenditures.

(c) An individual making expenditures under subsection (b)(2) of this section is not required to file a campaign treasurer appointment, but is required to use the reporting forms and schedule prescribed by Chapter 20, Subchapter E of this title (relating to Reporting Requirements for a Specific-Purpose Committee).

(d) An individual making a direct campaign expenditure consisting of the individual's personal travel expenses is not required to comply with subsection (b)(2) of this section, provided that the individual receives no reimbursement for the expenditures.

(e) A corporation or labor organization not acting in concert with another person may make one or more direct campaign expenditures from its own property in connection with an election on a measure if the corporation makes the expenditures in accordance with subsections (b) and (c) of this section as if the corporation or labor organization were an individual.

**§ 22.7. Contribution from Out-of-State Committee**

(a) For each reporting period during which a candidate, officeholder, or political committee accepts a contribution or contributions from an out-of-state political committee totaling more than \$500, the candidate, officeholder, or political committee must comply with subsections (b) and (c) of this section.

(b) The candidate, officeholder, or political committee covered by subsection (a) of this section must first obtain from the out-of-state committee one of the following documents before accepting the contribution that causes the total received from the out-of-state committee to exceed \$500 during the reporting period:

(1) a written statement, certified by an officer of the out-of-state-political committee, listing the full name and address of each person who contributed more than \$100 to the out-of-state political committee during the 12 months immediately preceding the contribution; or

(2) a copy of the out-of-state political committee's statement of organization filed as required by law with the Federal Election Commission and certified by the Federal Election Commission.

(c) The document obtained pursuant to subsection (b) of this section shall be included as part of the report that covers the reporting period in which the candidate, officeholder, or political committee accepted the contribution that caused the total accepted from the out-of-state committee to exceed \$500.

(d) A candidate, officeholder, or political committee that:

(1) receives contributions covered by subsection (a) of this section from the same out-of-state committee in successive reporting periods; and

(2) complies with subsection (b)(2) of this section before accepting the first contribution triggering subsection (a) of this section, may comply with subsection (c) of this section in successive reporting periods by submitting a copy of the certified document obtained before accepting the first contribution triggering subsection (a) of this section, rather than by obtaining and submitting an original certified document for each reporting period, provided the document has not been amended since the last submission.

(e) A candidate, officeholder, or political committee that accepts a contribution or contributions totaling \$500 or less from an out-of-state political committee shall include as part of the report covering the reporting period in which the contribution or contributions are accepted either:

(1) a copy of the out-of-state committee's statement of organization filed as required by law with the Federal Election Commission and certified by the Federal Election Commission; or

(2) the following information:

(A) the full name of the committee, and, if the name is an acronym, the words the acronym represents;

(B) the address of the committee;

(C) the telephone number of the committee;

(D) the name of the person appointing the campaign treasurer; and

(E) the following information for the individual appointed campaign treasurer and assistant campaign treasurer:

(i) the individual's full name;

(ii) the individual's residence or business street address; and

(iii) the individual's telephone number.

(f) This section does not apply to a contribution from an out-of-state political committee if the committee filed a campaign treasurer appointment with the commission before making the contribution.

### **§ 22.9. Cash Contributions Exceeding \$100 Prohibited**

(a) A candidate, officeholder, or specific-purpose committee may not knowingly accept political contributions in cash that in the aggregate exceed \$100 from a contributor in a reporting period.

(b) Checks are not considered cash for purposes of this section.

### **§ 22.11. Prohibition on Contributions during Regular Session**

(a) During the period that begins on the 30th day before the date a regular legislative session convenes and ends on the day of final adjournment, a person may not knowingly make a political contribution to:

(1) a statewide officeholder or officer-elect;

(2) a member of the legislature or member-elect; or

(3) a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or officeholder elect or member or member-elect of the legislature.

(b) An individual or committee described in subsection (a) of this section may not knowingly accept a political contribution, and shall refuse a political contribution that is received, during the period prescribed by subsection (a) of this section.

(c) A political contribution that is received and refused pursuant to this section shall be returned to the contributor not later than the 30th day after the date of receipt.

(d) A contribution made by mail is not considered received during the period prescribed by subsection (a) of this section if it was deposited into an official repository of the United States Postal Service with postage prepaid and properly addressed before the beginning of the period. The date of the postmark is considered to be the date the contribution was placed in the mail unless proven otherwise.

(e) This section does not apply to a political contribution that was made and accepted with the intent that it be used:

(1) in an election held or ordered during the period prescribed by subsection (a) of this section in which the person accepting the contribution is a candidate if the contribution was made after the person appointed a campaign treasurer with the appropriate authority and before the person was sworn in for that office;

(2) to defray expenses incurred in connection with an election contest; or

(3) by a person who holds a statewide office or a member of the legislature, if the person or member was defeated at the general election held immediately before the session is convened, or by a specific-purpose political committee that supports or assists only that person or member.

(f) This section does not apply to contributions offered or accepted during a special session.

### **§ 22.13. Contributions in the Capitol Prohibited**

(a) A person may not knowingly make or authorize a political contribution while in the Capitol to:

(1) a candidate or officeholder;

(2) a political committee; or

(3) a person acting on behalf of a candidate, officeholder, or political committee.

(b) A candidate, officeholder, or political committee or a person acting on behalf of a candidate, officeholder, or political committee may not knowingly accept a political contribution, and shall refuse a political contribution that is received in the Capitol.

(c) The term “Capitol” for purposes of this rule includes the Capitol Building and the Capitol Extension, and any office that is being used as the official capitol office for a member of the legislature, the governor, the lieutenant governor, or the secretary of state.

(d) This section does not prohibit contributions delivered in the Capitol through the United States Postal Service or a common or contract carrier.

#### **§ 22.15. Prohibition on Payments Made To Purchase Real Property**

(a) A candidate or officeholder, or a specific-purpose committee for supporting, opposing, or assisting a candidate or officeholder, may not knowingly make or authorize a payment from a political contribution to purchase real property, or to pay the interest on or principal of a note for the purchase of real property.

(b) Subsection (a) of this section does not apply to a payment made in connection with real property that was purchased before January 1, 1992.

#### **§ 22.17. Prohibition on Personal Use of Political Contributions**

(a) A person who accepts a political contribution as a candidate or officeholder may not convert the contribution to personal use. This subsection applies only to political contributions accepted on or after September 1, 1983.

(b) A specific-purpose committee that accepts a political contribution may not convert the contribution to the personal use of a candidate, officeholder, or former candidate or officeholder. This prohibition applies only to political contributions accepted on or after September 1, 1987.

(c) The prohibitions set out in subsections (a) and (b) of this section apply to the use of an asset purchased with political contributions and to the use of any interest or other income earned on political contributions.

(d) “Personal use” means a use that primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate for or holder of a public office. It does not include:

(1) payments made to defray ordinary and necessary expenses incurred in connection with activities as a candidate or in connection with the performance of duties or activities as a public officeholder, including payment of rent, utility, and other reasonable housing or household expenses incurred in maintaining a residence in Travis County by members of the legislature who do not normally reside in Travis County, but excluding payments prohibited pursuant to § 22.15 of this title (relating to Prohibition on Payments Made to Purchase Real Property);

(2) payments of federal income taxes due on interest and other income earned on political contributions;

- (3) use of contributions for defending a criminal action or prosecuting or defending a civil action brought by or against the individual in his or her status as a candidate or officeholder;
  - (4) use of contributions for participating in an election contest or participating in a civil action to determine an individual's eligibility to be a candidate for, or elected or appointed to, a public office in this state;
  - (5) an expenditure for a purpose listed in § 20.289 of this title (relating to Disposition of Unexpended Contributions);
  - (6) payment of travel expenses of a candidate's spouse or any other person if the spouse or other person is campaigning for candidate; or
  - (7) payment of travel expenses of an officeholder's spouse or any other person if the other person's travel is in connection with the performance of duties or activities as a public officeholder.
- (e) An asset purchased with political contributions is not converted to personal use if the political contributions are fully reimbursed during the reporting period in which the use occurred in an amount that reasonably reflects the value of the use.

### **§ 22.19. General Restrictions on Reimbursement of Personal Funds**

- (a) If a candidate makes political expenditures from the candidate's personal funds, he or she may reimburse those personal funds from political contributions only if the expenditure is reported and the candidate states his or her intent to reimburse personal funds pursuant to § 20.219(16) of this title (relating to Content of Candidate's Sworn Report of Contributions and Expenditures).
- (b) If an officeholder who does not have a campaign treasurer appointment on file makes political expenditures from the officeholder's personal funds, he or she may reimburse those personal funds from political contributions only if the expenditure is reported and the officeholder states his or her intent to reimburse personal funds pursuant to § 20.279(12) of this title (relating to Contents of Officeholder's Sworn Report of Contributions and Expenditures).
- (c) A candidate or officeholder may reimburse personal funds from political contributions for the use of personal assets for political purposes provided that the reimbursement is reported as a political expenditure.
- (d) A candidate or officeholder who makes political expenditures from his or her personal funds may reimburse those personal funds from political contributions only if:
  - (1) the expenditures were fully reported as political expenditures on the report covering the period during which the expenditures were made; and
  - (2) the report disclosing the expenditures indicates that the expenditures were made from the candidate's or officeholder's personal funds and are subject to reimbursement.



(e) A candidate's or officeholder's failure to comply with subsection (d) of this section may not be cured by filing a corrected report after the report deadline has passed.

(f) A candidate or officeholder who has complied with subsection (d) of this section and whose personal funds have been reimbursed from political contributions must report the amount of the reimbursement as a political expenditure in the report covering the period during which the reimbursement was made.

(g) Section 22.21 of this title (relating to Additional Restrictions on Reimbursement of Personal Funds and Payments on Certain Loans) sets limits on the amount of political expenditures from personal funds that a statewide officeholder may reimburse from political contributions.

**§ 22.21. Additional Restrictions on Reimbursement of Personal Funds and Payments on Certain Loans**

(a) A candidate or officeholder who makes political expenditures from personal funds may not reimburse his or her personal funds from political contributions in amounts that in the aggregate exceed the following amounts for each election in which the person's name appears on the ballot:

(1) for a statewide office other than governor, \$250,000; or

(2) for governor, \$500,000.

(b) A candidate or officeholder who accepts one or more political contributions in the form of loans, including an extension of credit or a guarantee of a loan or extension of credit, from one or more persons related to the candidate or officeholder within the second degree by affinity or consanguinity, as defined by the Government Code, Chapter 573, Subchapter B (concerning Relationships by Consanguinity or by Affinity), may not use political contributions to repay the loans in amounts that in the aggregate exceed the amount prescribed by subsection (a) of this section. Interest on loans from the personal funds of any person related to the candidate or officeholder within the second degree by affinity or consanguinity is included in the amount prescribed by subsection (a) of this section.

(c) The total amount of both reimbursements and repayments made by a candidate or officeholder under this section may not exceed the amount prescribed by subsection (a) of this section.

(d) An individual who is both a candidate and an officeholder covered by subsection (a) of this section may reimburse his or her personal funds or repay loans from political contributions only in one capacity.

**§ 22.23. Restrictions on Certain Payments**

(a) A candidate or officeholder, or a specific-purpose committee for supporting, opposing, or assisting the candidate or officeholder, may not knowingly make or authorize a payment from a political contribution if the payment is made for personal services rendered by the candidate or officeholder or by the spouse or dependent child of the candidate or officeholder to:

(1) a business in which the candidate or officeholder has a participating interest of more than 10%, holds a position on the governing body of the business, or serves as an officer of the business; or

(2) the candidate or officeholder or the spouse or dependent child of the candidate or officeholder.

(b) A payment made from a political contribution to a business described by subsection (a) of this section that is not prohibited by that subsection may not exceed the amount necessary to reimburse the business for actual expenditures made by the business.

(c) A discount given by a corporation to conform with subsection (b) of this section does not constitute a political contribution from the corporation.

### **§ 22.27. Time Limit on Retaining Unexpended Contributions**

A former candidate may retain unexpended political contributions after he or she ceases to be a candidate or officeholder only in accordance with § 20.237 of this title (relating to Final Disposition of Unexpended Contributions) or § 20.289 of this title (relating to Disposition of Unexpended Contributions), as applicable.

### **§ 22.29. Activity after Death or Incapacity of Candidate or Officeholder**

(a) The legal representative of a candidate or officeholder who has died or become incapacitated may accept political contributions and make or authorize expenditures only for the following purposes:

(1) payment of debts or expenses in connection with a campaign or in connection with officeholder duties and activities;

(2) payments to the political party with which the person was affiliated when the person's name last appeared on a ballot;

(3) political contributions to a candidate or political committee;

(4) donations to the Comptroller of Public Accounts for deposit in the state treasury;

(5) refunds of contributions to one or more persons from whom political contributions were received, not to exceed the total amount contributed by each person within the last two years;

(6) donations to a charity recognized by the Internal Revenue Service as tax-exempt;

(7) donations to a public or private post-secondary educational institution or an institution of higher education as defined by the Education Code, § 61.003(8) (concerning Definitions), solely for the purpose of assisting or creating a scholarship program; or

(8) payment of federal income taxes due on interest and other income earned on political contributions.

(b) See § 20.67 of this title (relating to Reporting after the Death or Incapacity of a Filer) in regard to reporting requirements after the death or incapacity of a candidate or officeholder.

**§ 22.31. Restrictions on Foreign Nationals**

Federal law prohibits contributions from foreign nationals who have not been granted permanent residence in the United States. See United States Code, Title 2, § 441(e).

**Chapter 24. RESTRICTIONS ON CONTRIBUTIONS AND EXPENDITURES  
APPLICABLE TO CORPORATIONS AND LABOR ORGANIZATIONS**

**§ 24.1. Corporations and Certain Associations Covered**

(a) This chapter applies to:

(1) labor organizations;

(2) corporations that are organized under the Texas Business Corporation Act, the Texas Non-Profit Corporation Act, federal law, or the laws of another state or nation; and

(3) the following associations, whether incorporated or not, which for purposes of this chapter are considered to be corporations covered by this chapter:

(A) banks;

(B) trust companies;

(C) savings and loan associations or companies;

(D) insurance companies;

(E) reciprocal or interinsurance exchanges;

(F) railroad companies;

(G) cemetery companies;

(H) government-regulated cooperatives;

(I) stock companies; and

(J) abstract and title insurance companies.

(b) For purposes of this chapter, members of a corporation that does not have stockholders and members of an association listed in subsection (a)(3) of this section are considered to be stockholders.

(c) This chapter does not apply to a political committee that incorporates for liability purposes only in accordance with subsection (d) of this section, provided that the sole principal purpose of the committee is accepting political contributions and making political expenditures.

(d) A political committee may incorporate to limit its liability by providing in its official incorporation documents that it is a political committee that is incorporating for liability purposes only, and that its only principal purpose is to accept political contributions and make political expenditures.

### **§ 24.3. Prohibitions on Contributions and Expenditures**

(a) A corporation or labor organization may not make a political contribution or political expenditure that is not authorized by this chapter.

(b) A corporation or labor organization may not make a political contribution or political expenditure in connection with a recall election or in connection with the circulation or submission of a petition to call a recall election.

### **§ 24.5. Corporate Loans**

(a) A corporation may not make a loan to a candidate, officeholder, or political committee for campaign or officeholder purposes unless:

(1) the corporation has been legally and continuously engaged in the business of lending money for at least one year before the loan is made; and

(2) the loan is made in the due course of business.

(b) This section does not apply to a loan to a political committee that supports or opposes measures exclusively.

### **§ 24.7. Contribution on Measure**

(a) A corporation or labor organization may make campaign contributions from its own property in connection with an election on a measure.

(b) A contribution authorized by subsection (a) of this section may be made only to a political committee for supporting or opposing measures exclusively.

### **§ 24.9. Direct Expenditure on Measure**

A corporation or labor organization not acting in concert with another person may make one or more direct campaign expenditures from its own property in connection with an election on a measure if the corporation or labor organization makes the expenditures in accordance with § 22.5 of this title (relating to Direct Campaign Expenditures) as if the corporation or labor organization were an individual.

### **§ 24.11. Political Expenditures To Communicate with Stockholders, Members, and Families**

(a) A corporation or labor organization may make one or more direct campaign expenditures from its own property for the purpose of communicating directly with its stockholders or members, as applicable, or with the families of its stockholders or members.

(b) An expenditure under this section is not required to be reported.

**§ 24.13. Expenditures for a General-Purpose Committee**

(a) A corporation, acting alone or with one or more other corporations, may make one or more political expenditures to finance the establishment or administration of a general-purpose committee.

(b) A corporation may make political expenditures to finance the solicitation of political contributions to a general-purpose committee assisted under subsection (a) of this section from the stockholders, employees, or families of stockholders or employees of one or more corporations.

(c) A labor organization may engage in activity authorized for a corporation by subsections (a) and (b) of this section. For purposes of this section, the members of a labor organization are considered to be corporate stockholders.

(d) A political committee assisted by a corporation or labor organization under this section may not make a political contribution or political expenditure in whole or part from money that is known by a member or officer of the political committee to be dues, fees, or other money required as a condition of employment by a corporation or condition of membership in a labor organization.

(e) A corporation or labor organization or a political committee assisted by a corporation under this section may not use or threaten to use physical force, job discrimination, or financial reprisal to obtain money or any other thing of value to be used to influence the result of an election or to assist an officeholder.

**§ 24.14. Administrative Expenditure**

*An expenditure made by a corporation to deliver a political contribution is an administrative expenditure for purposes of § 253.100 of the Election Code and § 24.13 of this title (relating to Expenditures for a General-Purpose Committee).*

**§ 24.15. Payments to a Corporation of the Candidate or Officeholder**

(a) If a corporation charges a candidate, officeholder, or specific-purpose committee for supporting or assisting a candidate or officeholder less than fair market value for goods or services in order to comply with § 32.23(b) of this title (relating to Restrictions on Payments to Certain Businesses), the discount is not a prohibited corporate contribution.

(b) If the discount is greater than is necessary to comply with § 32.23 of this title (relating to Restrictions on Payments to Certain Businesses), the discount is a prohibited corporate contribution if the discount is not otherwise authorized by this chapter.

**§ 24.17. Corporate Expenditures for Get-Out-the-Vote Campaigns Permitted**

(a) An expenditure to finance a voter registration or get-out-the-vote drive is not a political expenditure if the drive encourages voting in general but does not encourage voting for or against a measure, candidate, officeholder, or political party.

(b) A corporation or labor organization is permitted to make an expenditure described in subsection (a) of this section.

(c) A corporate or labor organization expenditure described by subsection (a) of this section is not reportable.

**§ 24.19. Contribution to a Political Party**

(a) A corporation or labor organization may make a contribution from its own property to a political party to be used as provided by Chapter 20, Subchapter H of this chapter (relating to Rules Applicable to a Political Party Accepting Contributions from Corporations or Labor Organizations).

(b) A corporation or labor organization may not knowingly make a contribution authorized by subsection (a) of this section during a period that begins on the 60th day before the date of a general election for state and county officers and ends on the day of the election.

## Chapter 26. POLITICAL AND LEGISLATIVE ADVERTISING

### § 26.1. Disclosure Statement

(a) The disclosure statement required by Section 255.001, Election Code, must contain the words "political advertising" or any recognizable abbreviation, and must appear on one line of text or on successive lines of text on the face of the political advertising.

(b) A disclosure statement is not required on political advertising printed on letterhead stationery if the letterhead contains the full name of one of the following:

- (1) the person who paid for the political advertising;
- (2) the political committee authorizing the political advertising; or
- (3) the candidate authorizing the political advertising.

(c) A disclosure statement is not required on campaign buttons, pins, or hats, or on objects whose size makes printing the disclosure impractical.

### § 26.3. Legislative Advertising

Political advertising as defined by the Election Code, Section 251.001(16) (concerning Definitions), does not constitute legislative advertising under the Government Code, Section 305.027 (concerning Required Disclosure on Legislative Advertising).

### § 26.5. Code of Fair Campaign Practices

A candidate or political committee that has filed a copy of the Code of Fair Campaign Practices as provided by the Election Code, Chapter 258, 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.



**Chapter 28. REPORTS BY A CANDIDATE FOR SPEAKER OF  
THE HOUSE OF REPRESENTATIVES**

**§ 28.1. Definitions**

The following words and terms, when used in this Chapter 28, shall have the following meanings, unless the context clearly indicates otherwise:

Campaign funds--For purposes of the Government Code, Chapter 302 (concerning Speaker of the House of Representatives), “campaign funds” as defined in § 302.011 (concerning Definitions) shall include “interest earned” and shall include “interest paid.”

**§ 28.3. Termination of Candidacy**

For purposes of the Government Code, § 302.013 (concerning Filing of Statement of Contributions, Loans, and Expenditures), a speaker candidate is considered to have terminated the candidacy when the candidate is no longer seeking the office or is ineligible to seek the office.

**§ 28.5. Information To Report**

Each report required to be filed with the commission pursuant to the Government Code, § 302.013 (concerning Filing of Statement of Contributions, Loans, and Expenditures), shall set forth the total amount of interest earned during the reporting period.

**§ 28.7. Permitted Expenditures**

As required by the Government Code, § 302.020 (concerning Permitted Expenditures), a speaker candidate shall not expend campaign funds for any purpose other than those permitted by § 302.020 (concerning Permitted Expenditures), and then only if those expenditures are directly related to the speaker candidacy; provided, that this section is not intended to prohibit the payment from campaign funds of federal income taxes due on campaign funds.

**§ 28.9. Segregation of Campaign Funds**

All contributed campaign funds shall be maintained in accounts separate and apart from any other accounts.

## Chapter 34. REGULATION OF LOBBYISTS

### Subchapter A. GENERAL PROVISIONS

#### § 34.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Communicates directly with, or any variation of that phrase--In Government Code, Chapter 305, and in this chapter includes communication by facsimile transmission.
- (2) Expenditure--In Government Code, Chapter 305, and in this chapter does not include a payment of less than \$200 that is fully reimbursed by the member of the legislative or executive branch who benefits from the expenditure if the member of the legislative or executive branch fully reimburses the person making the payment before the date the person would otherwise be required to report the payment.
- (3) Lobby activity--Direct communication with and preparation for direct communication with a member of the legislative or executive branch to influence legislation or administrative action.
- (4) Registrant--In Government Code, Chapter 305, and in this chapter means a person who is required to register as well as a person who has registered regardless of whether that person's registration was required.

#### § 34.3. Compensation for Preparation Time

Compensation a person receives for preparing to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action is included in calculating compensation for purposes of the registration and reporting requirements in Government Code, Chapter 305, and this chapter. Examples of preparation for lobby communications include participation in strategy sessions, review and analysis of legislation or administrative matters, research and communication with the employer/client. A person who does not directly communicate with a member of the legislative or executive branch to influence legislation or administrative action is not required to register because of compensation received for preparing to do so.

#### § 34.5. Certain Compensation Excluded

Compensation received for the following activities is not included for purposes of calculating the registration threshold under Government Code § 305.003(a)(2), and this chapter and is not required to be reported on a lobby activity report filed under Government Code, Chapter 305, and this chapter:

- (1) requesting a written opinion that interprets a law, regulation, rule, policy, practice, or procedure administered by a state office or agency;

- (2) preparation or submission of an application or other written document that merely provides information required by law, statute, rule, regulation, order, or subpoena, or that responds to a document prepared by a state agency;
- (3) communicating merely for the purpose of demonstrating compliance with an audit, inspection, examination of a financial institution, or government investigation to interpret and determine compliance with existing laws, rules, policies, and procedures;
- (4) communicating for the purpose of achieving compliance with existing laws, rules, policies, and procedures, including communications to show qualification for an exception of general applicability that is available under existing laws, rules, policies, and procedures;
- (5) communicating in the capacity of one's service on an advisory committee or task force appointed by a member;
- (6) responding to a specific request for information from a member of the legislative or executive branch, when the request was not solicited by or on behalf of the person providing the information;
- (7) communicating to an agency's legal counsel, an administrative law judge, or a hearings examiner concerning litigation or adjudicative proceedings to which the agency is a party, or concerning adjudicative proceedings of that agency;
- (8) providing testimony, making an appearance, or any other type of communication documented as part of a public record in a proceeding of an adjudicative nature of the type authorized by or subject to the Administrative Procedure Act, Government Code, Chapter 2001, whether or not that proceeding is subject to the Open Meetings Law;
- (9) providing oral or written comments, making an appearance, or any other type of communication, if documented as part of a public record in an agency's rule-making proceeding under the Administrative Procedure Act, Government Code, Chapter 2001, or in public records kept in connection with a legislative hearing;
- (10) providing only clerical assistance to another in connection with the other person's lobbying (for example, a person who merely types or delivers another person's letter to a member); or
- (11) communicating to a member of the executive branch concerning purchasing decisions of a state agency, or negotiations regarding such decisions.

#### **§ 34.7. Reimbursement for Office Expenses**

Reimbursement received for the following office expenses is not included in calculating reimbursement for purposes of the registration and reporting requirements in Government Code, Chapter 305, and this chapter.

- (1) long distance telephone charges;
- (2) delivery charges;

- (3) photocopy expenses;
- (4) facsimile expenses;
- (5) office supplies;
- (6) postage; and
- (7) dues and subscriptions.

### **§ 34.9. Taxes and Tips**

Taxes and tips are not included in determining the amount of an expenditure for purposes of Government Code, Chapter 305, and this chapter.

### **§ 34.11. Attribution of Expenditure to More Than One Person; Reimbursement of Lobby Expenditure**

(a) A lobby expenditure made on a person's behalf and with the person's consent or ratification is an expenditure by that person for purposes of registration and reporting under Government Code, Chapter 305, and this chapter.

(b) Payment of reimbursement to a registrant is not included for purposes of calculation of the registration threshold under Government Code, § 305.003(a)(1), and is not required to be reported if the registrant receiving the reimbursement reports the expenditure on a lobby activity report.

(c) A registrant is not required to report a lobby expenditure attributable to more than one person if another registrant has reported the expenditure.

### **§ 34.13. Incidental Expenditures for Transportation**

Government Code, § 305.024(a)(3), does not prohibit an expenditure for transportation of incidental value such as transportation in the form of a ride of short duration in a personal car or taxi.

### **§ 34.15. Reporting Subject Matter**

(a) A registrant reporting subject matter under Government Code, § 305.005(f)(4), (f)(5)(B), or § 305.006(d), of this chapter, shall report subject matter by marking the appropriate subject matter categories.

(b) A registrant reporting the subject matter of communications to influence administrative action shall also report, if known or reasonably available to the registrant, the docket number or other administrative designation of any administrative action that is the subject of the registrant's direct communication with a member of the executive branch, and the name of the agency or department at which the administrative action is pending.

### **§ 34.17. Satisfaction of Presence Requirement by Entity**

An entity may satisfy the presence requirement in Government Code § 305.006(f), and § 305.024(a)(7), by the presence of:

- (1) an individual registrant who represents the entity; or
- (2) a person whose position, authority, or conduct on behalf of the entity could support an award of exemplary damages against the entity.

### **§ 34.19. Conflicts of Interest**

A registrant shall resolve a conflict of interest that arises under Government Code, § 305.0011, by withdrawing from the representation or obtaining the necessary consent no later than the third business day after the registrant first becomes aware of the conflict.

### **§ 34.21. Contingent Fees for Influencing Purchasing Decisions**

Government Code, § 305.022, does not prohibit contingent fees for efforts to influence state agency purchasing decisions.

## **Subchapter B. REGISTRATION REQUIRED**

### **§ 34.41. Expenditure Threshold**

(a) A person must register under Government Code, § 305.003(a)(1), if the person makes total expenditures of more than \$500 in a calendar quarter, not including expenditures for the person's own travel, food, lodging, or membership dues, on activities described in Government Code § 305.006(b) to communicate directly with one or more members of the legislative or executive branch to influence legislation or administrative action.

(b) An expenditure made by a member of the judicial, legislative, or executive branch of state government or an officer or employee of a political subdivision of the state acting in his or her official capacity is not included for purposes of determining whether a person is required to register under Government Code, § 305.003(a)(1).

(c) An expenditure made in connection with an event to promote the interests of a designated geographic area or political subdivision is not included for purposes of determining whether a person has crossed the registration threshold in Government Code, § 305.003(a)(1), if the expenditure is made by a group that exists for the limited purpose of sponsoring the event or by a person acting on behalf of such a group.

### **§ 34.43. Compensation and Reimbursement Threshold**

(a) A person must register under Government Code, § 305.003(a)(2), if the person receives more than \$1000 in a calendar quarter in compensation and reimbursement, not including reimbursement for the person's own travel, food, lodging, or membership dues, from one or more other persons to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action.

(b) For purposes of Government Code, § 305.003(a)(2), and this chapter, a person is not required to register if no more than 5.0% of the person's compensated time during a calendar quarter is time spent engaging in lobby activity.

(c) For purposes of Government Code, § 305.003(a)(2), and this chapter, a person shall make a reasonable allocation of compensation between compensation for lobby activity and compensation for other activities.

#### **§ 34.45. Entity Registration**

(a) An entity that is required to register under Government Code, § 305.003, and this chapter may nonetheless avoid registration if all activity otherwise reportable by the entity is reported by one or more individual registrants in accordance with § 34.65 and § 34.85 of this title (relating to Compensation Reported by Lobby Firm Employee and Individual Reporting Expenditure by Entity).

(b) Registration by an entity does not relieve any individual of the requirement to register if that individual meets one of the registration thresholds in Government Code, § 305.003.

### **Subchapter C. COMPLETING THE REGISTRATION FORM**

#### **§ 34.61. Registration Fee**

The registration fee is \$100 for a registrant who is exempt from federal income tax under Internal Revenue Code of 1986, § 501(c)(3), or § 501(c)(4).

#### **§ 34.62. Temporary Increase in Registration Fees**

(a) Notwithstanding section 34.61 of this title (relating to Registration Fee) or Section 305.005(c), Government Code, the registration fee for a registration covering any part of calendar year 2004 is increased by \$200 as authorized by Section 305.0064, Government Code, to generate additional revenue necessary to develop and implement an electronic filing system for lobbyists under that section. The temporary fees for calendar year 2004 will thus be in the following amounts:

(1) \$300 for a registrant who is exempt from federal income tax under Internal Revenue Code of 1986, Section 501(c)(3) or 501(c)(4); and

(2) \$500 for all other registrants.

(b) This section expires January 1, 2005.

#### **§ 34.63. Assistants**

(a) For purposes of Government Code, § 305.005(f)(5), a person "employed or retained by the registrant for the purpose of assisting in direct communication" includes any person who provides administrative or research assistance to the registrant but does not include a person who provides only clerical or secretarial help.

(b) An individual employed by the same employer as the registrant and who assists the registrant at the direction of the registrant is “employed or retained” by the registrant for purposes of Government Code, § 305.005(f)(5).

(c) A person listed by a registrant as an assistant under Government Code, § 305.005(f)(5), is required to register if the assistant meets one of the registration thresholds under Government Code, § 305.003, and this chapter.

#### **§ 34.65. Compensation Reported by Lobby Firm Employee**

(a) An individual registrant employed, reimbursed, or retained by a business entity that receives compensation and/or reimbursement for lobby activity is required to report all compensation and/or reimbursement paid to the entity for lobby activity by that individual.

(b) An individual registrant employed, reimbursed, or retained by a business entity that receives compensation and/or reimbursement for lobby activity may also report compensation and/or reimbursement paid to the entity for lobby activity by one or more other persons if the entity requests that the individual do so in order for the entity to avoid registration.

(c) The individual registrant shall indicate on a registration or amended registration, as applicable, that he has reported compensation and/or reimbursement paid to an entity for lobby activity by one or more persons other than the registrant.

#### **§ 34.67. Paid, Earned, and Prospective Compensation**

(a) For purposes of Government Code, § 305.005, and this chapter, compensation may be reported in any one of the following three ways:

(1) compensation actually paid for lobby activity during the year of registration as of the date the registration form or amended registration form is filed;

(2) compensation earned for lobby activity during the year of registration as of the date the registration form or amended registration form is filed, regardless of whether paid; or

(3) promised compensation for lobby activity during the year of registration, regardless of whether earned or paid on the date the registration form or amended registration form is filed.

(b) A registrant shall indicate on a registration form or amended registration form whether compensation is reported under subsection (a)(1), (2), or (3) of this section.

#### **§ 34.69. Subject Matter**

A registrant shall report the subject matter of lobby activity, in accordance with Government Code, § 305.005(f)(4), with respect to each person who reimburses, retains, or employs the registrant to engage in lobby activity.

### **§ 34.71. Amending a Registration Form**

- (a) A change with respect to a docket number or other administrative designation is not required to be reported on an amended registration unless the docket number or other administrative designation is related to a subject matter category not previously reported by the registrant.
- (b) Except as necessary to report changed information, a registrant shall not report information about subject matter on an amended registration form that the registrant reported on the registration form or on a previous amended registration form.
- (c) A registrant is not required to report on an amended registration form reimbursement received for a lobby expenditure that the registrant will report on a lobby activity report.

## **Subchapter D. LOBBY ACTIVITY REPORTS**

### **§ 34.81. Election to File Annually**

A registrant who is eligible to file an annual lobby activity report under Government Code, § 305.0063, may elect to do so at any time during the registration year.

### **§ 34.83. Time of Expenditure**

For reporting purposes, an expenditure is not made until the amount of the expenditure is readily determinable by the person making the expenditure. If the normal business practice of a vendor or service provider is to make the amount charged known by sending a bill after expenses are incurred, the date of the expenditure, for reporting purposes, is the date the person billed receives the bill.

### **§ 34.85. Individual Reporting Expenditure by Entity**

- (a) An individual registrant may report an expenditure made by a lobby entity if the entity requests that the individual do so in order for the entity to avoid registration. The individual registrant shall indicate on a lobby activity report that he or she has reported expenditures made by an entity.
- (b) In this provision “lobby entity” means a corporation, association, firm, partnership, committee, club, organization, or other group of persons voluntarily acting in concert that meets one of the registration thresholds in Government Code, § 305.003.

## **Subchapter E. ELECTRONIC FILING**

### **§ 34.91. Exemptions from Electronic Filing**

- (a) A registrant is required to file each report by using the Internet to transmit the report, by using a modem without an Internet connection to transmit the report, by delivering a diskette to the commission, or by using computer software provided by the commission, unless the registrant files with the commission an affidavit stating that:



- (1) the registrant does not use computer equipment to keep current records of lobby clients/employers;
  - (2) no person acting as an agent or consultant of the registrant and no person with whom the registrant contracts uses computer equipment to keep current records of the registrant's lobby clients/employers;
  - (3) the registrant does not intend to be compensated or reimbursed more than \$10,000 for lobby activity in the calendar year covered by the registration;
  - (4) the registrant was not compensated more than \$10,000 for lobby activity in either of the previous two calendar years;
  - (5) the registrant does not intend to exceed \$1,000 on lobby expenditures during the calendar year covered by the registration; and
  - (6) the registrant did not exceed \$1,000 on lobby expenditures in either of the previous two calendar years.
- (b) The commission has the discretion to exempt from the electronic filing requirement a registrant who is not eligible to file under subsection (a) of this section if a registrant submits an affidavit to the commission stating the basis for the inability to filing electronically.
- (c) A registrant who is eligible to file under subsection (a) of this section must file an affidavit under subsection (a) of this section with a registration filed under Chapter 305 of the Government Code and this chapter.
- (d) A registrant who during a calendar year becomes ineligible to file on paper based on the criteria listed in subsection (a) of this section must file electronically beginning on the date on which the next report is due under section 305.007 of the Government Code.
- (e) For purposes of this section, “lobby expenditure” means expenditures required to be reported under Chapter 305 of the Government Code and this chapter.
- (f) For purposes of this section, a “report” includes any document required to be filed by a registrant under Chapter 305 of the Government Code and this chapter except that it does not include notices and statements required to be filed under section 305.028 of the Government Code.
- (g) For purposes of this section, a “report” includes the confidential social security information required to be filed by a lobbyist in compliance with section 231.302(c)(1) of the Family Code.

## Chapter 40. FINANCIAL DISCLOSURE FOR PUBLIC OFFICERS

### § 40.1. Financial Statement

(a) The Texas Ethics Commission adopts by reference the financial statement form prescribed by the commission on January 13, 1992. This form is available from the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070.

(b) The form adopted under subsection (a) of this section may be revised by the executive director under § 18.1 of this title (relating to Adoption and Revision of Forms), and if so revised shall be deemed to have been adopted by the commission under this section.

### § 40.3. Expenditures Reported under the Election Code, Title 15

Any person who has reported the receipt of conference transportation, meals, or lodging expenses permitted under the Penal Code, § 36.07 (concerning Acceptance of Honorarium), on that person's candidate's sworn report of contributions and expenditures form filed pursuant to the Election Code, Title 15 (concerning Regulating Political Funds and Campaigns), is not required to again list that information on that person's financial statement filed pursuant to the Government Code, Chapter 572 (concerning Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest).

**Chapter 50. LEGISLATIVE SALARIES AND PER DIEM**

**§ 50.1. Legislative Per Diem**

- (a) The legislative per diem is \$132. The per diem is intended to be paid to each member of the legislature and the lieutenant governor for each day during the regular session and for each day during any special session in 2006.
- (b) This rule shall be applied retroactively to ensure payment of the \$132 per diem for 2006.