

Pharr



MAYOR Ambrosio Hernandez, MD

COMMISSIONERS Eleazar Guajardo | Roberto "Bobby" Carrillo | Ramiro Caballero, MD | Daniel Chavez | Ricardo Medina | Itza Flores

January 5, 2023

Dear Prospective Candidate:

Thank you for your consideration to offer your services to the citizens of the City of Pharr by becoming a candidate for the upcoming general municipal election. To inform you of important dates and legal requirements of the State and City pertaining to elections, I have prepared the attached "Candidate's Packet" relative to the May 6, 2023 General Municipal Election. A "Summary of Exhibits" is attached to provide some insight on the documents included in this packet.

With respect to election forms, please be aware that Section 254.036 of the Election Code requires that all forms regarding **financial reporting be written in black ink or typed with black typewriter ribbon** unless the report is a computer printout. If the report is a computer printout, the printout must conform to the same format and paper size as the form prescribed by the commission.

Title 15 of the Texas Election Code pertains to campaign expenditures. A candidate should first designate a Campaign Treasurer and thereafter, ensure that Financial Reports be completed by the Candidate's Campaign Treasurer, signed by the Candidate, and filed in my office in a timely manner as prescribed by the State. The duties of the City Clerk are limited to accepting and filing the various forms, affidavits, and statements, and noting the date of filings thereon. Please note that Campaign Reports and other forms submitted by candidates are considered open records and will be available for reporters and opponents alike with a proper Public Information Request through my office. Should you have specific questions regarding reporting procedures, contributions, or expenditures, please contact the Texas Ethics Commission directly at (512) 463-5800 or 1(800) 325-8506 and/or visit their website: www.ethics.state.tx.us.

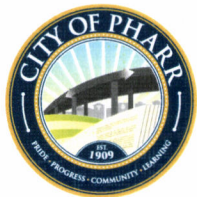
The City Clerk's office is open to help you. Your interest in municipal government is appreciated, and I trust that this will be a positive and exciting experience for you and your supporters. Please do not hesitate to contact me at 956-402-4100 ext. 1016, via email at hilda.pedraza@pharr-tx.gov, or come by our office, which is open Monday through Friday from 8:00 am to 5:00 pm. Best of luck with your campaign.

Sincerely,

Hilda Pedraza, TRMC|CMC
City Clerk

Telephone (956) 402-4100 | Fax (956) 702-5313 P.O. Box 1729 | 118 S. Cage | Pharr, Texas 78577

www.pharr-tx.gov



Pharr



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5 de enero de 2023

Estimado Candidato:

Gracias por su consideración en ofrecer sus servicios a los ciudadanos de la Ciudad de Pharr al convertirse en candidato para las próximas elecciones municipales. Para informarle de fechas importantes y requisitos legales del Estado y la Ciudad relacionados con las elecciones, he preparado un "Paquete para Candidato" para la Elección Municipal General del 6 de mayo 2023. Así mismo anexo un "Resumen de Muestras" para proporcionarle información sobre los documentos que se incluyen en este paquete.

Con respecto a las formas de elección, tenga en cuenta que la Sección 254.036 del Código Electoral exige que todas **las formas de información financiera sean escritas con tinta de color negro o con máquina de escribir cinta negra a menos que el informe sea un listado de computadora**. Si el informe es un listado de computadora, la impresión debe cumplir con el mismo formato y tamaño de papel como la forma prescrita por la comisión.

El Título 15 del Código Electoral de Texas se refiere a los gastos de campaña. El candidato deberá designar un Tesorero de Campaña y, posteriormente, asegurarse de que los reportes financieros estén completos por el Tesorero de Campaña del Candidato, firmados por el candidato, y presentados en mi oficina según el tiempo prescrito por la ley del Estado. Los deberes de la secretaria Municipal se limitan a aceptar y presentar las diversas formas y declaraciones, teniendo en cuenta la fecha de los mismos documentos presentados. Tenga en cuenta que los informes de campaña y otros formularios presentados por los candidatos se consideran registros abiertos al público y estarán disponibles para los periodistas y opositores por igual con una solicitud de información pública a través de mi oficina. Si tiene preguntas específicas sobre estos procedimientos y contribuciones o gastos, por favor póngase en contacto con la Comisión de Ética de Texas directamente al (512) 463-5800 o 1 (800) 325-8506 y/o visite su sitio web: www.ethics.state.tx.us.

La oficina de la secretaria municipal está para ayudarle. Su interés en el gobierno municipal se agradece, y confío en que esta será una experiencia positiva y emocionante para usted y sus partidarios. Por favor, no dude en ponerse en contacto conmigo al 956-402-4100, por correo electrónico hilda.pedraza@pharr-tx.gov, o en nuestra oficina la cual está abierta de lunes a viernes de 8:00 am a 5:00 pm. Buena suerte en su campaña.

Atentamente,

Hilda Pedraza, TRMC|CMC
Secretaria Municipal

Telephone (956) 402-4100 | Fax (956) 702-5313 P.O. Box 1729 | 118 S. Cage | Pharr, Texas 78577

www.pharr-tx.gov

SUMMARY OF EXHIBITS IN CANDIDATE'S PACKET

Exhibit "A" – City of Pharr Candidate Requirements.

Exhibit "B" – City of Pharr Home Rule Charter (Annotated). As a candidate for an elected office, you should acquaint yourself with this document.

Exhibit "C" – Important Election Dates.

Exhibit "D" – Application for a Place on the City of Pharr Ballot (bilingual). Complete and return to City Clerk by February 17, 2023 by 5:00 p.m. The loyalty oath is included on this application and must be notarized. There are several notaries in my office to assist you if you need this service. There is a filing fee (Ordinance No. O-2010-39). Each application must be carefully reviewed to determine whether it complies with the Election Code requirements as to content. Please file your application as soon as practicable to allow sufficient time for this review.

Exhibit "E" – Appointment of Candidates' Campaign Treasurer Form (CTA Form) and Instruction Guide.

Exhibit "F" – Amendment: Appointment of a Campaign Treasurer by a Candidate (Form ACTA) and Instruction Guide. The Form ACTA is used for changes to information previously reported on Form CTA and for renewing your choice to report under the modified schedule.

Exhibit "G" – Campaign Finance Report for Candidates and Officeholders who file with Local Filing Authorities.

Exhibit "H" – Candidates/officeholder Campaign (C/OH) Finance Report Instruction Guide & C/OH Form. Reporting deadlines appear in Box #9 of form (filings due 30th day before Election Day and 8th day before Election Day).

Exhibit "I" – A copy of the City's Sign Ordinance relating to the regulation of political signs by a municipality are included in the packet.

Exhibit "J" – A copy of the City's Electioneering Ordinance.

Exhibit "K" – A copy of Chapter 61 of the Texas Election Code relating to Electioneering and Loitering and other prohibited acts. (Specifically 61,003, 61,004 and 61,014)

Exhibit "L" – Poll Watcher's Guide relating to basic responsibilities pursuant to Chapter 33 of the Texas Election Code.

Exhibit "M" – A copy of the Texas Ethics Commission 2023 Filing Schedule. In this schedule, you will find information regarding the May 6th election. Any questions on reporting procedures, contributions, or expenditures should be addressed to the Texas Ethics Commission at (800) 325-8506 or (512) 463-5800 or at www.ethics.state.tx.us.

Exhibit "N" – A copy of the Texas Ethics Commission's Political Advertising, What You Need to Know.

Exhibit "O" – A copy of the Texas Ethics Commission's Code of Fair Campaign Practices Form CFCP. This form may be signed voluntarily and is not mandatory.

RESUMEN DE ANEXOS EN EL PAQUETE DEL CANDIDATO

Anexo "A" – Requisitos para Candidatura.

Anexo "B" – Carta Constitucional de la Ciudad de Pharr (anotado). Como candidato para un puesto de elección popular, usted debe familiarizarse con este documento.

Anexo "C" - Fechas Electorales importantes.

Anexo "D" - Solicitud para un lugar en la Boleta (bilingüe) de la Ciudad de Pharr. Llene y devuelva a la secretaria municipal a no más tardar el 17 de febrero del 2023 antes de las 5:00 pm. El juramento de lealtad se incluye en esta solicitud y debe ser notariado. Hay varios notarios en mi oficina disponibles si usted necesita este servicio. También hay una cuota para la presentación de esta solicitud (Ordenanza No. O-2010-39). Cada solicitud debe ser revisada cuidadosamente para determinar si cumple con los requisitos del Código Electoral en cuanto a su contenido. Por favor presente su solicitud lo antes posible para dar tiempo suficiente para esta revisión.

Anexo "E" - Formulario de Nombramiento de Tesorero de Campaña del candidato (Formulario CTA) y la Guía de instrucciones.

Anexo "F" - Enmienda: Nombramiento de un Tesorero de la Campaña por un candidato (Formulario ACTA) y la Guía de Instrucción. El Formulario ACTA se utiliza para cambios a la información en el Formulario CTA y para renovar su opción de reportar en el horario modificado.

Anexo "G" - Guía de finanzas de campaña para los candidatos y funcionarios que presentan con las Autoridades Locales.

Anexo "H" - El candidato/Campaña oficial electo (C/OH) Formulario de Informe de Finanzas y Guía de Instrucciones C/OH. Los plazos de informes se figuran en la casilla no. 9 de la forma (los documentos deben ser presentados 30 días antes de las elecciones y el día octavo antes de las elecciones).

Anexo "I" - Copia de la Ordenanza de Señales/Anuncios de la Ciudad y la HB 212 relativa a la regulación de los anuncios políticos del municipio se incluyen en el paquete.

Anexo "J" – Copia de la Ordenanza de Campaña Electoral.

Anexo "K" - Copia del Capítulo 61 del Código Electoral de Texas en relación con las campañas electorales y otros actos prohibidos. (En concreto 61.003, 61.004 y 61.014)

Anexo "L" - Guía para Observadores y responsabilidades básicas de conformidad con el Capítulo 33 del Código Electoral de Texas.

Anexo "M"- Copia de la Lista de la Comisión Ética de Texas de 2023. En este programa usted encontrará información sobre las elecciones de 6 de mayo. Si tiene preguntas sobre los procedimientos de información, contribuciones o gastos deben dirigirse a la Comisión de Ética de Texas llamando al (800) 325-8506 o al (512) 463-5800 o en www.ethics.state.tx.us.

Anexo "N" - Copia de la publicidad política de la Comisión Ética de Texas, Lo que usted necesita saber.

Anexo "O" - Copia del Código de la Comisión Ética de Texas, Forma CFCEP Prácticas Equitativas Electorales. Este formulario puede ser firmado voluntariamente, no es obligatorio.

City of Pharr Candidate Requirements

1. **Must** be a citizen of the United States.
2. **Must** be 21 years of age or older.
3. **Must** be a registered voter of the City of Pharr.
4. **Must** not have been determined mentally incompetent by a final judgment of a court.
5. **Must** not have been convicted of a felony for which he/she has not been pardoned or otherwise released from the resulting disabilities.
6. **Must** have resided for at least twelve (12) months next preceding his/her election with the corporate limits of the city of Pharr, provided that if any territory shall have been legally annexed to and incorporated within the boundaries of the City of Pharr. Any persons who shall have resided in such annexed territory for twelve (12) months next preceding such election and who possesses all other qualifications for Commissioners of Mayor herein provided, shall be eligible to be elected Mayor or Commissioner.
7. **Must** designate a Campaign Treasurer.
8. **Must** file an Application for a place on the Ballot. Application must also be accompanied by either:
 - a. A filing fee of \$1,000.00 for the position of Mayor and Commissioner; or
 - b. A sworn affidavit from an authorized representative of a legally formed 501(c)(3) non-profit organization located wholly or partly in the City of Pharr, that testifies to the following:
 - i. legal name of the organization;
 - ii. declaration that the organization is currently a legally formed 501(c)(3) non-profit organization that has been located wholly or partly in the City of Pharr for not less than an entire calendar year;
 - iii. identifies by name, address, and date of birth the person as having been authorized and approved to provide volunteer community service to the organization; and confirmation that the person performed not less than five hundred twenty (520) hours of community service to the organization without compensation during the calendar year immediately preceding the person's submission of an application for a place on the ballot or other instrument causing an election to occur.

Ciudad de Pharr Requisitos del candidato

1. Debe ser ciudadano de los Estados Unidos.
2. Debe tener 21 años de edad o mayor.
3. Debe estar registrado para votar en la Ciudad de Pharr.
4. No debe haber sido determinado mentalmente incompetente por una sentencia firme de un tribunal.
5. No debe haber sido condenado por un delito por el que él/ella no ha sido perdonado o no liberado de las discapacidades resultantes.
6. Debe haber residido por lo menos doce (12) meses inmediatamente anteriores a su elección con los límites corporativos de la ciudad de Pharr, a condición de que si algún territorio haya sido legalmente anexo e incorporado dentro de los límites de la ciudad de Pharr. Cualquier persona que haya residido en ese territorio anexo por doce (12) meses inmediatamente anteriores a dicha elección y que posee todas las cualificaciones otros miembros de la Comisión y del Alcalde aquí previstos, tendrán derecho a ser elegidos alcalde o comisionado.
7. Debe designar un Tesorero de Campaña.
8. Debe presentar una solicitud para un lugar en la boleta electoral. La aplicación también debe ir acompañada de:
 - a. Una cuota de \$ 1,000.00 para el cargo de alcalde y el comisionado, o
 - b. Una declaración jurada de un representante autorizado de una forma legal 501 (c) (3) sin fines de lucro ubicada en su totalidad o en parte, en la ciudad de Pharr, que pone de manifiesto lo siguiente:
 - i. nombre legal de la organización;
 - ii. declaración de que la organización está legalmente constituida una organización 501 (c) (3) sin fines de lucro que ha sido localizado en su totalidad o en parte, en la ciudad de Pharr por no menos de un año calendario;
 - iii. Identificando su nombre, dirección y fecha de nacimiento de la persona como si hubieran sido autorizadas y aprobadas para ofrecer un servicio voluntario de la comunidad a la organización, y la confirmación de que la persona no se realiza a menos de quinientos veinte (520) horas de servicio comunitario con la organización sin compensación durante el año calendario inmediatamente anterior a la presentación de la persona de una solicitud de un lugar en la boleta o cualquier otro instrumento que causa una elección que se produzca.

PART I

CHARTER*

Article I. Incorporation, Powers and Territory

- Sec. 1. Corporate name and status.
- Sec. 2. Boundaries.
- Sec. 3. Enumerated powers not exclusive.
- Sec. 4. Provision relating to assignment, execution and garnishment.
- Sec. 5. Altering city limits.

Article II. Governing Body

- Sec. 1. The Board of Commissioners.
- Sec. 2. Election and tenure of Mayor and Commissioners.
- Sec. 3. Qualifications of Mayor and Commissioners.
- Sec. 4. Forfeiture of office.

Article III. Procedures of the Board of Commissioners

- Sec. 1. Meeting[s] of the Board of Commissioners.
- Sec. 2. Mayor and Mayor Pro Tem.
- Sec. 3. City Clerk.
- Sec. 4. Rules of the Board of Commissioners.
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- Sec. 6. Introduction and passage of ordinances and resolutions.
- Sec. 7. When ordinances and resolutions shall take effect; emergency measures.
- Sec. 8. Authentication and publication of ordinances and resolutions.
- Sec. 9. Publishing ordinance, alternative method.
- Sec. 10. Official newspaper.
- Sec. 11. Prohibitions on activities of Mayor or Commissioners.
- Sec. 12. Vacancies.
- Sec. 13. Investigations.

Article IV. Appointive Officers, Boards and Departments

- Sec. 1. The City Manager.
- Sec. 2. City Judge, City Attorney and others.
- Sec. 3. Dismissal and suspension.

***Editor's note**—Printed herein is the city's home rule charter, as adopted in an election held on November 1, 1949, and effective on December 1, 1949. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State law reference—Adoption, amendment, etc., of home rule Charters, V.T.C.A., Local Government Code § 9.001 et seq.

PHARR CODE

- Sec. 4. Alternate City Judge; temporary absence in office of City Judge.
- Sec. 5. Board of City Development.
- Sec. 6. Planning and Zoning Commission.
- Sec. 7. Board of Adjustments.
- Sec. 8. Municipal Judge and Alternate.

Article V. Municipal Bonds and Borrowing Power

- Sec. 1. Issuance of bonds.
- Sec. 2. Temporary borrowing.

Article VI. Municipal Finance

- Sec. 1. Fiscal year.
- Sec. 2. Annual audit.
- Sec. 3. Preparation and submission of the budget.
- Sec. 4. Budget a public record.
- Sec. 5. Notice of public hearing on budget.
- Sec. 6. Public hearing on budget.
- Sec. 7. Proceeding on budget after hearing.
- Sec. 8. Vote required for adoption.
- Sec. 9. Effective date of budget, certification, copies made available.
- Sec. 10. Budget establishes appropriations.
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- Sec. 13. Other necessary appropriations.

Article VI(A). Removal and Recall of Officers

- Sec. 6.1. Removal of officers.
- Sec. 6.2. Scope of recall.
- Sec. 6.3. Petition for recall.
- Sec. 6.4. Form of recall petition.
- Sec. 6.5. Various papers constituting petition.
- Sec. 6.6. Presentation of petition to Board of Commissioners.
- Sec. 6.7. Recall election ordered.
- Sec. 6.8. Ballots in recall petition [election].
- Sec. 6.9. Canvass of returns and declaration of result of election.
- Sec. 6.10. Limitations on recall petitions.
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Article VII. Taxation

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CHARTER

Article VIII. Condemnation and Special Assessments

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Article IX. Franchises and Public Utilities

- Sec. 1. Powers of city.
- Sec. 2. Franchise power of Board of Commissioners.
- Sec. 3. Term and plan of purchase.
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- Sec. 5. Consent of property owners.
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- Sec. 7. Other conditions.
- Sec. 8. Franchise records.
- Sec. 9. Accounts of municipally owned utilities.
- Sec. 10. Regulation of rates and service.

Article X. General Provisions

- Sec. 1. Publicity of records.
- Sec. 2. Personal interest.
- Sec. 3. Increasing personnel or payroll before election.
- Sec. 4. Oath of office.
- Sec. 5. Official bonds.
- Sec. 6. Real estate, etc.
- Sec. 7. City not required to give security or execute bond.
- Sec. 8. Effect of this Charter on existing laws.
- Sec. 9. Nepotism.
- Sec. 10. Amending the Charter.
- Sec. 11. Definitions.
- Sec. 12. Separability clause.
- Sec. 13. Submission of Charter to electors.

Article XI. Toll Bridge

- Sec. 1. Bridge across the Rio Grande River.
- Sec. 2. Toll bridge operation.
- Sec. 3. Bridge Board.
- Sec. 4. Toll bridge revenue bonds.

ARTICLE I. INCORPORATION, POWERS AND TERRITORY**Sec. 1. Corporate name and status.**

The inhabitants of the City of Pharr in Hidalgo County, Texas, residing within its territorial limits, as these limits are now established as set out in Section 2 of this article, or are hereafter established in the manner provided by this Charter, shall continue to be and are hereby constituted a body politic and corporate by the name of "City of Pharr," and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, and control such property as its interest may require; may co-operate with the Federal Government or any agency of the government of the United States or the government of the State of Texas or any agency of the government of the State of Texas, or any political subdivision of the State of Texas, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety and convenience of the City or its inhabitants; and may pass such ordinances as may be expedient for maintaining and promoting the peace and government and welfare of the City, and for the performance of the functions thereof; and, except as prohibited by the Constitution and laws of the State of Texas or restricted by this Charter, the City shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every nature whatsoever.

Sec. 2. Boundaries.

The boundaries of the City of Pharr shall be the same as have been heretofore established and now exist and those boundaries as established and changed hereafter by annexation ordinances and proceedings of the City of Pharr, as filed with the office of the City Clerk. (Prop. No. 1, Ref. on 1-16-82)

Sec. 3. Enumerated powers not exclusive.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated therein or implied hereby, or appropriate to the exercise of such powers, the City of Pharr shall have, and may exercise, all powers of local self-government, and all powers enumerated in Vernon's Ann. Civ. St. art. 1175, and amendments thereto and hereafter enacted, and any and all other powers which are now or which may hereafter be conferred on municipalities by the Constitution and laws of the State of Texas, and which it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or if not prescribed therein, then in the manner provided by ordinance or resolution of the Board of Commissioners.

Sec. 4. Provision relating to assignment, execution and garnishment.

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. The funds belonging to the City, in the

hands of any person, firm or corporation, shall not be liable to garnishment; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand belonging to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors.

Sec. 5. Altering city limits.

Territory may be annexed to or excluded from the City in any manner in this Section provided:

- (a) By Petition: Whenever a majority of the qualified voters who are citizens of the State of Texas and inhabitants of any territory adjoining the then City limits of the City of Pharr, or in case there are no qualified voters in said territory, then when persons owning a majority in area of the land in said territory, desire the annexation of such territory in Pharr, they may present a written petition to that effect to the Board of Commissioners and shall attach to said petition the affidavit of one (1) or more or their majority of such qualified voters, or in case there are no qualified voters, said affidavit shall be to the effect that there are no qualified voters in said territory and that the persons signing said petition own a majority in area of the land in said territory; and thereupon the Board of Commissioners at a regular session held not sooner than twenty (20) days after the presentation of said petition may schedule a hearing and annex such territory by ordinance, utilizing procedures consistent with the laws consistent with [sic] the State of Texas regarding annexation (V.T.C.A., [Local] Government Code § 43.001 et seq.), and thereafter the said territory shall be part of Pharr, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions and regulations of said city.
- (b) By the Board of Commissioners: The Board of Commissioners shall have power by ordinance to fix the boundary limits of Pharr; and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the territory and inhabitants annexed. Such notice and hearing as are required by the laws of the State of Texas regarding annexation shall be provided prior to institution of annexation proceedings and passage of any ordinance annexing such territory. The territory so annexed shall be a part of Pharr, and the inhabitants thereof shall be entitled to all rights and privileges of other citizens and shall be bound [bound] by the acts, ordinances, resolutions and regulations of said city.
- (c) There shall be set forth in every ordinance in and by which territory is annexed to the City of Pharr a clear and definite description of the territory annexed, either by metes and bounds, or otherwise, so as to clearly and definitely define the same, but it shall not be necessary to embody such description in the title or caption of such ordinance.

- (d) All territory annexed to the City of Pharr under the provisions of this Section shall become and be thereafter liable for all just and legal indebtedness of the city, without reference to when such debts were contracted, and the Board of Commissioners shall have the power to provide for the assessment and collection of taxes upon all property within such annexed territory to meet any such indebtedness, on the same basis as other property in the city.
- (e) Whenever there exists within the corporate limits of the City of Pharr any territory contiguous to such city limits, not suitable or necessary for city purposes, the Board of Commissioners may, upon a petition signed by a majority of the qualified voters residing in such territory, if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed by a four-fifths vote of all the members of the Board of Commissioners, discontinue said territory as a part of said City. Said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed, the same shall be entered upon the minutes and records of said City, and from and after the entry of such ordinance, said territory shall still be liable for its pro rata share of any debts incurred while said area was a part of said City. All taxes levied by the City on property in the area excluded from the boundaries of the City under the provisions hereof, remaining unpaid at the time of said exclusion, and the liens thereof, and the liability of the owners therefor, shall continue in full force and effect and be collectable and enforceable in the same manner and to the same extent as if said property had remained within and as a part of said City. The Board of Commissioners shall determine, at the time of the exclusion of said area from the City, what unpaid debts of the City said excluded territory is liable for, and shall determine the pro rata part of said indebtedness which shall be that portion thereof that the assessed valuation of property in the excluded area bears to the total assessed valuation of property in the City as a whole, according to the latest assessment roll of the City, and the property in said excluded area shall remain subject to annual taxation by the City for the payment of the pro rata part of said indebtedness for which the property in said excluded area is liable, determined as herein provided, until the entire amount of such pro rata part of said indebtedness shall have been paid. All taxes assessed against the property in said excluded area for the payment of its pro rata part of said indebtedness shall be credited upon the amount of said indebtedness for which said excluded area remains liable; provided that the owners of the taxable property in said excluded area may at any time discharge said property from any further liability for said indebtedness by paying in a lump sum the then unpaid portion of said indebtedness for which the property in

said excluded area remains liable. In the event of such payment and discharge for such unpaid portion of said indebtedness, the Board of Commissioners shall execute a recordable instrument, in writing, evidencing such payment and discharge.

(Prop. Nos. 2, 3, Ref. on 1-16-82; Prop. No. 1, Ref. on 5-6-89)

Editor's note—Section 5(a) was amended by Proposition 2 of an election held January 16, 1982; and subsection (b) was amended by Proposition 3. Section 5(a) was amended by Proposition 1 of an election held May 6, 1989.

ARTICLE II. GOVERNING BODY*

Sec. 1. The Board of Commissioners.

The municipal government provided by the Charter shall be known as the "Board of Commissioners-City Manager Form of Government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, the statutes shall be vested in an elective body, hereinafter referred to as "the Board of Commissioners," which shall consist of a Mayor and six (6) Commissioners and which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who is [in] turn, shall be held responsible to the Board of Commissioners for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance, the State Constitution, or by the statutes of the State of Texas.

(Prop. No. 4, Ref. on 1-16-82)

Sec. 2. Election and tenure of Mayor and Commissioners.

The Mayor and the other members of the Board of Commissioners shall be elected by the City at large for a term of four (4) years. The Commissioners will run for places, designated as Place 1 through Place 6, and shall be elected by majority vote. At any regular or special municipal election, the candidates for each place on the ballot and the candidate for Mayor, who shall have received the majority of the total number of votes cast for such place or position in such election shall be declared elected. In the event no candidate receives a majority of the total votes cast, the Board of Commissioners shall cause to be held a run-off election between the two (2) candidates receiving the most votes for such place or places within thirty (30) days after said special or regular election. Following the initial election, the term of office for Mayor and Commissioners will be four (4) years, with municipal elections being held every two (2) years. The term of office for Mayor and Commissioners will be four (4) years [sic].

(Prop. No. 5, Ref. on 1-16-82; Prop. No. 2, Ref. on 5-6-89)

Sec. 3. Qualifications of Mayor and Commissioners.

The Mayor and the several Commissioners shall be qualified electors of the City of Pharr; shall have attained the age of twenty-one (21) years; and shall have resided for at least twelve

*Code reference—Administration, ch. 2.

(12) months next preceding his election within the corporate limits of the City of Pharr, provided that if any territory shall have been legally annexed to and incorporated within the boundaries of the City of Pharr, after the effective date of this Charter, any persons who shall have resided in such annexed territory for twelve (12) months next preceding such election and who possesses [possess] all other qualifications for Commissioners or Mayor herein provided, shall be eligible to be elected Mayor or Commissioners.

(Prop. No. 6, Ref. on 1-16-82)

Sec. 4. Forfeiture of office.

A Mayor or Commissioners shall forfeit his office if he (1) lacks at any time during his term of office, any qualification for the office prescribed by this Charter or by law; (2) violates any express prohibition of this Charter; (3) is convicted of a felony; or (4) fails to attend three (3) consecutive regular meetings of the Board of Commissioners without being excused by the Board of Commissioners.

The Board of Commissioners shall be the judge of the qualification of its members and of the grounds for forfeiture of their office, and for that purpose shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one (1) week in advance of the hearing. Decisions made by the Board of Commissioners under this section shall be subject to review by the courts.

Provided, however, that when an absence is caused by illness which is certified in writing by a medical doctor and filed with the City Clerk prior to the third consecutive unexcused absence, the absence shall be automatically approved and not be subject to review by the Board of Commissioners. It is further provided that where the Mayor or a City Commissioner has been absent for six (6) consecutive regular meetings of the Board of Commissioners, whether or not such absences have been excused, such absences shall be subject to review by the Board of City Commissioners which, by majority vote, may require forfeiture of office.

(Prop. Nos. 7, 8, Ref. on 1-16-82; Prop. Nos. 3, 4, Ref. on 5-6-89)

Editor's note—Proposition 7 of an election held January 16, 1982, repealed former § 4, the "resign to run" requirement and filling of vacancies, and renumbered former §§ 5, 6 as §§ 4, 5; Proposition 8 amended § 5. Subsequently, Proposition 3 of an election held May 6, 1989, repealed former § 4, "Salaries," and renumbered § 5 as § 4; Proposition 4 amended the new section.

ARTICLE III. PROCEDURES OF THE BOARD OF COMMISSIONERS

Sec. 1. Meeting[s] of the Board of Commissioners.

At 8:00 o'clock p.m. in the evening on the second Tuesday of April following a regular municipal election, the Board of Commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter, the Board of Commissioners shall hold at least two (2) regular meetings in each month at a time

to be fixed by it for such regular meetings, and may hold as many special and emergency meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All meetings of the Board of Commissioners shall be held at the City Hall, except that the Board of Commissioners may designate another place for such meetings. Special meetings shall be called by the City Clerk upon request of the Mayor, City Manager, or a majority of the members of the Board of Commissioners. All meetings of the Board of Commissioners shall be open to the public, but the Board shall have the right to retire and convene in closed or executive session where such sections are permitted by law. (Prop. No. 9, Ref. on 1-16-82)

Sec. 2. Mayor and Mayor Pro Tem.

(a) *Mayor*: The Mayor shall preside at meetings of the Board of Commissioners, and shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. He may participate in the discussion of all matters coming before the Board of Commissioners, and shall have the right to vote on all propositions, but shall not have any veto powers.

(b) *Mayor Pro Tem*: At the first meeting of the Board of Commissioners immediately following the regular election and qualification of new members of said Board of Commissioners elected at said election, or as soon thereafter as practical, the Board of Commissioners shall choose one of the Commissioners as Mayor Pro Tem and one of the Commissioners as an alternate Mayor Pro Tem. During any absence of the Mayor, or upon his inability to act, the Mayor Pro Tem shall have the authority and perform the duties of the Mayor. During any absence of the Mayor and the Mayor Pro Tem, or upon their inability to act, the alternate Mayor Pro Tem shall have the authority and perform the duties of the Mayor. (Prop. No. 10, Ref. on 1-16-82; Prop. No. 5, Ref. on 5-6-89)

Editor's note—Section 2 was amended by Proposition 10 of an election held January 16, 1982; subsection 2(b) was amended by Proposition 5 of an election held May 6, 1989.

Sec. 3. City Clerk.

The Board of Commissioners shall appoint a City Clerk and an Assistant City Clerk each of whom shall have had a minimum of two (2) years of general office administration experience, or educational equivalent. Each shall hold their office for a term of two (2) years unless sooner removed by the Board of Commissioners after having been allowed a fair and impartial hearing before said Board of Commissioners, if requested in writing. (Prop. No. 6, Ref. on 5-6-89)

Sec. 4. Rules of the Board of Commissioners.

The Board of Commissioners shall be the judge of the election and qualification of its members and, in such cases, shall have the power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the Board of Commissioners in any such case shall be subject to review by the courts.

The Board of Commissioners shall determine its own rules and order of business and keep a journal of its proceedings. It shall have the power to compel the attendance of absent members, may expel a member for disorderly conduct or the violation of its rules, may punish its members; but no member shall be expelled unless notified of the charge against him and given an opportunity to be heard in his own defense.

Sec. 5. Quorum.

A majority of all the members of the Board of Commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of all the members of the Board of Commissioners shall be necessary to adopt any ordinance, resolution, or order; except that a vote to adjourn, or an action regarding the attendance of absent members, may be adopted by a majority of the members present. No member may be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 6. Introduction and passage of ordinances and resolutions.

Ordinances and resolutions shall be introduced in a meeting of the Board of Commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on three separate days, unless the requirements for reading it on three separate days be dispensed with by a vote of not less than a majority of all members of the Board of Commissioners. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Board of Commissioners. The yeas and nays shall be taken upon the passage of all ordinances and resolutions entered upon the journal of the proceedings of the Board of Commissioners. The enacting clause of all ordinances shall be "Be it ordained by the Board of City Commissioners of the City of Pharr, Texas."

Code reference—Penalty for violation of Code, ordinances, § 1-6.

Sec. 7. When ordinances and resolutions shall take effect; emergency measures.

Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of City affairs, resolutions requesting information from administrative officers or directing administrative action and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this Charter, all other ordinances and resolutions passed by the Board of Commissioners shall take effect at the time indicated therein, but not less than ten days from the date of their passage. The affirmative vote of at least a majority of all the members of the Board of Commissioners shall

be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure.

Sec. 8. Authentication and publication of ordinances and resolutions.

Upon its final passage, each ordinance or resolution shall be authenticated by the signatures of the Mayor and of the City Clerk and shall be systematically recorded in a manner approved by the Board of Commissioners. Every ordinance imposing any penalty, fine, imprisonment, or forfeiture shall, after passage thereof, be published in one issue of the official paper; and proof of such publication shall be made by the printer or publisher of such paper, making affidavit before some officer authorized by law to administer oaths, and filed with the person performing the duties of City Clerk or Secretary and shall be prima facie evidence of such publication and promulgation of such ordinance in all courts of the State; and such ordinance so published shall take effect, and be in force, from and after ten days after publication thereof, unless otherwise expressly provided. Ordinances not required to be published shall take effect, and be in force, from and after passage, unless otherwise provided.

Sec. 9. Publishing ordinance, alternative method.

In lieu of the publication required in Section 8 of this article, the Board of Commissioners may in its discretion provide for the publication of a descriptive caption or title, stating in summary the purpose of the ordinance and the penalty for violation thereof.

Sec. 10. Official newspaper.

The Board of Commissioners shall, as soon as practical after the commencement of each fiscal or municipal year, enter into an agreement with a newspaper circulated in the City of Pharr as the official paper thereof, and to continue as such until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by this Charter or by the ordinances of the City to be published.
(Prop. No. 7, Ref. on 5-6-89)

Sec. 11. Prohibitions on activities of Mayor or Commissioners.

(a) *Holding other office:* Except where authorized by law, no member of the Board of Commissioners shall hold any other city office or city employment during such member's term of office, and no former Commissioner or Mayor shall hold any compensated appointive city office or employment until one (1) year after expiration of the term for which he was elected to the Board of Commissioners.

(b) *Appointments and removals:* Neither the Board of Commissioners nor any of its members shall in any manner dictate the appointment or removal of any city administrative officer or employee except the City Manager, but the Board of Commissioners may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees.

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(c) *Interference with administration:* Except for the purpose of inquiries and investigation as provided for in this Charter, the Board of Commissioners and its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Board of Commissioners nor its members shall give orders or instructions to any such officer or employee, publicly or privately. (Prop. No. 11, Ref. on 1-16-82)

Sec. 12. Vacancies.

When the office of Mayor becomes vacant for whatever reason, the Mayor Pro Tempore shall assume the duties of the Mayor until the next regular election, and the remaining members of the Board of Commissioners shall elect a new Mayor Pro Tempore. When a vacancy occurs in the Board of Commissioners, the remaining members of the Board of Commissioners shall, within ten (10) days, appoint a qualified person to fill the position until the next regular election, at which time an election shall be held for the balance of the unexpired term, if any, or for a complete term if the term of office for such place or position would have expired.

(Prop. No. 12, Ref. on 1-16-82)

Sec. 13. Investigations.

The City Commission by majority vote shall have the power to inquire into the conduct of any office, department, agency, or employee of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the submissions of the City records such as books, reports, correspondence, tape recordings, and other evidence as provided by ordinance.

(Prop. No. 8, Ref. on 5-6-89)

ARTICLE IV. APPOINTIVE OFFICERS, BOARDS AND DEPARTMENTS*

Sec. 1. The City Manager.

(a) *Appointment and qualifications:* The Board of Commissioners shall appoint and fix the compensation of a City Manager who shall be the chief administrative and executive officer of the City, and shall be responsible to the Board of Commissioners for the efficient administration of all affairs of the City. The position shall be advertised in appropriate publications prior to selecting the applicant. He shall be chosen from applications submitted to the Board of Commissioners on the basis of his executive and administrative training,

***Code references**—City clerk, § 2-31; city manager, § 2-51 et seq.; beautification committee, § 2-161 et seq.; civil emergencies, ch. 34; community development council, § 38-26 et seq.; electrical inspectors, § 22-126 et seq.; board of electricians, § 22-206 et seq.; fire marshal, § 54-31 et seq.; police department, § 70-26 et seq.; library board, § 74-31 et seq.; parks and recreation committee, § 90-31 et seq.; planning and zoning commission, § 98-31 et seq.; traffic division, § 126-56 et seq.; traffic safety committee, § 126-81 et seq.; zoning board of adjustment, app. A, art. XII.

experience and ability; and he shall hold a minimum of a Baccalaureate Degree in a related field and shall have three years' experience in an administrative or management position. When appointed, he need not be a resident of the City of Pharr, but he must agree, prior to such appointment, to become a resident of the City of Pharr within four (4) months from the date of his appointment, or the appointment shall be deemed forfeited.

(b) *Powers and duties of the City Manager:* The City Manager shall be the chief administrative and executive officer of the City. He shall be responsible to the Board of Commissioners for the administration of all City affairs placed in his charge by or under this Charter. He shall have the following powers and duties:

- (1) He shall see that all laws, provisions of this Charter and acts of the Board of Commissioners, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- (2) He shall appoint, subject to consultation with the Board of Commissioners, all department heads, and without such consultation all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (3) He may remove any appointed officer or employee of the City, except those officers appointed by the Board of Commissioners and except as otherwise provided by this Charter or by law, such power to be exercised in conformity with policies regarding the removal of personnel adopted by the Board of Commissioners.
- (4) He shall promulgate a personnel management system for all City employees to be approved by the Board of Commissioners.
- (5) He shall make an evaluation of all department heads and administrative officers under his supervision at least annually and review such evaluations in Executive Session with the City Commission prior to June 1.
- (6) He shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.
- (7) The City Manager or his designated delegate shall attend all meetings of the Board of Commissioners and shall have the right to take part in discussions, but shall not have the right to vote.
- (8) He shall prepare and submit the annual budget and make available to the public a complete report of the finances and administrative activities of the City as of the end of each fiscal year.
- (9) He shall make such other reports as the Board of Commissioners may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.

(10) He shall keep the Board of Commissioners fully advised as to the financial condition and future needs of the City and make such recommendations to the Board of Commissioners concerning the affairs of the City through a Comprehensive Long Term Capital Improvements Program.

(11) He shall direct and supervise the development of a five- and ten-year Comprehensive Long Term Capital Improvements Plan. This plan shall include proposed, annual improvements for the first five (5) years and then a general projection of needs for years six (6) through ten (10). The plan shall include proposed projects, cost, financing and priority ratings. The plans shall be updated once annually and presented to the Board of Commissioners as part of the budgetary process.

(12) He shall perform such other duties as are specified in the Charter or may be required by the Board of Commissioners.

(Prop. No. 13, Ref. on 1-16-82; Prop. Nos. 9—11, Ref. on 5-6-89)

Editor's note—Section 1 was added by Proposition 13 of an election held January 16, 1982, and former §§ 1—4 were renumbered as §§ 2—5. Subsection 1(b)(5) was amended by Proposition 9 of an election held May 6, 1989; subsection 1(b)(11) was added by Proposition 10; and former subsection 1(b)(11) was renumbered as subsection 1(b)(12) by Proposition 11.

Code reference—City manager, § 2-51 et seq.

Sec. 2. City Judge, City Attorney and others.

The Board of Commissioners may by ordinance appoint a City Judge, a City Attorney, and such other officers, and establish and create such boards and departments that it may deem necessary to the proper and orderly operation of the City's business, and/or for the best interests of the City, and the Board of Commissioners shall prescribe and fix the duties, compensation, qualifications, tenure of office and bonds of such officers, boards and departments, any such bonds to be approved by the Board of Commissioners.

(Prop. Nos. 13, 14, Ref. on 1-16-82)

Editor's note—Proposition 13 of an election held January 16, 1982, renumbered former § 1 as § 2; and Proposition 14 amended the section.

Code references—General counsel, § 2-71 et seq.; municipal court, § 42-26 et seq.

Sec. 3. Dismissal and suspension.

The Board of Commissioners may, by a majority vote of all the members thereof, suspend or dismiss any of such officers and abolish any such Boards and Departments at any time with or without cause.

(Prop. No. 13, Ref. on 1-16-82)

Editor's note—Proposition 13 of an election held January 16, 1982, renumbered former § 2 as § 3.

Sec. 4. Alternate City Judge; temporary absence in office of City Judge.

The City Commission by ordinance may provide for the appointment of an alternate City Judge concurrent to the appointment of the City Judge. The alternate City Judge shall serve during the temporary absences of the City Judge and the qualifications of the alternate City Judge will be identical to those of the regular City Judge.

(Prop. No. 13, Ref. on 1-16-82; Prop. No. 12, Ref. on 5-6-89)

Editor's note—Proposition 13 of an election held January 16, 1982, renumbered former § 3 as § 4. Section 4 was subsequently amended by Proposition 12 of an election held May 6, 1989.

Code reference—Municipal court, § 42-26 et seq.

Sec. 5. Board of City Development.

The Board of Commissioners shall appoint and create a Board of City Development which shall fund a chamber of commerce activity, an industrial development activity and other not-for-profit promotional agencies which it may deem necessary to promote the growth, orderly development, improvement and to increase the property values of the City; the Board of Commissioners is hereby authorized to appropriate annually from the City's general fund an amount of money, not to exceed statutory limitations, to support the Board of City Development and its activities, provided however, that the Board of City Development shall submit its operating and funding budget to the City Commission no later than August 1st of each year. Said Board of City Development shall consist of eleven (11) members, six (6) to serve a term of two (2) years and until their successors have been appointed and qualified, and five (5) to serve a term of four (4) years and until their successors have been appointed and qualified. Appointments to the Board of City Development shall be made every two (2) years or as needed, in the event of a vacancy. The members of said Board of City Development shall be resident citizens of the City of Pharr.

(Prop. Nos. 13, 15, Ref. on 1-16-82)

Editor's note—Pursuant to the provisions of this section, the city passed Ordinance Number 74-43 on October 8, 1974, which created a board of city development, which ordinance is saved from repeal. See also section 38-56 et seq. of the Code of Ordinances.

Proposition 13 of an election held January 16, 1982, renumbered former § 4 as § 5; and Proposition 15 amended the section.

Code reference—Planning, ch. 98.

Sec. 6. Planning and Zoning Commission.

The Board of Commissioners shall appoint a Planning and Zoning Commission composed of seven (7) members and four (4) alternates. The Planning and Zoning Commission's functions, duties, responsibilities and powers shall be established by ordinance pursuant to Vernon's Ann. Civ. St. arts. 1011a—1011f and other applicable State laws. Each member of said Planning and Zoning Commission shall be a resident citizen of the City of Pharr.

(Prop. No. 16, Ref. on 1-16-82; Prop. No. 13, Ref. on 5-6-89)

Editor's note—Section 6 was added by Proposition 16 of an election held January 16, 1982, and was subsequently amended by Proposition 13 of an election held May 6, 1989.

Sec. 7. Board of Adjustments.

The Board of Commissioners shall appoint a Board of Adjustments composed of five (5) members and two (2) alternates. The Board of Adjustment's functions, duties, responsibilities and powers shall be established by ordinance in [sic] pursuant to V.T.C.A., Local Government Code §§ 211.001—211.007 and 211.013. Each member of said Board of Adjustments shall be a resident of the City of Pharr.
(Prop. No. 17, Ref. on 1-16-82; Prop. No. 14, Ref. on 5-6-89)

Sec. 8. Municipal Judge and Alternate.

(1) The Municipal Judge and the alternate Municipal Judge shall be appointed by the Board of City Commissioners for a term of two (2) years with the appointment to take place as soon as practical after the biennial election of the Commission. The Municipal Judge and the alternate Municipal Judge shall not hold any elected office or hold any other position of city employment contemporaneous with their performing duties as Municipal Judges.

(2) The Municipal Judge shall have the following qualifications:

- (a) Be twenty-one (21) years of age or older.
- (b) Be a United States citizen.
- (c) Be a resident of the City of Pharr.
- (d) Be a high school graduate or equivalent.

(Prop. No. 15, Ref. on 5-6-89)

ARTICLE V. MUNICIPAL BONDS AND BORROWING POWER**Sec. 1. Issuance of bonds.**

In keeping with the Constitution of the State of Texas and not contrary thereto, the City of Pharr shall have the right, authority and power to borrow money on the credit of the City for any public purpose and [not] now or hereafter prohibited by the Constitution and laws of the State of Texas, and shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants, and other evidence of indebtedness as now authorized or as may hereafter be authorized, to be issued by cities and towns, by the laws of the State of Texas.

Revenue bonds: The Board of Commissioners shall have the right, authority and power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or facilities for any other self-liquidating municipal function not now or hereafter prohibited by any general laws of the State; and, to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon, and payable solely from the properties or interest therein acquired, and the income therefrom; and same shall never be a "debt" of the City. The Board of Commissioners shall have authority to

provide for the terms and form of any purchase agreement, contract, mortgage, bond or document, desired or necessary, for the issuance of revenue bonds, and the acquisition and operation of any such property or interest.
(Prop. No. 18, Ref. on 1-16-82)

Sec. 2. Temporary borrowing.

For the purpose of temporary borrowing, the Board of Commissioners shall have the power by ordinance to raise money on the credit of the City by the issuance of notes in anticipation of the collection of taxes or of special assessments.

ARTICLE VI. MUNICIPAL FINANCE*

Sec. 1. Fiscal year.

The fiscal year of the City of Pharr shall begin on the first day of October and shall end the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year.
(Prop. No. 19, Ref. on 1-16-82)

Sec. 2. Annual audit.

The Board of Commissioners shall cause an annual audit to be made by a certified public accountant, which shall start ninety (90) days prior to the end of each fiscal year and shall be completed and presented to the City Commission ninety (90) days after the end of each fiscal year. Each such audit, when completed, shall be open for inspection by the public at all reasonable hours.
(Prop. No. 19, Ref. on 1-16-82; Prop. No. 16, Ref. on 5-6-89)

Editor's note—Proposition 16 of an election held May 6, 1989, which reads "Proposed amendment to article 6, section 12, text of article 6, section 6, Annual audit," was construed as amending art. VI, § 2.

Sec. 3. Preparation and submission of the budget.

The City Manager, between sixty (60) and ninety (90) days prior to the beginning of each fiscal year shall submit to the Board of Commissioners a proposed budget, which budget shall provide a complete financial plan for the fiscal year. The budget is to be prepared consistent with the accounting procedures of the American Institute of Certified Public Accountants for Municipalities and shall contain the following:

- (a) A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the City for the fiscal year and shall set forth the reason for salient changes from the previous year in expenditures and revenue items, and shall explain any major changes in financial policy;

***Editor's note**—Proposition 19 of an election held January 16, 1982, changed the title of art. VI from "Fiscal Year and Audits" to "Municipal Finance"; amended §§ 1, 2; and added §§ 3—13.

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- (b) A consolidated statement of anticipated receipts and proposed expenditures for all funds;
 - (c) A comparative analysis of anticipated revenues and proposed expenditures compared with other years in the budget. The comparative analysis will include the actual amount of each item for the last complete fiscal year, the projected amount for the current fiscal year and the proposed budget for the ensuing year;
 - (d) An analysis of property valuation;
 - (e) An analysis of the tax rate;
 - (f) Tax levies and tax collection by years for at least five years;
 - (g) General fund resources in detail;
 - (h) Special fund resources in detail;
 - (i) Summary of proposed expenditures by function, department and activity;
 - (j) Estimates of expenditures shown separately for each activity to support subparagraph (h) above;
 - (k) A revenue and expense statement for all types of bonds;
 - (l) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued and amount outstanding;
 - (m) A schedule of requirements for the principal and interest of each issue of bonds;
 - (n) The appropriation ordinance;
 - (o) The proposed ordinance levying a tax.
- (Prop. No. 19, Ref. on 1-16-82)

Sec. 4. Budget a public record.

The budget and all supporting schedules shall be filed with the person performing the duties of City Clerk, submitted to the Board of Commissioners, and shall be a public record. The City Manager shall provide copies for public inspection during normal working hours; copies shall be available to the public at reproduction cost.

(Prop. No. 19, Ref. on 1-16-82)

Sec. 5. Notice of public hearing on budget.

At the meeting of the Board of Commissioners at which the budget is submitted, the Board of Commissioners shall fix the time and place of a public hearing on the budget and shall cause to be published in a newspaper of general circulation in the City of Pharr a notice of the hearing setting forth the time and place thereof at least ten (10) days before the date of such hearing.

(Prop. No. 19, Ref. on 1-16-82)

Sec. 6. Public hearing on budget.

At the time and place set forth in the notice required by Section 5 or at any time and place to which such public hearing shall from time to time be adjourned, the Board of Commissioners shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained. (Prop. No. 19, Ref. on 1-16-82)

Sec. 7. Proceeding on budget after hearing.

After the conclusion of such public hearing, the Board of Commissioners may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law, but when it shall increase the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue in an amount at least to equal such proposed expenditures.

(Prop. No. 19, Ref. on 1-16-82)

Sec. 8. Vote required for adoption.

The budget shall be adopted by the favorable vote of a majority of the members of the Board of Commissioners.

(Prop. No. 19, Ref. on 1-16-82)

Sec. 9. Effective date of budget, certification, copies made available.

Upon final adoption, the budget shall be in effect for the next fiscal year. A copy of the budget, as finally adopted shall be filed with the person performing the duties of City Clerk, the County Clerk of Hidalgo County, and the State Comptroller of Public Accounts at Austin. The final budget shall be reproduced and copies made available for the use of all offices, departments, and agencies, and copies shall be made available to the public at reproduction cost.

(Prop. No. 19, Ref. on 1-16-82)

Sec. 10. Budget establishes appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

(Prop. No. 19, Ref. on 1-16-82)

Sec. 11. Contingent appropriations.

Provisions shall be made in the annual budget and in the appropriations ordinances for a contingent appropriation in an amount not less than three percent (3%) of the general fund each fiscal year to be used in case of unforeseen items of expenditures. Such contingent funds shall not exceed ten percent (10%) of the general fund for each fiscal year. Such contingent appropriation, after approval by the Board of Commissioners, shall be under the control of the

City Manager. Expenditures from this appropriation shall be made only in case of established necessity and a detailed account of such expenditures shall be recorded and reported and shall not be commingled with the normal operating budget items.

The spending of the contingent appropriations shall be charged to the department or activity for which the appropriations are made.
(Prop. No. 19, Ref. on 1-16-82)

Sec. 12. The total estimated expenditures shall not exceed estimated resources.

The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to the uniform classifications as promulgated by the National Committee on Governmental Accounting or some other nationally accepted classification.
(Prop. No. 19, Ref. on 1-16-82)

Sec. 13. Other necessary appropriations.

The City budget may be amended and appropriations altered in cases of public necessity by a three-fourths ($\frac{3}{4}$) vote of the members of the Board of Commissioners.
(Prop. No. 19, Ref. on 1-16-82)

ARTICLE VI(A). REMOVAL AND RECALL OF OFFICERS*

Sec. 6.1. Removal of officers.

Any resident citizen or property taxpayer of the City of Pharr shall have the right to bring an action in the District Court of Hidalgo County, Texas, or in any court of proper jurisdiction for the removal from office of any officer of the City of Pharr for malfeasance or misfeasance in office and such actions will be governed by the general laws of the State of Texas applicable to the removal of County Officers.
(Ord. No. 590, § 1, 5-13-71)

Sec. 6.2. Scope of recall.

Any elected city official whether elected to office by the qualified voters of the City or appointed by the Board of Commissioners to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the City on the grounds of misconduct, misfeasance or malfeasance in office.
(Ord. No. 590, § 1, 5-13-71)

***Editor's note**—Ordinance No. 590, adding article VI(A) to the Charter, was approved at an election held June 21, 1971, by a vote of 1229 for and 773 against.

Sec. 6.3. Petition for recall.

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Clerk; which said petition shall be signed by thirty (30) percent of the voters who voted at the election in which the officer or officers sought to be recalled was elected. The Mayor shall be responsible for the safekeeping of the official poll list for a period of four (4) years after election. A certified poll list of those who voted in the last city election must be produced within fifteen (15) days after request by the petitioners, or the Mayor will be guilty of malfeasance and shall forfeit his office. There shall be a separate petition for each officer whose recall is sought and the grounds on which recall is sought. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number or legal description, and shall also write thereon the date, the month, and the year his signature was affixed. (Ord. No. 590, § 1, 5-13-71)

Sec. 6.4. Form of recall petition.

(A) The recall petition mentioned above must be addressed to the Board of Commissioners of the City of Pharr, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and if there be more than one ground, such as for misconduct or malfeasance in office, it shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which he is charged. Each page shall state that the same is a recall petition, the grounds for recall and name the individual sought to be recalled and the office held by such person, and each page shall be sworn in the manner and form hereinafter set out. Each page of signatures shall be verified by oath in the following form:

STATE OF TEXAS

COUNTY OF HIDALGO

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing on this page was made in my presence on the day and date it purports to have been made, and I do solemnly swear that the signature is the genuine signature of the person whose name it purports to be.

Sworn and subscribed to before me this _____ day of _____, 19____.

Notary Public in and for
Hidalgo County, Texas

(B) Should it be proved to the satisfaction of the Board of Commissioners that the affidavit above stated is false, then in such event, it shall be the duty of the City Clerk to cause criminal charges to be filed against the affiant.

(Ord. No. 590, § 1, 5-13-71)

Sec. 6.5. Various papers constituting petition.

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto that comply with this section. Verifications of each signature provided for in Section 6.4(A) of this article may be made by one or more Petitioners before any Notary Public of Hidalgo County, Texas; and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of each petition or petitions with the person performing the duties of City Clerk on the same day. The said City Clerk shall immediately notify, in writing the officer so sought to be removed by recall by mailing such notice to his Pharr address and upon his request, at the expense of the city furnish such officer or officers a copy of said recall petition. (Ord. No. 590, § 1, 5-13-71)

Sec. 6.6. Presentation of petition to Board of Commissioners.

The City Clerk shall, within five (5) days after the filing of the recall petition, determine whether there are the required number of qualified signatures thereon and whether said recall petition meets the requirements of law and adequately puts the person sought to be recalled upon notice of the charges against him. Should the City Clerk find said recall petition sufficient in all particulars he shall, as hereinafter set out, present said recall petition to the Board of Commissioners. If the City Clerk finds said recall petition insufficient he shall, within five (5) days from the filing of the same, notify the persons who filed said recall petition of his findings and the reasons therefor. Said persons filing said recall petition shall have fifteen (15) days from the date of such notification within which to cure said defects. If within said fifteen (15) day period a corrected or amended recall petition is filed with the City Clerk said officer shall again check, and examine the same as if it were an original recall petition and within five (5) days either certify the same to the Board of Commissioners or certify the same to be insufficient. In case the City Clerk certifies that said recall petition be insufficient the same shall be of no force and effect and no further action may be taken thereon. Any qualified voter and resident citizen of the City of Pharr who signed said recall petition may appeal the decision or ruling of the City Clerk to any District Court in Hidalgo County, Texas, who shall pass upon said action of the City Clerk in accordance with the law pertaining to administrative appeals from the action of Municipal Boards. (Ord. No. 590, § 1, 5-13-71)

Sec. 6.7. Recall election ordered.

After the City Clerk has certified the recall petition, or amended recall petition, to be legally sufficient the Board of Commissioners shall order a recall election which shall be held not less than thirty (30) days nor more than forty (40) days after the petition has been presented to the Board of Commissioners in the same manner as any other special or general

election to be held in accordance with the election code of the State of Texas. Should the members of the Board of Commissioners whose removal is sought resign prior to said recall election, then no election shall be held.
(Ord. No. 590, § 1, 5-13-71)

Sec. 6.8. Ballots in recall petition [election].

Ballots used in recall elections shall conform to the following requirements:

For the recall of (name of officer to be recalled)

Against the recall of (name of officer to be recalled)
(Ord. No. 590, § 1, 5-13-71)

Sec. 6.9. Canvass of returns and declaration of result of election.

The returns of any recall election shall be canvassed and the results thereof declared by the members or member of the Board of Commissioners not sought to be removed. If all are sought to be removed, the County Judge of Hidalgo County shall canvass the returns and declare the results. If a majority of the votes cast at a recall election shall be "Against" the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as herein provided. If a majority of the votes cast at such an election be "For" the recall of the person named on the ballot, he shall be deemed removed from office on the day the votes are canvassed and the vacancy [shall] be filled as vacancies in the Board of Commissioners are filled, in this charter.
(Ord. No. 590, § 1, 5-13-71)

Sec. 6.10. Limitations on recall petitions.

No recall petition shall be filed against the Mayor or member of the Board of Commissioners within six (6) months after he takes office nor, in respect to a member subjected to a recall election and not removed thereby, until at least twelve (12) months after such election.
(Ord. No. 590, § 1, 5-13-71)

Sec. 6.11. Failure of Board of Commissioners to call an election.

In case all of the requirements of this charter amendment shall have been met and the Board of Commissioners shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said Board of Commissioners by the provisions of this charter with reference to such recall, then the County Judge of Hidalgo County, Texas, shall be hereby empowered and directed to discharge any of such duties herein provided to be discharged by the Board of Commissioners.
(Ord. No. 590, § 1, 5-13-71)

Sec. 6.12. Effective date of recall.

These provisions shall be effective from and after the canvass of the returns by the Board of Commissioners and their finding that the same shall have been approved by a majority of the voters of the City of Pharr.

(Ord. No. 590, § 1, 5-13-71)

ARTICLE VII. TAXATION***Sec. 1. Department of Taxation.**

(a) The Department of Taxation for the City of Pharr shall be under the control and direction of the Director of Finance, which office shall be held by appointment by the City Manager. The Director of Finance shall give a surety bond for faithful performance of his duties, including compliance with all controlling provisions of the state law bearing upon the functions of his office, in a sum which shall be fixed by the Board of Commissioners but not less than \$75,000.00.

(b) The Board of Commissioners shall have the power under the provisions of the state law to levy, assess and collect an annual tax upon real and personal property within the City as well as all other lawful subjects of taxation at the maximum rate provided by the Constitution and laws of the State of Texas.

(c) All real and personal property within the City of Pharr as well as all other lawful subjects of taxation shall be subject to annual taxation. The City Director of Finance shall cause the assessment of such property in accordance with the laws of the State of Texas governing taxation.

(d) All taxes due the City of Pharr shall be payable to the City and may be paid after the tax rolls for the year have been approved. Taxes shall be paid before February first, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as authorized by ordinance. Failure to levy and assess taxes through omission in preparation of the approved tax roll shall not relieve the person, firm or corporation so omitted from obligation to pay such tax when lawfully assessed.

(Prop. No. 20, Ref. on 1-16-82)

Secs. 2—4. Reserved.**Sec. 5. Tax liens.**

All property, real, personal and mixed, situated in the City of Pharr shall stand charged with a special lien in favor of the City for the taxes due thereon, which lien, charge or

***Editor's note**—Proposition 20 of an election held January 16, 1982, repealed §§ 1—20 and added new §§ 1—5. There was, however, no text given for §§ 2—4; these sections have, therefore, been reserved.

Code reference—Taxation, ch. 122.

encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same or in any other manner provided by law. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.

(Prop. No. 20, Ref. on 1-16-82)

ARTICLE VIII. CONDEMNATION AND SPECIAL ASSESSMENTS

Sec. 1. Power of condemnation and special assessment.

The City shall have power:

- (1) To acquire property by condemnation within or without its corporate limits for any municipal purpose, and, for the purpose of (a) protecting, preserving, and facilitating an improvement or (b) financing an improvement or (c) bringing about such developments of property along or in the vicinity of an improvement as will make such development harmonious with and adjusted to the improvement or (d) any needed for the actual improvement and to sell or lease such excess property with or without imposing building and use restrictions and conditions.
- (2) To provide for the payment of all or any part of the cost of public improvements by the levying and collecting of special assessments upon properties specially benefited, in accordance with authorizations provided by State laws and such amendments as may be made thereto.

Sec. 2. Special assessment method and procedure.

The method and procedure for determining the amount to be assessed, the spread and apportionment of the amount to be assessed, and the boundary and location of the property, lots, districts or area to be assessed, for the making and approval of the plans and specifications, for the notices to property-owners and other interested parties, for the hearings for the composition, organization and procedure of boards of revision or appraisal, for the levy of the assessment and for any and all other determinations, steps, measures, resolutions, ordinances, and actions in relation to the assessments shall be governed by either (a) the provisions of the special assessment statutes of the State of Texas, or (b) the provisions of a general ordinance may be enacted by the Board of Commissioners and shall be subject to amendment or repeal.

Relative to (a) above, it is the intent and purpose hereof to write into and make a part of the Charter of the City of Pharr the powers, terms and provisions contained in Vernon's Ann. Civ. St. art. 1201 et seq.

Sec. 3. Street improvement; legislative acts invoked.

As exclusive of the powers described in this Article and the municipal powers stated or implied elsewhere in this Charter and wholly alternative to these powers, the City shall have the power, by ordinance, to adopt all and singular the rights, powers, and provisions of Vernon's Ann. Civ. St. art. 1086 et seq.

Sec. 4. Eminent domain.

In addition, or as alternatives, to all other powers on the subject conferred by this Charter or existing by law, the City of Pharr shall have and may exercise all the powers enumerated in Acts 1925, 39th Legislature of the State of Texas, p. 344, Ch. 137, Section 1, relating to the acquisition of property.

Editor's note—The act referred to in the above section appears in V.T.C.A., Local Government Code §§ 251.001, 251.002.

ARTICLE IX. FRANCHISES AND PUBLIC UTILITIES***Sec. 1. Powers of city.**

In addition to the city's power to buy, own, construct, maintain and operate utilities and to manufacture and distribute electricity, gas or anything else that may be needed or used by the public (see powers made part of this Charter in Article I, Section 3), the city shall have further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

Sec. 2. Franchise power of Board of Commissioners.

The Board of Commissioners shall have power by ordinance to grant, amend, renew and extend all franchises of all public utilities of every character operating within the City of Pharr, and for such purpose is granted full power. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at three separate regular meetings of the Board of Commissioners, and shall not be finally passed until thirty days after the first reading; and no such ordinance shall take effect until sixty days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for four consecutive weeks in the official newspaper published in the City of Pharr, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be transferable except with the approval of the Board of Commissioners by ordinance.

Sec. 3. Term and plan of purchase.

Any ordinance granting a franchise for any public utility may provide that such franchise may be terminated by ordinance at specified intervals of not more than five years after the beginning of operation, whenever the city shall determine to acquire by condemnation or otherwise the property of such utility necessarily used in or conveniently useful for the operation thereof within the city limits.

Sec. 4. Right of regulation.

All grants, renewals, extensions or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city:

- (a) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.

*Code reference—Utilities, ch. 130.

- (b) To require proper and adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency.
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (d) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports on or pertaining to local operations by each public utility.
- (e) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public.
- (f) To at any time require such compensation and rental as may be permitted by the laws of the State of Texas.

Sec. 5. Consent of property owners.

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but nothing in this Charter or in any franchise granted thereunder shall ever be construed to deprive any property owner of any right or action for damage or injury to his property as now or hereafter provided by law.

Sec. 6. Extensions.

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in Section 4 [of this article]. In case of an extension of public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

Sec. 7. Other conditions.

All franchises heretofore granted are recognized as contracts between the City of Pharr and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this Charter, except that the power of the City of Pharr to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the city heretofore existing and provided for to regulate the rates and services of a grantee which shall include the right to require proper and adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter

shall operate to limit in any way as specifically stated the discretion of the Board of Commissioners or the electors of the city in imposing terms and conditions as may be reasonable in connection with any franchise grant.

Sec. 8. Franchise records.

Within six months after this Charter takes effect every public utility and every owner of a public utility franchise shall file with the city, as may be prescribed by ordinance, certified copies of all franchises owned or claimed, or under which such utility is operated. The city shall compile and maintain a public record of public utility franchises.

Sec. 9. Accounts of municipally owned utilities.

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including all assets, appropriately subdivided into different classes, all liabilities subdivided by classes, depreciation reserve, other reserves, and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show the actual capital cost to the city of each public utility owned, also the cost of all extensions, additions and improvements, and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other city or governmental department. The Board of Commissioners shall annually cause to be made and published a report showing the financial results of such city ownership and operation, giving the information specified in this section or such data as the Board of Commissioners shall deem expedient. This section, however, shall not apply to a city-owned utility under the management and control of an independent board.

Code reference—Rates and charges for municipal supplied utilities, § 130-46 et seq.

Sec. 10. Regulation of rates and service.

The Board of Commissioners shall have full power, after due notice and hearing, to regulate by ordinance the rates and service of every public utility operating in the City of Pharr.

Code reference—Rates of franchised public utility, § 130-55.

ARTICLE X. GENERAL PROVISIONS

Sec. 1. Publicity of records.

All records and accounts of every office, department or agency of the City shall be open to inspection by any citizen, any representative of a citizen's organization or any representative of the press at all reasonable times and under reasonable regulations established by the Board of Commissioners of the City.

Sec. 2. Personal interest.

No member of the Board of Commissioners or any officer or employee of the City shall have a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract or in the sale to the City or to a contractor supplying the City of any land or rights or interests in any land, material, supplies or services, or in any matters in which he acts for the City. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, express or implied of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the Board of Commissioners.

Sec. 3. Increasing personnel or payroll before election.

Neither the personnel nor payroll of or for any department of the City shall be increased within sixty days before any election of Commissioners unless same be necessary to provide for an emergency first formally declared by resolution of the Board of Commissioners, which resolution shall state the nature of the emergency and specify the necessary increase in personnel and/or payroll to meet the same. In the event of any violation of any provision of this section any such attempted increase shall be void and any and every person in any manner participating in the authorization or carrying out of any such increase shall be personally liable to the City for any money paid out on account of any such increase; and shall also be subject to removal from any position or office with or of the City which he may hold at the suit or complaint of any taxpayer of the City. Any such emergency in support of increase of personnel or payroll of any City-owned utility under the management of an independent board shall be declared by order or resolution of such board.

Sec. 4. Oath of office.

Every officer of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Clerk.

I, _____ do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____, of the City of Pharr, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State and the charter and ordinances of this City; and I furthermore solemnly swear (or affirm) that I have not directly nor indirectly paid, offered, or promised to pay, contribute, or promised to contribute, any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding [of] a vote at the election at which I was elected, (or if the office is one of appointment, "or to secure my appointment.") So help me God.

Sec. 5. Official bonds.

(a) The Mayor and each of the Commissioners shall, upon entering office, execute official bonds to be approved by the Board of Commissioners, in the amount, conditioned, and payable as provided by Vernon's Ann. Civ. St. art. 1162, or as may be provided by ordinance passed by the unanimous vote of the entire Board of Commissioners.

CHARTER

Art. X, § 8

(b) All other officers and employees of the City of Pharr whose duties require or involve the handling or possession of any funds, personal property, or supplies or other things of value of the City of Pharr shall enter into bonds to be approved by the Board of Commissioners, conditioned that they will faithfully account for and pay over or deliver all funds and personal property and other things of value belonging to the City of Pharr coming into their possession. Said bonds shall be in such respective amounts as may be fixed by the Board of Commissioners.

The premiums of all bonds herein provided for shall be paid by the City.

It shall be the duty of the Board of Commissioners and/or the City Manager to see to the execution of all bonds herein provided for.

Editor's note—The statute cited in subsection (a) has been superseded by V.T.C.A., Local Government Code § 24.024.

Sec. 6. Real estate, etc.

All real estate owned or held by lease, sufferance, easement or otherwise, all public buildings, fire station, parks, streets, alleys and all property of whatever kind, character and description, which has been granted, donated, purchased or otherwise acquired by the City of Pharr by means or agency, and all causes of action, choses in action, right or privileges of every kind and character, and all property of whatever character and description which may have been held, controlled and used by said City of Pharr for public use or in trust for the public, shall vest in and remain in and inure to the said corporation [of] the City of Pharr under this Charter; and all suits and pending actions to which the City of Pharr heretofore was, or now is a party, plaintiff, or defendant, shall in no wise be affected or terminated by the provisions of this act, but shall continue unabated.

Sec. 7. City not required to give security or execute bond.

It shall not be necessary in any action, suit or proceedings in which the City of Pharr is a party, for any bond, undertaking or security to be demanded or executed by or on behalf of said city in any of the state courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the same manner as if bond, undertaking or security had been given as required by law, and said city shall be just as liable as if security or bond had been duly executed.

Sec. 8. Effect of this Charter on existing laws.

All ordinances, resolutions, rules and regulations now in force under the city government of the City of Pharr and not in conflict with the provisions of this Charter, shall remain in force and under this charter until altered, amended or repealed by the Board of Commissioners after this charter takes effect; and all rights of the City of Pharr under existing franchises and contracts are preserved in full force and effect.

Sec. 9. Nepotism.

With regard to nepotism, all actions of the City of Pharr and the Board of Commissioners shall be governed by state law as promulgated in Vernon's Ann. Civ. St. art. 5996a and any subsequent amendments or state statutes.

(Prop. No. 21, Ref. on 1-16-82; Prop. No. 17, Ref. on 5-6-89)

Editor's note—Proposition 21 of an election held January 16, 1982, added an unnumbered section to art. X, which the editor has designated § 9, renumbering existing §§ 9—13 as §§ 10—14. Subsequently, § 9 was amended by Proposition 17 of an election held May 6, 1989.

Sec. 10. Amending the Charter.

Amendments to this Charter may be framed and submitted to the electors of the City by a Charter Commission in the manner provided by law for framing and submitting a new Charter. Amendments may also be proposed and submitted by ordinance, passed by a majority vote of the full membership of the Board of Commissioners, or by a petition signed by not less than ten (10) percent of the number of those who voted at the last regular municipal election; provided, however, that in the latter case the petition must bear the signatures of at least one hundred qualified electors of the City. When such a Charter amendment petition shall have been filed with the Board of Commissioners, the Board of Commissioners shall forthwith provide by ordinance for submitting such proposed amendment to a vote of the electors. Any ordinance for submitting a Charter amendment to the electors shall provide that such amendment be submitted at the next regular municipal election if one shall occur not less than sixty (60) nor more than one hundred twenty (120) days after the passage of the ordinance; otherwise it shall provide for the submission of the amendment at a special election[;] prior to such election the City Clerk shall mail a copy of the proposed amendment or amendments to each qualified voter in said city as appears from the latest rolls of the Hidalgo County Appraisal District. If a proposed amendment be approved by a majority of the electors voting thereon it shall become a part of the Charter at the time fixed therein. Each amendment shall be confined to one (1) subject; and when more than one (1) amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

(Prop. No. 22, Ref. on 1-16-82; Prop. Nos. 18, 19, Ref. on 5-6-89)

Editor's note—Section 10, "Interim municipal government," formerly § 9 (see the editor's note to that section) was amended by Proposition 22 of an election held January 16, 1982, and subsequently deleted by Proposition 18 of an election held May 6, 1989. Proposition 18 also renumbered former §§ 11—14 as §§ 10—13; new § 10 was amended by Proposition 19.

Sec. 11. Definitions.

The word "city," wherever appearing in this Charter, refers to and means the City of Pharr; the word "Mayor" wherever appearing in this Charter, refers to and means the Mayor of the City of Pharr; the word "Commissioner," or "Commissioners" wherever appearing in this Charter, refers to and means a member or members of the Board of Commissioners of the City of Pharr; the words "Board of Commissioners" wherever appearing in this Charter, refers to and means the Board of Commissioners of the City of Pharr.

(Prop. No. 18, Ref. on 5-6-89)

Editor's note—Section 12, formerly § 11 (see the editor's note to § 9), was again renumbered as § 11 by Proposition 18 of an election held May 6, 1989.

Sec. 12. Separability clause.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of the Charter nor the context in which such section or part of such section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.
(Prop. No. 18, Ref. on 5-6-89)

Editor's note—Section 13, formerly § 12 (see the editor's note to § 9), was renumbered as § 12 by Proposition 18 of an election held May 6, 1989.

Sec. 13. Submission of Charter to electors.

This Charter shall be submitted to the qualified voters of the City of Pharr at an election to be held for that purpose on the 1st day of November, 1949, and if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Pharr, on and after thirty days from the date of said election and not before, and after the returns have been canvassed, the same shall be declared adopted and the City Clerk shall file an official copy of the Charter with the records of the City.

The City Clerk shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated, and certified by his signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

In not less than thirty days prior to such election the Board of Commissioners of the City shall cause the City Clerk to mail a copy of this Charter to each qualified voter of the City of Pharr as appears from the Tax Collector's latest roll.
(Prop. No. 18, Ref. on 5-6-89)

Editor's note—For election results, see footnote at the beginning of this Charter. Section 14, formerly § 13 (see the editor's note to § 9) was again renumbered as § 13 by Proposition 18 of an election held May 6, 1989.

ARTICLE XI. TOLL BRIDGE

Sec. 1. Bridge across the Rio Grande River.

The City is hereby authorized to acquire, construct, improve and equip a toll bridge across the Rio Grande River with a portion of the toll bridge being located within the boundaries of the City. The City may acquire and construct that part of the bridge located in Mexico as long as it is in conjunction with the development of the toll bridge which is to be within the boundaries of the City, and it [is] intended that the entire toll bridge will be operated as one (1) toll bridge.
(Prop. No. 20, Ref. on 5-6-89)

Sec. 2. Toll bridge operation.

The toll bridge would be acquired, constructed and improved as a bridge for foot passengers and vehicles crossing the Rio Grande River. The City is authorized to levy and collect tolls and charges for the use of such bridge which is hereby declared to be a public right and use and will constitute a public benefit, utility and public purpose.
(Prop. No. 20, Ref. on 5-6-89)

Sec. 3. Bridge Board.

The City Commission shall appoint a Toll Bridge Board (the "Board") which shall consist of five (5) resident qualified voters of the City and shall include as ex officio members the mayor, mayor pro tem and city manager. The City Commission shall designate the term of office for each position, which is to be held by each appointed member to the Board, with such terms being as follows:

- (a) Position 1 and 2 shall serve a term of one (1) year beginning on _____, 19____.
- (b) Position 3 and 4 shall serve a term of two (2) years beginning on _____, 19____.
- (c) Position 5 shall serve a term of three (3) years beginning on _____, 19____.

Following the initial appointments, the term of each appointed director shall be for three (3) years. The Board shall select a chairman, vice chairman and secretary who shall hold such offices for one (1) year. The ex officio members of the Board shall not be entitled to vote on any matters brought before the Board. The Board shall be in charge of the management and control of the toll bridge and the establishment of the charges and rates which shall be approved by the City Commission. The City Commission shall annually approve the budget of the Toll Bridge Board.

(Prop. No. 20, Ref. on 5-6-89)

Sec. 4. Toll bridge revenue bonds.

The City Commission shall be authorized to issue toll bridge revenue bonds for the purpose of acquiring, constructing, improving and repairing a toll bridge over the Rio Grande River with the entire cost of such facilities (including the facilities located in Mexico) being financed by the issuance of the City's revenue bonds. The provisions in reference to the authorization and security of bonds shall be in that manner provided by Vernon's Ann. Civ. St. art. 1015g.

(Prop. No. 20, Ref. on 5-6-89)

Memorandum
Memoranda

TO: ALL OFFICE HOLDERS AND PROSPECTIVE CANDIDATES
PARA: OFICIALES ELEGIDOS Y CANDIDATOS POTENCIALES

FROM: HILDA PEDRAZA, CITY CLERK/ EARLY VOTING CLERK
DE: HILDA PEDRAZA, SECRETARIA MUNICIPAL Y DE VOTACIONES ADELANTADAS

SUBJECT: IMPORTANT DATES
ASUNTO: FECHAS IMPORTANTES

<u>DATE/FECHA</u>	<u>ACTION/ACCION</u>
January 18 th	First day for filing application for place on ballot.
<i>18 de enero</i>	<i>Primer día para presentar solicitud para un lugar en la boleta para candidatura.</i>
February 17 th	5:00 p.m. – Last day to file application for a place on the ballot.
<i>17 de febrero</i>	<i>5:00 p.m. – Ultimo día para presentar solicitud para un lugar en la boleta para candidatura.</i>
February 24 th	5:00 p.m. - Last day for a candidate to withdraw name from ballot. If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot.
<i>24 de febrero</i>	<i>5:00 p.m. – Fecha y plazo limite para que un candidato retire su nombre de la boleta. Si el candidato desea retractar su nombre de la boleta, o si es determinado que no reúne los requisitos para la candidatura, su nombre será eliminado de la boleta.</i>
February 27 th	10:00 a.m. – Date/Time that Early Voting Clerk will conduct drawing for place on the ballot at City Hall, 2nd floor, City Commission Chambers.
<i>27 de febrero</i>	<i>10:00 a.m. – Fecha/Hora en la cual la Secretaria de Votaciones Adelantadas llevara a cabo el sorteo para determinar como aparecerán los nombres en la boleta. Dicho sorteo se efectuará en las Oficinas Municipales, 2do piso, sala de comisionados.</i>

<u>DATE/FECHA</u>	<u>ACTION/ACCION</u>
April 6 th	5:00 p.m. Last day a person may register to vote in the May 6, 2023 Election. Registration forms are available at City Hall or at the Hidalgo County Voter Registrar's Office (956-318-2570) in Edinburg.
6 de abril	5:00 p.m. - Último día para registrarse para votar en las Elecciones del 6 de mayo de 2023. Los formularios de inscripción están disponibles en el Ayuntamiento o en la Oficina de Registro de Votantes del Condado de Hidalgo (956-318-2570) en Edinburg.

April 6 th	5:00 p.m. - Due date for first report of Campaign Contributions and Expenditures (C/OH Form) (30th day before the election). (C/OH Form) (Opposed candidates only) *
6 de abril	5:00 pm - Fecha límite para el primer informe de las contribuciones y gastos de campaña (Forma C /OH) (30 días antes de la elección). (Forma C/OH) (Candidatos opuestos solamente) *

April 24 th	Early voting by personal appearance begins at Jose "Pepe" Salinas Recreation Center (1011 W. Kelly, Pharr, Texas) and Development & Research Center (850 W. Dicker Rd.).
24 de abril	Comienza la votación anticipada en persona en el Centro de Recreación José "Pepe" Salinas (1011 W. Kelly, Pharr, Texas) y en el Centro de Desarrollo (850 W. Dicker Rd).

April 25 th	5:00 p.m. – Last day Early Voting Clerk can receive applications for a mail ballot to be received via U.S. Mail, or common/contract carrier.
25 de abril	5:00 p.m. – Último día que la Secretaria de votación anticipada puede recibir solicitudes de voto por correo que se reciban a través de correo postal de EE.UU., u otro tipo de agencia que tiene contrato para enviar por paquetería.

April 28 th	5:00 p.m. – Due date for second report of Campaign Contributions and Expenditures (8th day before the election). (C/OH Form) (Opposed candidates only)*
28 de abril	5:00 p.m. - Fecha límite para el segundo informe de las contribuciones y gastos de campaña (8º día antes de la elección). (Forma C/OH) (Candidatos opuestos solamente)

<u>DATE/FECHA</u>	<u>ACTION/ACCION</u>
May 2 nd	Last day to vote early by personal appearance at Jose "Pepe" Salinas Recreation Center (1011 W. Kelly, Pharr, Texas); and Development & Research Center (850 W. Dicker Rd.) Refer to Exhibit "M" for voting schedule.
2 de mayo	<i>Último día para votar temprano en persona en el Centro de Recreación José "Pepe" Salinas (1011 W. Kelly, Pharr, Texas) y en el Centro de Desarrollo (850 W. Dicker Rd.) Ver Anexo "M" para el horario de votaciones.</i>
May 6 th	ELECTION DAY!! Polls open from 7:00 a.m. to 7:00 p.m. Early Voting Clerk/Voter Registrar's Office (956-318-2570) is open the same hours of voting.
6 de mayo	<i>DÍA DE ELECCION! Las urnas electorales abren de 7:00 a.m. a 7:00 p.m. La oficina de Secretaria de Votación Anticipada/Registrador de Votantes (956/318-2570) estará abierta el mismo horario de votación.</i>
May 11 th	Last day for receiving a ballot from voters who are voting outside the U.S. Notice of Canvassing Meeting will be posted 72 hours preceding the meeting on the official bulletin board at City Hall and on the city's website at www.pharr-tx.gov .
11 de mayo	<i>Último día para recibir boletas de votantes que votan fuera de los EE.UU. Se publicará el Aviso para la Junta de Comisionados para la aprobación de los retornos oficiales de la elección 72 horas antes de la reunión en el boletín oficial del Ayuntamiento y en la página web de la ciudad www.pharr-tx.gov.</i>
May 9 th -17 th	Period for Official Canvass of returns by City Commission (if no ballots sent to voters outside the U.S and the ballot board has completed the count of provisional ballots).
9-17 de mayo	<i>Período para la aprobación Oficial de los retornos de la elección por la Comisión Municipal (si no hay boletas enviadas a los votantes fuera de los EE.UU. y la junta electoral ha completado el conteo de las boletas provisionales).</i>

*For filings due on the 30th day before the election and 8th day before the election, please feel free to make several copies of the form provided to you and further, submit your reports to the City Clerk.

* Para las solicitudes con vencimiento 30 días antes de la elección y el octavo día antes de la elección, por favor no dude en hacer varias copias de la forma y, además, enviar sus informes a la Secretaria Municipal.

**APPLICATION FOR A PLACE ON THE BALLOT FOR A GENERAL ELECTION
FOR A CITY, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISION**

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL¹ Failure to provide required information may result in rejection of application.

APPLICATION FOR A PLACE ON THE _____ GENERAL ELECTION BALLOT					
TO: City Secretary/Secretary of Board (name of election)					
I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.					
OFFICE SOUGHT (Include any place number or other distinguishing number, if any.)			INDICATE TERM <input type="checkbox"/> FULL <input type="checkbox"/> UNEXPIRED		
FULL NAME (First, Middle, Last)			PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*		
PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.)			PUBLIC MAILING ADDRESS (Optional) (Address for which you receive campaign related correspondence, if available.)		
CITY	STATE	ZIP	CITY	STATE	ZIP
PUBLIC EMAIL ADDRESS (Optional) (Address for which you receive campaign related emails, if available.)		OCCUPATION (Do not leave blank)	DATE OF BIRTH / /	VOTER REGISTRATION VOID NUMBER² (Optional)	
TELEPHONE CONTACT INFORMATION (Optional) Home: _____ Office: _____ Cell: _____					
FELONY CONVICTION STATUS (You MUST check one)		LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN			
<input type="checkbox"/> I have not been finally convicted of a felony.		IN THE STATE OF TEXAS ____ year(s) ____ month(s)		IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED ____ year(s) ____ month(s)	
<input type="checkbox"/> I have been finally convicted of a felony, but I have been pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with the submission of this application. ³					
*If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan or contain a title, nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election. Please review sections 52.031, 52.032 and 52.033 of the Texas Election Code regarding the rules for how names may be listed on the official ballot.					
Before me, the undersigned authority, on this day personally appeared (name of candidate) _____, who being by me here and now duly sworn, upon oath says: "I, (name of candidate) _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code. I am aware that I must disclose any prior felony conviction, and if so convicted, must provide proof that I have been pardoned or otherwise released from the resulting disabilities of any such final felony conviction. I am aware that knowingly providing false information on the application regarding my possible felony conviction status constitutes a Class B misdemeanor. I further swear that the foregoing statements included in my application are in all things true and correct."					
X _____ SIGNATURE OF CANDIDATE					
Sworn to and subscribed before me this the _____ day of _____, _____, by _____. (day) (month) (year) (name of candidate)					
Signature of Officer Authorized to Administer Oath ⁴			Printed Name of Officer Authorized to Administer Oath		
_____ Title of Officer Authorized to Administer Oath			Notarial or Official Seal		
TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY: <input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE. This document and \$_____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> Voter Registration Status Verified					
_____/_____/_____ Date Received		_____/_____/_____ Date Accepted		(See Section 1.007) _____ Signature of Filing Officer or Designee	

INSTRUCTIONS

An application for a place on the general election for a city, school district or other political subdivision, may not be filed earlier than 30 days before the deadline prescribed by this code for filing the application. An application filed before that day is void. All fields of the application **must** be completed unless specifically marked optional.

For an election to be held on a uniform election date, the day of the filing deadline is the 78th day before Election Day.

If you have questions about the application, please contact the Secretary of State's Elections Division at 800-252-8683.

NEPOTISM LAW

The candidate must sign this statement indicating his awareness of the nepotism law. When a candidate signs the application, it is an acknowledgment that the candidate is aware of the nepotism law. The nepotism prohibitions of chapter 573, Government Code, are summarized below:

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

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

FOOTNOTES

¹An application for a place on the ballot, including any accompanying petition, is public information immediately on its filing. (Section 141.035, Texas Election Code)

²Inclusion of a candidate's VUID is optional. However, many candidates are required to be registered voters in the territory from which the office is elected at the time of the filing deadline. Please visit the Elections Division of the Secretary of State's website for additional information. <http://www.sos.state.tx.us/elections/laws/hb484-faq.shtml>

³Proof of release from the resulting disabilities of a felony conviction would include proof of judicial clemency under Texas Code of Criminal Procedure 42A.701, proof of executive pardon under Texas Code of Criminal Procedure 48.01, or proof of a restoration of rights under Texas Code of Criminal Procedure 48.05. (Texas Attorney General Opinion KP-0251)

One of the following documents must be submitted with this application.

Judicial Clemency under Texas Code of Criminal Procedure 42A.701

Executive Pardon under Texas Code of Criminal Procedure 48.01

Restoration of Rights under Texas Code of Criminal Procedure 48.05

⁴All oaths, affidavits, or affirmations made within this State may be administered and a certificate of the fact given by a judge, clerk, or commissioner of any court of record, a notary public, a justice of the peace, city secretary (for a city office), and the Secretary of State of Texas. See Chapter 602 of the Texas Government Code for the complete list of persons authorized to administer oaths.

**SOLICITUD DE INSCRIPCIÓN PARA UN LUGAR EN LA BOLETA DE UNA ELECCIÓN GENERAL
PARA UNA CIUDAD, DISTRITO ESCOLAR U OTRA SUBDIVISIÓN POLÍTICA**

TODA LA INFORMACIÓN ES REQUERIDA A MENOS QUE SE INDIQUE COMO OPCIONAL¹ El hecho de no proporcionar la información requerida puede resultar en el rechazo de la solicitud.

SOLICITUD DE INSCRIPCIÓN PARA UN LUGAR EN LA BOLETA DE UNA ELECCIÓN GENERAL DE _____					
Para: Secretario(a) de la Ciudad/ Secretario(a) del Consejo _____ (nombre de la elección)					
Solicito que mi nombre se incluya en la boleta oficial mencionada anteriormente como candidato(a) al cargo indicado a continuación.					
CARGO SOLICITADO (Incluya cualquier número de cargo u otro número distintivo, si lo hay.)			INDIQUE TÉRMINO <input type="checkbox"/> TÉRMINO COMPLETO <input type="checkbox"/> TÉRMINO INCOMPLETO		
NOMBRE COMPLETO (Primer Nombre, Segundo Nombre, Apellido)			ESCRIBA SU NOMBRE COMO DESEA QUE APAREZCA EN LA BOLETA*		
DIRECCIÓN DE RESIDENCIA PERMANENTE (No incluya un apartado postal o una ruta rural. Si usted no tiene una dirección de residencia, describa la ubicación de la residencia.)			DIRECCIÓN DE CORREO PÚBLICO (Opcional) (Dirección en la que recibe la correspondencia relacionada con la campaña, si está disponible.)		
CIUDAD	ESTADO	CÓDIGO POSTAL	CIUDAD	ESTADO	CÓDIGO POSTAL
DIRECCIÓN DE CORREO ELECTRÓNICO PÚBLICO (Opcional) (Dirección donde recibe correo electrónico relacionado con la campaña, si está disponible.)		OCUPACIÓN (No deje este espacio en blanco)	FECHA DE NACIMIENTO ____/____/____	VOID – NÚMERO ÚNICO DE IDENTIFICACIÓN DE VOTANTE² (Opcional)	
INFORMACIÓN DE CONTACTO TELEFÓNICO (Opcional) Hogar: _____ Trabajo: _____ Celular: _____					
ESTADO DE CONDENA POR DELITO GRAVE (DEBE marcar una)			DURACIÓN DE RESIDENCIA CONTINUA A PARTIR DE LA FECHA EN QUE ESTA SOLICITUD FUE JURADA		
<input type="checkbox"/> No he sido finalmente condenado por un delito grave. <input type="checkbox"/> He sido finalmente condenado por un delito grave, pero he sido indultado o liberado de otro modo de las discapacidades resultantes de esa condena por delito grave y he proporcionado prueba de este hecho con la presentación de esta solicitud. ³			EN EL ESTADO DE TEXAS ____ año(s) ____ mes(es)		EN EL TERRITORIO/DISTRITO/PRECINTO DEL CUAL SE ELIGE EL CARGO BUSCADO ____ año(s) ____ mes(es)
<p>*Si usa un apodo como parte de su nombre para aparecer en la boleta, también está firmando y jurando las siguientes declaraciones: Juro además que mi apodo no constituye un lema ni contiene un título, ni indica un punto de vista o afiliación política, económica, social o religiosa. He sido comúnmente conocido por este apodo durante al menos tres años antes de esta elección. Por favor, revise las secciones 52.031, 52.032 y 52.033 del Código Electoral de Texas con respecto a las reglas sobre cómo se pueden incluir los nombres en la boleta oficial.</p>					
Ante mí, la autoridad abajo firmante, en este día apareció personalmente (nombre del candidato) _____, quien estando a mi lado aquí y ahora debidamente juramentado, bajo juramento dice: "Yo, (nombre del candidato) _____, del condado de _____, Texas, siendo candidato para el cargo de _____, juro que apoyaré y defenderé la Constitución y las leyes de los Estados Unidos y del Estado de Texas. Soy un ciudadano de los Estados Unidos elegible para ocupar dicho cargo según la Constitución y las leyes de este estado. No se me ha determinado por un fallo final de una corte que ejerce la jurisdicción testamentaria que esté totalmente incapacitado mentalmente o parcialmente incapacitado sin derecho a voto. Soy consciente de la ley de nepotismo según el Capítulo 573 del Código de Gobierno. Soy consciente de que debo divulgar cualquier condena previa de un delito grave y, si he sido condenado, debo proporcionar prueba de que he sido indultado o liberado de otro modo de las discapacidades resultantes de dicha condena final por delito grave. Soy consciente de que proporcionar a sabiendas información falsa en la solicitud con respecto a mi posible estado de condena por delito grave constituye un delito menor de Clase B. Juro además que las declaraciones anteriores incluidas en mi solicitud son, en todos los aspectos, verdaderas y correctas."					
<div style="text-align: center;">X _____ FIRMA DEL CANDIDATO</div>					
Jurado y suscrito ante mí este día _____ de _____ del _____ por _____. (día) (mes) (año) (nombre de candidato)					
Firma del oficial autorizado para administrar el juramento ⁴ _____ Título del oficial autorizado para administrar el juramento			Nombre del oficial autorizado para administrar juramentos en letra de molde _____ Notarial o sello oficial		
TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY: <input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE. This document and \$_____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> Voter Registration Status Verified _____/_____/_____ Date Received Date Accepted (See Section 1.007) _____ Signature of Filing Officer or Designee					

INSTRUCCIONES

Una solicitud para un lugar en la elección general para una ciudad, distrito escolar u otra subdivisión política, no puede ser presentada antes de los 30 días antes de la fecha límite prescrita por este código para presentar la solicitud. Una solicitud presentada antes de ese día es nula. Todos los campos de la solicitud **deben** completarse a menos que estén específicamente marcados como opcional.

Para una elección que se lleve a cabo en una fecha de elección uniforme, el día de la fecha límite de presentación es el 78º día antes del día de la elección.

Si tiene preguntas sobre la solicitud, por favor póngase en contacto con la División de Elecciones del Secretario de Estado llamando al 800-252-8683.

LEY DE NEPOTISMO

El candidato debe firmar esta declaración indicando su conocimiento de la ley del nepotismo. Cuando un candidato firma la solicitud, es un reconocimiento de que el candidato conoce la ley del nepotismo. Las prohibiciones de nepotismo del capítulo 573, Código de Gobierno, se resumen a continuación:

Ningún funcionario puede nombrar, votar o confirmar el nombramiento o empleo de cualquier persona emparentada dentro del segundo grado por afinidad (matrimonio) o del tercer grado por consanguinidad (sangre) con sí mismo, o con cualquier otro miembro del órgano de gobierno o corte en el que se desempeña cuando la compensación de esa persona debe pagarse con fondos públicos o honorarios del cargo. Sin embargo, nada en la ley impide el nombramiento, la votación o la confirmación de cualquier persona que haya estado empleada continuamente en la oficina o el empleo durante el período siguiente antes de la elección o el nombramiento del funcionario o miembro emparentado con el empleado en el grado prohibido: seis meses, si el funcionario o miembro es elegido en una elección que no sea la elección general para funcionarios estatales y del condado.

Ningún candidato puede tomar medidas para influir en un empleado del cargo al que aspira a ser elegido o en un empleado o funcionario del organismo gubernamental al que aspira a ser elegido en relación con el nombramiento o el empleo de una persona emparentada con el candidato en un grado prohibido, tal como se ha indicado anteriormente. Esta prohibición no se aplica a las acciones de un candidato con respecto a una clase o categoría de buena fe de empleados o empleados prospectos.

NOTAS

¹Una solicitud para un lugar en la boleta electoral, incluida cualquier petición que la acompañe, es información pública inmediatamente después de su presentación. (Sección 141.035, Código Electoral de Texas)

²La inclusión del número único de identificación de votante (VUID, por sus siglas en Inglés) es opcional. Sin embargo, a muchos candidatos se les exige que estén registrados como votantes en el territorio desde el cual se elige el cargo en el momento de la fecha límite de presentación. Por favor, visite el sitio web de la División de Elecciones de la Secretaría de Estado para obtener información adicional. <http://www.sos.state.tx.us/elections/laws/hb484-faq.shtml>

³La prueba de liberación de las discapacidades resultantes de una condena por un delito grave incluiría prueba de clemencia judicial según el Código de Procedimiento Penal de Texas 42A.701, prueba de indulto ejecutivo según el Código de Procedimiento Penal de Texas 48.01, o prueba de una restauración de derechos según el Código de Procedimiento Penal de Texas 48.05. (Opinión de Fiscal General de Texas KP-0251)

Se debe enviar uno de los siguientes documentos con esta solicitud:

Clemencia judicial según el Código de Procedimiento Penal de Texas 42A.701

Prueba de indulto ejecutivo según el Código de Procedimiento Penal de Texas 48.01

Prueba de una restauración de derechos según el Código de Procedimiento Penal de Texas 48.05

⁴Todos los juramentos, declaraciones juradas o afirmaciones hechas dentro de este estado pueden ser administrados y un certificado del hecho dado por un juez, secretario(a) o comisionado de cualquier corte de registro, un notario público, un juez de paz, secretario municipal (para una oficina de la ciudad) y el Secretario de Estado de Texas. Consulte el Capítulo 602 del Código del Gobierno de Texas para obtener la lista completa de personas autorizadas a administrar juramentos.

APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

FORM CTA
PG 1

See CTA Instruction Guide for detailed instructions.		1 Total pages filed:	
2 CANDIDATE NAME	MS / MRS / MR FIRST MI	OFFICE USE ONLY	
	NICKNAME LAST SUFFIX	Filer ID #	
		Date Received	
3 CANDIDATE MAILING ADDRESS	ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE	Date Hand-delivered or Postmarked	
4 CANDIDATE PHONE	AREA CODE PHONE NUMBER EXTENSION	Receipt #	Amount \$
	()	Date Processed	
5 OFFICE HELD (if any)		Date Imaged	
6 OFFICE SOUGHT (if known)			
7 CAMPAIGN TREASURER NAME	MS/MRS/MR FIRST MI NICKNAME LAST SUFFIX		
8 CAMPAIGN TREASURER STREET ADDRESS (residence or business)	STREET ADDRESS; APT / SUITE #; CITY; STATE; ZIP CODE		
9 CAMPAIGN TREASURER PHONE	AREA CODE PHONE NUMBER EXTENSION		
10 CANDIDATE SIGNATURE	<p>I am aware of the Nepotism Law, Chapter 573 of the Texas Government Code.</p> <p>I am aware of my responsibility to file timely reports as required by title 15 of the Election Code.</p> <p>I am aware of the restrictions in title 15 of the Election Code on contributions from corporations and labor organizations.</p> <p>_____ Signature of Candidate</p> <p>_____ Date Signed</p>		
GO TO PAGE 2			

CANDIDATE MODIFIED REPORTING DECLARATION

FORM CTA
PG 2

11 CANDIDATE
NAME

12 MODIFIED
REPORTING
DECLARATION

COMPLETE THIS SECTION ONLY IF YOU ARE CHOOSING MODIFIED REPORTING

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

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

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

I do not intend to accept more than \$940 in political contributions or make more than \$940 in political expenditures (excluding filing fees) in connection with any future election within the election cycle. I understand that if either one of those limits is exceeded, I will be required to file pre-election reports and, if necessary, a runoff report.

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

Signature of Candidate

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

TEC Filers may send this form to the TEC electronically at treasappoint@ethics.state.tx.us

or mail to
Texas Ethics Commission
P.O. Box 12070
Austin, TX 78711-2070

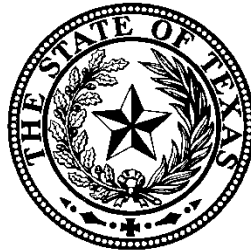
**Non-TEC Filers must file this form with the local filing authority
DO NOT SEND TO TEC**

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

TEXAS ETHICS COMMISSION

APPOINTMENT OF A CAMPAIGN TREASURER
BY A CANDIDATE

FORM CTA--INSTRUCTION GUIDE



Revised January 1, 2022

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

FORM CTA—INSTRUCTION GUIDE

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APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

GENERAL INSTRUCTIONS

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

DUTIES OF A CANDIDATE OR OFFICEHOLDER

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

QUALIFICATIONS OF CAMPAIGN TREASURER

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

DUTIES OF A CAMPAIGN TREASURER

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

REQUIREMENT TO FILE BEFORE BEGINNING A CAMPAIGN

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

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

- (C) the filing of an application for nomination by convention;
- (D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy;
- (E) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (F) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of communication;
- (G) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure; and
- (H) the seeking of the nomination of an executive committee of a political party to fill a vacancy.

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

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

WHERE TO FILE A CAMPAIGN TREASURER APPOINTMENT

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

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

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

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

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

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

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

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

FILING WITH A DIFFERENT AUTHORITY

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

FORMING A POLITICAL COMMITTEE

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

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

CHANGING A CAMPAIGN TREASURER

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

AMENDING A CAMPAIGN TREASURER APPOINTMENT

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

REPORTING REQUIREMENT FOR CERTAIN OFFICEHOLDERS

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

TERMINATING A CAMPAIGN TREASURER APPOINTMENT

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

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

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

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

FILING A FINAL REPORT

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

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

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

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

ELECTRONIC FILING

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

GUIDES

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

SPECIFIC INSTRUCTIONS

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

PAGE 1

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

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

PAGE 2

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

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

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

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

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

An opposed candidate in an election is eligible to report under the modified reporting schedule if he or she does not intend to accept more than \$940 in political contributions or make more than \$940 in political expenditures in connection with an election. The amount of a filing fee paid to qualify for a place on the ballot does not count against the \$940 expenditure limit. An opposed candidate who reports under the modified schedule is not required to file pre-election reports (due 30 days and 8 days before an election) or runoff reports (due 8 days before a runoff). (Note: An *unopposed* candidate is not required to file pre-election reports in the first place.) The obligations to file semiannual reports, special pre-election reports, or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$940 maximums apply to each election within the cycle. In other words, you are limited to \$940 in contributions and expenditures in connection with the primary, an additional \$940 in contributions and expenditures in connection with the general election, and an additional \$940 in contributions and expenditures in connection with a runoff.

EXCEEDING \$940 IN CONTRIBUTIONS OR EXPENDITURES. If you exceed \$940 in contributions or expenditures in connection with an election, you must file according to the regular filing schedule. In other words, you must file pre-election reports and a runoff report, if you are in a runoff.

If you exceed either of the \$940 limits *after the 30th day before the election*, you must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, you must file any pre-election reports or runoff reports that are due under the regular filing schedule.

Your selection is not valid for other elections or election cycles. Use the AMENDMENT (FORM ACTA) to renew your option to file under the modified schedule for a different election year or election cycle.

For more information, see the Commission's campaign finance guide that applies to you.

AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

FORM ACTA
PG 1

1 CANDIDATE
NAME

2 FILER ID #

3 Total pages filed:

See ACTA Instruction Guide for detailed instructions.

Use this form for changes to existing information only. Do not provide information previously disclosed.

4 CANDIDATE
NAME

NEW

MS / MRS / MR

FIRST

MI

NICKNAME

LAST

SUFFIX

OFFICE USE ONLY

Date Received

5 CANDIDATE
MAILING
ADDRESS

NEW

ADDRESS / PO BOX;

APT / SUITE #;

CITY;

STATE;

ZIP CODE

Date Hand-delivered or Postmarked

Receipt #

Amount \$

6 CANDIDATE
PHONE

NEW

AREA CODE

PHONE NUMBER

EXTENSION

()

Date Processed

Date Imaged

7 OFFICE HELD
(if any)

NEW

8 OFFICE
SOUGHT
(if known)

NEW

9 CAMPAIGN
TREASURER
NAME

NEW

MS / MRS / MR

FIRST

MI

NICKNAME

LAST

SUFFIX

10 CAMPAIGN
TREASURER
STREET
ADDRESS
(residence or business)

NEW

STREET ADDRESS;

APT / SUITE #;

CITY;

STATE;

ZIP CODE

11 CAMPAIGN
TREASURER
PHONE

NEW

AREA CODE

PHONE NUMBER

EXTENSION

()

12 CANDIDATE
SIGNATURE

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

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

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

Signature of Candidate

Date Signed

GO TO PAGE 2

AMENDMENT:
CANDIDATE MODIFIED REPORTING DECLARATION

FORM ACTA

PG 2

**13 CANDIDATE
NAME**

**14 MODIFIED
REPORTING
DECLARATION**

NEW

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

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

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

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

I do not intend to accept more than \$940 in political contributions or make more than \$940 in political expenditures (excluding filing fees) in connection with any future election within the election cycle. I understand that if either one of those limits is exceeded, I will be required to file pre-election reports and, if necessary, a runoff report.

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

Signature of Candidate

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

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

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

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

TEXAS ETHICS COMMISSION

AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

FORM ACTA—INSTRUCTION GUIDE



Revised January 1, 2022

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

FORM ACTA–AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

GENERAL INSTRUCTIONS

These instructions are for the AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (Form ACTA). Use this form for changing information previously reported on Form CTA and for renewing your choice to report under the modified schedule. The information you enter on this form will replace the information from your previous APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (Form CTA).

If any of the information required to be reported on your CAMPAIGN TREASURER APPOINTMENT changes, you should file an amendment. Use the AMENDMENT form (Form ACTA) to report the changes. Do not use the APPOINTMENT form (Form CTA).

You must also use the AMENDMENT form to renew your option to file under the modified schedule.

Except for your name at the top of the form (and your filer account number, if you file with the Texas Ethics Commission (Commission)), enter only the information that is different from what is on your current campaign treasurer appointment. Do not repeat information that has not changed. The “NEW” boxes emphasize that the information entered on this form should only be information that is different from what was previously reported. Any information entered in a space with a “NEW” box will replace the existing information.

SPECIFIC INSTRUCTIONS

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

PAGE 1

- 1. CANDIDATE NAME:** Enter your name as it is on your current campaign treasurer appointment. Enter your name in the same way on Page 2, Section 13, of this form. If you are reporting a name change, enter your new name under Section 4.
- 2. FILER ID #:** If you are filing with the Commission, you were assigned a filer account number when you filed your initial campaign treasurer appointment. You should have received a letter acknowledging receipt of the form and informing you of your account number. Enter this number wherever you see “FILER ID #.” If you do not file with the Ethics Commission, you are not required to enter an account number.
- 3. TOTAL PAGES FILED:** After you have completed the form, enter the total number of pages of this form and any additional pages. A “page” is one side of a two-sided form. If you are not using a two-sided form, a “page” is a single sheet.

4. **CANDIDATE NAME:** Complete this section only if your name has *changed*. If your name has changed, enter your complete new name, including nicknames and suffixes (e.g., Sr., Jr., III) if applicable.
5. **CANDIDATE MAILING ADDRESS:** Complete this section only if your mailing address has *changed*. If your mailing address has changed, enter your complete new address, including zip code. This information will allow your filing authority to correspond with you.
6. **CANDIDATE PHONE:** Complete this section only if your phone number has *changed*. If your phone number has changed, enter your new phone number, including the area code and extension, if applicable.
7. **OFFICE HELD:** If you are an officeholder, complete this section only if your office has *changed*. If your office has changed, please enter the new office held. Include the district, precinct, or other designation for the office, if applicable.
8. **OFFICE SOUGHT:** If you are a candidate, complete this section only if the office you seek has *changed*. If the office has changed, please enter the office you now seek, if known. Include the district, precinct, or other designation for the office, if applicable.

Note: Changing the office you are seeking may require you to file your reports with a different filing authority. See the Campaign Finance Guide for further information on filing with a different authority.

9. **CAMPAIGN TREASURER NAME:** Complete this section only if your campaign treasurer has *changed*. If your campaign treasurer has changed, enter the full name of your new campaign treasurer, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.

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

10. **CAMPAIGN TREASURER STREET ADDRESS:** Complete this section only if your campaign treasurer's street address has *changed*. If your campaign treasurer's street address has changed, enter the complete new address of your campaign treasurer, including the zip code. You may enter either the treasurer's new business or residential street address. If you are your own treasurer, you may enter either your business or residential street address.
11. **CAMPAIGN TREASURER PHONE:** Complete this section only if your campaign treasurer's phone number has *changed*. If your campaign treasurer's phone number has

changed, enter the new phone number of your campaign treasurer, including the area code and extension, if applicable.

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

- The Texas nepotism law (Government Code, chapter 573) imposes certain restrictions on both officeholders and candidates. You should consult the statute in regard to the restrictions applicable to officeholders.
- A candidate may not take an affirmative action to influence an employee of the office to which the candidate seeks election in regard to the appointment, confirmation, employment or employment conditions of an individual who is related to the candidate within a prohibited degree.
- A candidate for a multi-member governmental body may not take an affirmative action to influence an officer or employee of the governmental body to which the candidate seeks election in regard to the appointment, confirmation, or employment of an individual related to the candidate in a prohibited degree.
- Two people are related within a prohibited degree if they are related within the third degree by consanguinity (blood) or the second degree by affinity (marriage). The *degree of consanguinity* is determined by the number of generations that separate them. If neither is descended from the other, the degree of consanguinity is determined by adding the number of generations that each is separated from a common ancestor. **Examples:** (1) first degree - parent to child; (2) second degree - grandparent to grandchild; or brother to sister; (3) third degree - great-grandparent to great-grandchild; or aunt to niece who is child of individual's brother or sister. A husband and wife are related in the first degree by affinity. A wife has the same degree of relationship by affinity to her husband's relatives as her husband has by consanguinity. For example, a wife is related to her husband's grandmother in the second degree by affinity.

Note: The changes you have made on this form will replace the information on your previous APPOINTMENT form (Form CTA).

PAGE 2

13. CANDIDATE NAME: Enter your name as you did on Page 1, Section 1.

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

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

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

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

An opposed candidate in an election is eligible to report under the modified reporting schedule if he or she does not intend to accept more than \$940 in political contributions or make more than \$940 in political expenditures in connection with an election. The amount of a filing fee paid to qualify for a place on the ballot does not count against the \$940 expenditure limit. An opposed candidate who reports under the modified schedule is not required to file pre-election reports (due 30 days and 8 days before an election) or runoff reports (due 8 days before a runoff). (Note: An *unopposed* candidate is not required to file pre-election reports in the first place.) The obligations to file semi-annual reports, special pre-election reports, or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$940 maximums apply to each election within the cycle. In other words, you are limited to \$940 in contributions and expenditures in connection with the primary, an additional \$940 in contributions and expenditures in connection with the general election, and an additional \$940 in contributions and expenditures in connection with a runoff.

Exceeding \$940 in contributions or expenditures. If you exceed \$940 in contributions or expenditures in connection with an election, you must file according to the regular schedule. In other words, you must file pre-election reports and a runoff report, if you are in a runoff.

If you exceed either of the \$940 limits *after the 30th day before the election*, you must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, you must file any pre-election reports or runoff reports that are due under the regular filing schedule.

Your selection is not valid for other elections or election cycles. Use another amendment form (ACTA) to renew your option to file under the modified schedule.

For more information, see the Commission's campaign finance guide that applies to you.

CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

**FORM C/OH
COVER SHEET PG 1**

The C/OH Instruction Guide explains how to complete this form.		1 Filer ID (Ethics Commission Filers)		2 Total pages filed:	
3 CANDIDATE / OFFICEHOLDER NAME	MS / MRS / MR	FIRST	MI		
	NICKNAME	LAST	SUFFIX		
4 CANDIDATE / OFFICEHOLDER MAILING ADDRESS Change of Address	ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE				
5 CANDIDATE/ OFFICEHOLDER PHONE	AREA CODE		PHONE NUMBER		EXTENSION
	()				
6 CAMPAIGN TREASURER NAME	MS / MRS / MR	FIRST	MI		
	NICKNAME	LAST	SUFFIX		
7 CAMPAIGN TREASURER ADDRESS (Residence or Business)	STREET ADDRESS (NO PO BOX PLEASE); APT / SUITE #; CITY; STATE; ZIP CODE				
8 CAMPAIGN TREASURER PHONE	AREA CODE		PHONE NUMBER		EXTENSION
	()				
9 REPORT TYPE	January 15		30th day before election		Runoff
	July 15		8th day before election		Exceeded Modified Reporting Limit
10 PERIOD COVERED	Month	Day	Year	THROUGH	Month Day Year
	/	/	/	/	/
11 ELECTION	ELECTION DATE		ELECTION TYPE		
	Month	Day	Year	<div style="display: flex; justify-content: space-between;"> Primary Runoff Other Description </div> <div style="display: flex; justify-content: space-between;"> General Special _____ </div>	
12 OFFICE	OFFICE HELD (if any)			13 OFFICE SOUGHT (if known)	
14 NOTICE FROM POLITICAL COMMITTEE(S) Additional Pages	THIS BOX IS FOR NOTICE OF POLITICAL CONTRIBUTIONS ACCEPTED OR POLITICAL EXPENDITURES MADE BY POLITICAL COMMITTEES TO SUPPORT THE CANDIDATE / OFFICEHOLDER. THESE EXPENDITURES MAY HAVE BEEN MADE WITHOUT THE CANDIDATE'S OR OFFICEHOLDER'S KNOWLEDGE OR CONSENT. CANDIDATES AND OFFICEHOLDERS ARE REQUIRED TO REPORT THIS INFORMATION ONLY IF THEY RECEIVE NOTICE OF SUCH EXPENDITURES.				
	COMMITTEE TYPE	COMMITTEE NAME			
	GENERAL	COMMITTEE ADDRESS			
	SPECIFIC	COMMITTEE CAMPAIGN TREASURER NAME			
		COMMITTEE CAMPAIGN TREASURER ADDRESS			

GO TO PAGE 2

CANDIDATE / OFFICEHOLDER CAMPAIGN FINANCE REPORT

**FORM C/OH
COVER SHEET PG 2**

15 C/OH NAME		16 Filer ID (Ethics Commission Filers)
17 CONTRIBUTION TOTALS	1. TOTAL UNITEMIZED POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS, OR CONTRIBUTIONS MADE ELECTRONICALLY)	\$
	2. TOTAL POLITICAL CONTRIBUTIONS (OTHER THAN PLEDGES, LOANS, OR GUARANTEES OF LOANS)	\$
EXPENDITURE TOTALS	3. TOTAL UNITEMIZED POLITICAL EXPENDITURE.	\$
	4. TOTAL POLITICAL EXPENDITURES	\$
CONTRIBUTION BALANCE	5. TOTAL POLITICAL CONTRIBUTIONS MAINTAINED AS OF THE LAST DAY OF REPORTING PERIOD	\$
OUTSTANDING LOAN TOTALS	6. TOTAL PRINCIPAL AMOUNT OF ALL OUTSTANDING LOANS AS OF THE LAST DAY OF THE REPORTING PERIOD	\$

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

Signature of Candidate or Officeholder

Please complete either option below:

(1) Affidavit

NOTARY STAMP / SEAL

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

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

OR

(2) Unsworn Declaration

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

Executed in _____ County, State of _____, on the _____ day of _____, 20_____.
(month) (year)

Signature of Candidate/Officeholder (Declarant)

SUBTOTALS - C/OH

FORM C/OH COVER SHEET PG 3

19 FILER NAME

20 Filer ID (Ethics Commission Filers)

21 SCHEDULE SUBTOTALS
NAME OF SCHEDULE

SUBTOTAL
AMOUNT

1. SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS

\$

2. SCHEDULE A2: NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS

\$

3. SCHEDULE B: PLEDGED CONTRIBUTIONS

\$

4. SCHEDULE E: LOANS

\$

5. SCHEDULE F1: POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

\$

6. SCHEDULE F2: UNPAID INCURRED OBLIGATIONS

\$

7. SCHEDULE F3: PURCHASE OF INVESTMENTS MADE FROM POLITICAL CONTRIBUTIONS

\$

8. SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD

\$

9. SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS

\$

10. SCHEDULE H: PAYMENT MADE FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH

\$

11. SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

\$

12. SCHEDULE K: INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED
TO FILER

\$

SCHEDULE A1

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule A1:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Date	5 Full name of contributor out-of-state PAC (ID#:_____) 6 Contributor address; City; State; Zip Code	7 Amount of contribution (\$)
8 Principal occupation / Job title (See Instructions)		9 Employer (See Instructions)
Date	Full name of contributor out-of-state PAC (ID#:_____) Contributor address; City; State; Zip Code	Amount of contribution (\$)
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
Date	Full name of contributor out-of-state PAC (ID#:_____) Contributor address; City; State; Zip Code	Amount of contribution (\$)
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
Date	Full name of contributor out-of-state PAC (ID#:_____) Contributor address; City; State; Zip Code	Amount of contribution (\$)
Principal occupation / Job title (See Instructions)		Employer (See Instructions)
ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED If contributor is out-of-state PAC, please see Instruction guide for additional reporting requirements.		

NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS

SCHEDULE A2

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule A2:	
2 FILER NAME		3 Filer ID (Ethics Commission Filers)	
4 TOTAL OF UNITEMIZED IN-KIND POLITICAL CONTRIBUTIONS		\$	
5 Date	6 Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____) 7 Contributor address; City; State; Zip Code	8 Amount of Contribution \$	9 In-kind contribution description Check if travel outside of Texas. Complete Schedule T.
10 Principal occupation / Job title (FOR NON-JUDICIAL)(See Instructions)		11 Employer (FOR NON-JUDICIAL)(See Instructions)	
12 Contributor's principal occupation (FOR JUDICIAL)		13 Contributor's job title (FOR JUDICIAL)(See Instructions)	
14 Contributor's employer/law firm (FOR JUDICIAL)		15 Law firm of contributor's spouse (if any) (FOR JUDICIAL)	
16 If contributor is a child, law firm of parent(s) (if any) (FOR JUDICIAL)			
Date	Full name of contributor <input type="checkbox"/> out-of-state PAC (ID#: _____) Contributor address; City; State; Zip Code	Amount of Contribution \$	In-kind contribution description Check if travel outside of Texas. Complete Schedule T.
Principal occupation / Job title (FOR NON-JUDICIAL) (See Instructions)		Employer (FOR NON-JUDICIAL)(See Instructions)	
Contributor's principal occupation (FOR JUDICIAL)		Contributor's job title (FOR JUDICIAL)(See Instructions)	
Contributor's employer/law firm (FOR JUDICIAL)		Law firm of contributor's spouse (if any) (FOR JUDICIAL)	
If contributor is a child, law firm of parent(s) (if any) (FOR JUDICIAL)			
ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED If contributor is out-of-state PAC, please see Instruction guide for additional reporting requirements.			

PLEDGED CONTRIBUTIONS

SCHEDULE B

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

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

LOANS

SCHEDULE E

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

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

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

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

POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

SCHEDULE F1

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

EXPENDITURE CATEGORIES FOR BOX 8(a)

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

The Instruction Guide explains how to complete this form.

1 Total pages Schedule F1:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)
4 Date	5 Payee name	
6 Amount (\$)	7 Payee address; City; State; Zip Code	
8 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
9 Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$)	Payee address; City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$)	Payee address; City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$)	Payee address; City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

UNPAID INCURRED OBLIGATIONS

SCHEDULE F2

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

EXPENDITURE CATEGORIES FOR BOX 10(a)

Advertising Expense
Accounting/Banking
Consulting Expense
Contributions/Donations Made By
Candidate/Officeholder/Political Committee

Event Expense
Fees
Food/Beverage Expense
Gift/Awards/Memorials Expense
Legal Services

Loan Repayment/Reimbursement
Office Overhead/Rental Expense
Polling Expense
Printing Expense
Salaries/Wages/Contract Labor

Solicitation/Fundraising Expense
Transportation Equipment & Related Expense
Travel In District
Travel Out Of District
Other (enter a category not listed above)

The Instruction Guide explains how to complete this form.

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

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

7 Amount (\$)	8 Payee address; City; State; Zip Code
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9 TYPE OF EXPENDITURE	Political Non-Political
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10 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) Check if travel outside of Texas. Complete Schedule T.	Check if Austin, TX, officeholder living expense

11 Complete ONLY if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
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Date	Payee name
------	------------

Amount (\$)	Payee address; City; State; Zip Code
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TYPE OF EXPENDITURE	Political Non-Political
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PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	Check if travel outside of Texas. Complete Schedule T.	Check if Austin, TX, officeholder living expense

Complete ONLY if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought	Office held
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ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

PURCHASE OF INVESTMENTS MADE FROM POLITICAL CONTRIBUTIONS

SCHEDULE F3

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

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

EXPENDITURES MADE BY CREDIT CARD

SCHEDULE F4

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

EXPENDITURE CATEGORIES FOR BOX 10(a)

Advertising Expense
Accounting/Banking
Consulting Expense
Contributions/Donations Made By
Candidate/Officeholder/Political Committee

Event Expense
Fees
Food/Beverage Expense
Gift/Awards/Memorials Expense
Legal Services

Loan Repayment/Reimbursement
Office Overhead/Rental Expense
Polling Expense
Printing Expense
Salaries/Wages/Contract Labor

Solicitation/Fundraising Expense
Transportation Equipment & Related Expense
Travel In District
Travel Out Of District
Other (enter a category not listed above)

The Instruction Guide explains how to complete this form.

1 Total pages Schedule F4:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)
4 TOTAL OF UNITEMIZED EXPENDITURES CHARGED TO A CREDIT CARD		\$
5 Date	6 Payee name	
7 Amount (\$)	8 Payee address; City; State; Zip Code	
9 TYPE OF EXPENDITURE	Political Non-Political	
10 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
11 Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$)	Payee address; City; State; Zip Code	
TYPE OF EXPENDITURE	Political Non-Political	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED		

POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS

SCHEDULE G

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

EXPENDITURE CATEGORIES FOR BOX 8(a)

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

The Instruction Guide explains how to complete this form.

1 Total pages Schedule G:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)
4 Date	5 Payee name	
6 Amount (\$) Reimbursement from political contributions intended	7 Payee address; City; State; Zip Code	
8 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
9 Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$) Reimbursement from political contributions intended	Payee address; City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$) Reimbursement from political contributions intended	Payee address; City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Payee name	
Amount (\$) Reimbursement from political contributions intended	Payee address; City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
Complete <u>ONLY</u> if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

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

SCHEDULE H

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

EXPENDITURE CATEGORIES FOR BOX 8(a)

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

The Instruction Guide explains how to complete this form.

1 Total pages Schedule H:	2 FILER NAME	3 Filer ID (Ethics Commission Filers)
4 Date	5 Business name	
6 Amount (\$)	7 Business address; City; State; Zip Code	
8 PURPOSE OF EXPENDITURE	(a) Category (See Categories listed at the top of this schedule)	(b) Description
	(c) Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
9 Complete ONLY if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Business name	
Amount (\$)	Business address; City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
Complete ONLY if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held
Date	Business name	
Amount (\$)	Business address; City; State; Zip Code	
PURPOSE OF EXPENDITURE	Category (See Categories listed at the top of this schedule)	Description
	Check if travel outside of Texas. Complete Schedule T. Check if Austin, TX, officeholder living expense	
Complete ONLY if direct expenditure to benefit C/OH	Candidate / Officeholder name	Office sought Office held

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

SCHEDULE I

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

The Instruction Guide explains how to complete this form.

1 Total pages Schedule I:	2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Date	5 Payee name		
6 Amount (\$)	7 Payee address;	City	State Zip Code
8 PURPOSE OF EXPENDITURE	(a) Category (See instructions for examples of acceptable categories.)	(b) Description (See instructions regarding type of information required.)	
Date	Payee name		
Amount (\$)	Payee address;	City	State Zip Code
PURPOSE OF EXPENDITURE	Category (See instructions for examples of acceptable categories.)	Description (See instructions regarding type of information required.)	
Date	Payee name		
Amount (\$)	Payee address;	City	State Zip Code
PURPOSE OF EXPENDITURE	Category (See instructions for examples of acceptable categories.)	Description (See instructions regarding type of information required.)	
Date	Payee name		
Amount (\$)	Payee address;	City	State Zip Code
PURPOSE OF EXPENDITURE	Category (See instructions for examples of acceptable categories.)	Description (See instructions regarding type of information required.)	

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

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

SCHEDULE K

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

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

ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED

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

SCHEDULE T

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

The Instruction Guide explains how to complete this form.		1 Total pages Schedule T:
2 FILER NAME		3 Filer ID (Ethics Commission Filers)
4 Name of Contributor / Corporation or Labor Organization / Pledgor / Payee		
5 Contribution / Expenditure reported on: <div style="display: flex; justify-content: space-between; padding: 5px 0;"><div>Schedule A2</div><div>Schedule B</div><div>Schedule B(J)</div><div>Schedule C2</div><div>Schedule D</div><div>Schedule F1</div></div> <div style="display: flex; justify-content: space-between; padding: 5px 0;"><div>Schedule F2</div><div>Schedule F4</div><div>Schedule G</div><div>Schedule H</div><div>Schedule COH-UC</div><div>Schedule B-SS</div></div>		
6 Dates of travel	7 Name of person(s) traveling	
	8 Departure city or name of departure location	
	9 Destination city or name of destination location	
10 Means of transportation	11 Purpose of travel (including name of conference, seminar, or other event)	
Name of Contributor / Corporation or Labor Organization / Pledgor / Payee		
Contribution / Expenditure reported on: <div style="display: flex; justify-content: space-between; padding: 5px 0;"><div>Schedule A2</div><div>Schedule B</div><div>Schedule B(J)</div><div>Schedule C2</div><div>Schedule D</div><div>Schedule F1</div></div> <div style="display: flex; justify-content: space-between; padding: 5px 0;"><div>Schedule F2</div><div>Schedule F4</div><div>Schedule G</div><div>Schedule H</div><div>Schedule COH-UC</div><div>Schedule B-SS</div></div>		
Dates of travel	Name of person(s) traveling	
	Departure city or name of departure location	
	Destination city or name of destination location	
Means of transportation	Purpose of travel (including name of conference, seminar, or other event)	
Name of Contributor / Corporation or Labor Organization / Pledgor / Payee		
Contribution / Expenditure reported on: <div style="display: flex; justify-content: space-between; padding: 5px 0;"><div>Schedule A2</div><div>Schedule B</div><div>Schedule B(J)</div><div>Schedule C2</div><div>Schedule D</div><div>Schedule F1</div></div> <div style="display: flex; justify-content: space-between; padding: 5px 0;"><div>Schedule F2</div><div>Schedule F4</div><div>Schedule G</div><div>Schedule H</div><div>Schedule COH-UC</div><div>Schedule B-SS</div></div>		
Dates of travel	Name of person(s) traveling	
	Departure city or name of departure location	
	Destination city or name of destination location	
Means of transportation	Purpose of travel (including name of conference, seminar, or other event)	
ATTACH ADDITIONAL COPIES OF THIS SCHEDULE AS NEEDED		

CANDIDATE / OFFICEHOLDER REPORT: DESIGNATION OF FINAL REPORT

FORM C/OH - FR

The Instruction Guide explains how to complete this form.

•• Complete only if "Report Type" on page 1 is marked "Final Report" ••

1 C/OH NAME

2 Filer ID (Ethics Commission Filers)

3 SIGNATURE

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

Signature of Candidate / Officeholder

4 FILER WHO IS NOT AN OFFICEHOLDER

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

A. CAMPAIGN FUNDS

Check only one:

I do not have unexpended contributions or unexpended interest or income earned from political contributions.

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

B. ASSETS

Check only one:

I do not retain assets purchased with political contributions or interest or other income from political contributions.

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

Signature of Candidate

5 OFFICEHOLDER

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

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

Signature of Officeholder

TEXAS ETHICS COMMISSION

CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT

FORM C/OH – INSTRUCTION GUIDE

(PAPER FILERS ONLY)

To Report Activity Occurring on or after January 1, 2022



Revised January 1, 2022

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

www.ethics.state.tx.us

(512) 463-5800 • TDD (800) 735-2989

Promoting Public Confidence in Government

FORM C/OH – INSTRUCTION GUIDE

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These instructions are for the CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT (Form C/OH) and all schedules that are filed with it. FORM C/OH includes a three-page cover sheet and Schedules A1, A2, B, E, F1, F2, F3, F4, G, H, I, K, and T. Candidates or officeholders filing a Final Report should also attach Form C/OH-FR. All filers must submit the cover sheet, but only the schedules on which there is information to report need to be included.

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GENERAL INSTRUCTIONS

These general instructions apply to all C/OH forms required to be filed under title 15, Texas Election Code, for activity that occurs on or after January 1, 2022. For a report that includes activity occurring before January 1, 2022, you must use the instructions applicable before calendar year 2022, which are available on the Texas Ethics Commission's website at <https://www.ethics.state.tx.us/forms/coh/cohfrm.php>.

IMPORTANT UPDATES

Increased Disclosure Thresholds

On January 1, 2020, the Texas Ethics Commission began adjusting certain reporting thresholds to account for inflation. As directed by section 571.064 of the Texas Election Code, the Commission is required to annually adjust these thresholds upward to the nearest multiple of \$10 in accordance with the percentage increase for the previous year in the Consumer Price Index for Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor. Accordingly, one or more thresholds will generally be adjusted each year, depending upon the figures in the index.

These changes will be made effective January 1st of each calendar year; the affected numbers and corresponding new thresholds are located in 1 T.A.C. §18.31, which can be found here: <https://www.ethics.state.tx.us/rules/>. The higher itemization thresholds will be reflected on the paper forms and in these instructions, as applicable.

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

Contributions Made Electronically Must Be Itemized

Beginning on September 1, 2019, all political contributions that are made electronically and accepted by a filer during the reporting period must be itemized in the filer's campaign finance report. This change is made by House Bill 2586, adopted by the 86th Texas Legislature.

ELECTRONIC FILING

All persons filing campaign finance reports with the Texas Ethics Commission (Commission) are required to file those reports electronically unless the person is eligible to claim an exemption. Please check the Commission's website at <https://www.ethics.state.tx.us> for information about exemptions from the electronic filing requirement.

FILLING OUT THE FORMS

All reports filed on paper must be either handwritten in ink or typewritten. If you complete the report by hand, please print everything other than your signature.

If you are filing with the Commission, and you are eligible to claim an exemption to electronic filing, ***you may use your own computer-generated form*** if it provides for disclosure of all the information required on the Commission's form and it is *substantially identical* in paper size, color, layout, and format. A substitute form that is substantially identical to the Commission's prescribed form must be submitted for pre-approval by the Commission's executive director.

Always file the cover sheet of the campaign finance report form. You need to file only those schedules on which you have information to report.

You must keep an exact copy of each report filed and all records necessary to complete the report for at least two (2) years after the deadline for filing the report.

If you have questions, please call our office at (512) 463-5800.

TEXAS ETHICS COMMISSION GUIDES

The Commission publishes a Campaign Finance Guide for each type of filer. These guides are designed to explain your responsibilities as a filer. The Commission encourages you to read the appropriate guide before you begin accepting political contributions or making or authorizing political expenditures.

PHOTOCOPIES OF FORMS

You may use photocopies of Commission forms. For example, if the space provided on Schedule A1 is insufficient, you may make copies of a blank Schedule A1 form and attach more pages as needed.

FILING DATE

For most reporting deadlines, a document is considered timely filed if it is properly addressed with postage or handling charges prepaid and bears a postmark or receipt mark of a common or contract carrier indicating a time on or before the deadline.

Pre-Election Reports: A report due 30 days before an election and a report due 8 days before an election must be *received* by the appropriate filing authority no later than the report due date.

If you are filing with the Commission, please address your reports and correspondence to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070. For hand-deliveries, the Commission's street address is 201 East 14th Street, Sam Houston Building, 10th Floor, Austin, Texas 78701.

If the due date for a report falls on a Saturday, Sunday, or legal holiday, the report is due on the next regular business day.

FORM C/OH: CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT

These instructions are for the CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT (Form C/OH). A complete report includes the Form C/OH cover sheet, and any of the following schedules on which there is information to report: A1, A2, B, E, F1, F2, F3, F4, G, H, I, K, and T. A complete Final Report must also include Form C/OH-FR.

Note: Judicial candidates and officeholders must use a different form, Form JC/OH.

GENERAL INFORMATION

Use Form C/OH for filing the following reports:

- Semiannual reports (January 15 and July 15)
- Pre-election reports (30th day before election, 8th day before election)
- Runoff report (8th day before runoff election)
- Exceeded Modified Reporting Limit report
- 15th day after officeholder campaign treasurer appointment
- Final Report

See the instructions for sections 9 and 10 of the Cover Sheet for help in deciding which reports you are required to file.

OFFICEHOLDER ACTIVITY

An officeholder may make officeholder expenditures and accept officeholder contributions without having a campaign treasurer appointment on file. However, an officeholder must have a campaign treasurer appointment on file before the officeholder may make campaign expenditures or accept campaign contributions.

DUTIES OF CANDIDATE OR OFFICEHOLDER

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

DUTIES OF CAMPAIGN TREASURER

State law does not impose any reporting or record-keeping obligations on a candidate's campaign treasurer.

WHERE TO FILE

This form is filed with the same filing authority with which you were required to file your Campaign Treasurer Appointment (Form CTA). If you are an officeholder who does not have a campaign treasurer appointment on file, file your reports with the same authority with which a candidate for your office must file the campaign treasurer appointment.

FILING A FINAL REPORT

For filing purposes, you are a “candidate” as long as you have an appointment of campaign treasurer on file. If you do not expect to accept any further campaign contributions or to make any further campaign expenditures, you may file a Final Report of contributions and expenditures. A Final Report terminates your appointment of campaign treasurer and relieves you of the obligation of filing further reports *as a candidate*. If you are an officeholder at the time of filing a Final Report, you may be required to file semiannual reports of contributions and expenditures as an officeholder. The only officeholders who are not required to file semiannual reports are officeholders who file locally, who do not have a campaign treasurer appointment on file, *and* who do not exceed \$940 in contributions or expenditures during the reporting period.

If you are not an officeholder at the time of filing a Final Report *and* if you have surplus funds or retain assets purchased with political funds, you will be required to file annual reports of Unexpended Contributions. (*See instructions for Form C/OH-UC.*)

To file a Final Report, you must complete the “C/OH CAMPAIGN FINANCE REPORT” (Form C/OH), check the “final” box in section 9 on the Cover Sheet, and complete and attach the “C/OH REPORT: DESIGNATION OF FINAL REPORT” (Form C/OH- FR).

COMPLETING THE COVER SHEET

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

PAGE 1

1. **FILER ID:** If you are filing with the Commission, you were assigned a filer identification number when you filed your initial campaign treasurer appointment. You should have received a letter acknowledging receipt of the form and informing you of your Filer ID. Enter this number wherever you see “FILER ID.” If you do not file with the Commission, you are not required to enter a Filer ID.
2. **TOTAL PAGES FILED:** After you have completed the form, count the total number of pages of this form and any attached schedules. Enter that number where indicated on the top line of page 1 only. Each side of a two-sided form counts as one page.
3. **CANDIDATE/OFFICEHOLDER NAME:** Enter your full name, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.
4. **CANDIDATE/OFFICEHOLDER MAILING ADDRESS:** Enter your complete mailing address. If your mailing address has changed since you last gave notice of your address, check the “Change of Address” box.
5. **CANDIDATE/OFFICEHOLDER PHONE:** Enter your phone number including the area code, and your extension, if applicable.

Sections 6 - 8 pertain to a candidate’s campaign treasurer. If you are an officeholder who does not have a campaign treasurer appointment on file, skip these sections.

6. **CAMPAIGN TREASURER NAME:** Enter the full name of your campaign treasurer, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.
7. **CAMPAIGN TREASURER ADDRESS:** Enter the complete address of your campaign treasurer.
8. **CAMPAIGN TREASURER PHONE:** Enter the phone number of your campaign treasurer including the area code, and the extension, if applicable.
9. **REPORT TYPE:** Check the box that describes the type of report you are filing, according to the descriptions below. See the instructions for section 10 for the periods covered by each type of report.

January 15 Report: All candidates and most officeholders must file a semiannual report by January 15. The only officeholders who are not required to file this report are officeholders who file locally, who do not have a campaign treasurer appointment on file, **and** who do not exceed \$940 in contributions or expenditures during the reporting period.

All candidates and officeholders who file with the Commission must file this report by midnight Central Time on the January 15 report due date. All candidates and officeholders who file locally must file this report by 5 p.m. on the January 15 report due date.

Note: Anyone who has a campaign treasurer appointment (Form CTA) on file must file semiannual reports, even after an election has ended and even if the filer lost the election. To end this semiannual filing requirement, the filer must cease campaign activity and file a Final Report. (See “Final Report” below for more information.)

July 15 Report: All candidates and most officeholders must file a semiannual report by July 15. The only officeholders who are not required to file this report are officeholders who file locally, who do not have a campaign treasurer appointment on file, *and* who do not exceed \$940 in contributions or expenditures during the reporting period.

See “January 15 Report” above for more information on filing requirements and deadlines for semiannual reports.

30th Day Before Election Report: Opposed candidates in an election who did not choose the modified reporting schedule must file this pre-election report. If an opposed candidate chose modified reporting, but then exceeded a threshold before the 30th day before the election, the candidate must file this report.

The report is due no later than 30 days before the election. For all candidates and officeholders who file with the Commission, this report must be received by the Commission no later than midnight Central Time on the report due date. For all candidates and officeholders who file locally, this report must be received by the filing authority no later than 5 p.m. on the report due date.

You are an “opposed” candidate if you have an opponent, including a minor party candidate, whose name is printed on the ballot. If your only opposition is a write-in candidate, you are not considered opposed for filing purposes. If you are a write-in candidate, you are an “opposed” candidate subject to the reporting requirements if you accept political contributions or make political expenditures. Candidates who are unopposed in an election are not required to file pre-election reports for that election.

8th Day Before Election Report: Opposed candidates in an election who did not choose the modified reporting schedule must file this pre-election report. If an opposed candidate chose modified reporting but then exceeded a threshold before the 8th day before the election, the candidate must file this report.

The report is due no later than 8 days before the election. For all candidates and officeholders who file with the Commission, this report must be received by the Commission no later than midnight Central Time on the report due date. For all candidates and officeholders who file locally, this report must be received by the filing authority no later than 5 p.m. on the report due date.

See “30th Day Before Election Report” above for the definition of an opposed candidate.

Runoff Report: Opposed candidates who are participating in a runoff election and who did not choose the modified reporting schedule must file this runoff report. The report is due no later than 8 days before the runoff election. For all candidates and officeholders who file with Commission, this report must be received by the Commission no later than midnight Central Time on the report due date. For all candidates and officeholders who file

locally, this report must be received by the filing authority no later than 5 p.m. on the report due date.

See “30th Day Before Election Report” above for the definition of an opposed candidate.

Exceeded Modified Reporting Limit Report: Candidates who chose to file under the modified reporting schedule but then, after the 30th day before the election, exceeded \$940 in contributions or \$940 in expenditures in connection with the election must file this Exceeded Modified Reporting Limit report within 48 hours after exceeding the \$940 limit. The candidate must meet this deadline even if it falls on a weekend or a holiday.

15th Day After Campaign Treasurer Appointment Report (Officeholders Only): An officeholder must file this report if he or she appoints a campaign treasurer after a period of not having a campaign treasurer appointment (Form CTA) on file. For all officeholders who file with Commission, this report is due no later than midnight Central Time on the 15th day after an officeholder files Form CTA with the Commission. For all officeholders who file locally, this report is due no later than 5 p.m. on the 15th day after an officeholder files Form CTA with the filing authority. It is not required of officeholders who are merely changing their campaign treasurer. It is not required of an officeholder who files locally if the officeholder did not exceed \$940 in either contributions or expenditures during the period covered by the report. Candidates who are not officeholders do not file this report.

Final Report: A person who has a campaign treasurer appointment on file may file this report when he or she does not expect to accept any further campaign contributions or make or authorize any further campaign expenditures. There is not a fixed deadline for this report. This report must have a completed “C/OH REPORT: DESIGNATION OF FINAL REPORT” (Form C/OH-FR) attached.

A candidate must have a CTA on file to accept campaign contributions or make campaign expenditures, including contributions intended to offset campaign debts or expenditures made to pay campaign debts. A candidate who intends to continue campaign activity should not file a Final Report.

A Final Report terminates a candidate’s CTA and relieves the candidate from any additional filing obligations as a candidate. Officeholders who file a Final Report will still be subject to the filing requirements applicable to officeholders. A person who is not an officeholder but who has surplus political funds or assets after filing a Final Report will be required to file annual Unexpended Contribution reports. (See “Form C/OH-FR: Designation of Final Report” for more information.) A candidate or officeholder who does not have a CTA on file may still be required to file a personal financial statement (PFS).

Filing a Final Report does not relieve a candidate of responsibility for any delinquent reports or outstanding civil penalties.

Daily Pre-Election Report of Contributions: A candidate or officeholder who files with the Commission may be required to file daily pre-election reports disclosing contributions during the period beginning the 9th day before an election and ending at 12 noon on the day before the election. This information can be disclosed on Form C/OH-T. For more information, please see the instructions for Form C/OH-T.

Legislative Special Session Report: A candidate or officeholder who files with the Commission and who accepts a political contribution during the period beginning on the date the governor signs the proclamation calling a special legislative session and continuing through the date of final adjournment is required to file a report after a special session of the legislature. This information can be disclosed on Form C/OH-SS. For more information, please see the instructions for Form C/OH-SS.

10. PERIOD COVERED: A reporting period includes the start date and the end date. The *due date* for filing will generally be *after* the end of the period. Generally, a report picks up where the last report left off, and there should be no gaps or overlapping periods. The exceptions are Daily Pre-election reports, which do create overlaps because you are required to report the activity twice.

First Reports: If this is the first report of contributions and expenditures that you have filed, the beginning date will depend on the date your campaign treasurer appointment (Form CTA) was filed or the date you took office.

- If you are a candidate (a person who has filed a Form CTA) and you are filing your first report, the start date will be the date your Form CTA was filed.
- If you are an officeholder who was appointed to an elective office and who did not have a Form CTA on file at the time of the appointment, the start date for your first report will be the date you took office.

January 15th Semiannual Report: The start date is July 1 of the previous year or the day after the last day covered by your last required report, whichever is later. If this is the first report you have filed, please see the “First Reports” section above. The end date is December 31 of the previous year.

July 15th Semiannual Report: The start date is January 1 or the day after the last day covered by your last required report, whichever is later. If this is the first report you have filed, please see the “First Reports” section above. The end date is June 30.

30th Day Before Election Report: The start date is the day after the last day covered by your last required report. If this is the first report you have filed, please see the “First Reports” section above. The end date is the 40th day before the election. This report is not required for unopposed candidates or candidates who are filing under the modified reporting schedule.

8th Day Before Election Report: The start date is the 39th day before the election if you filed a 30th Day Before Election Report. If you did not file the 30th Day Before Election Report, the day after the last day covered by your last required report is the start date. If this is the first report you have filed, please see the “First Reports” section above. The end date is the 10th day before the election. This report is not required for unopposed candidates or candidates who are filing under the modified reporting schedule.

Runoff Report: The start date is the 9th day before the main election if you filed an 8th Day Before Election Report. Otherwise, the start date is the day after the last day covered by your last required report or the day you appointed a campaign treasurer,

whichever is later. The end date is the 10th day before the runoff election. This report is not required for candidates who are filing under the modified reporting schedule.

Exceeded Modified Reporting Limit Report: The start date for the report is either the day you appointed your campaign treasurer or the day after the last day covered by your last required report, whichever is later. The end date is the day you exceeded the \$940 limit for contributions or expenditures.

15th Day After Campaign Treasurer Appointment Report (Officeholders Only): The start date is either the day after the last day covered by your last required report or the day you began serving an appointment to elective office. The end date is the day before the campaign treasurer appointment was filed. This report is due no later than 15 days after the campaign treasurer appointment was filed.

Final Report: The start date is the day after the last day covered by your last required report. The end date is the day the final report is filed.

If you are an officeholder without a campaign treasurer appointment on file, or if you have a campaign treasurer appointment on file but you are not a candidate in an upcoming election and were not a candidate in a recent election, you may skip Section 11.

11. ELECTION: If you are a candidate in an upcoming election or were a candidate in a recently held election, provide the following information concerning the upcoming or recent election.

Election Date: Enter the month, day, and year of the election for which this report is filed, if known.

Candidate in an Upcoming Election: If the political activity in the report primarily pertains to an upcoming election, provide the date of the upcoming election in which you intend to participate as a candidate that most immediately follows the deadline for this report.

Candidate in a Recently Held Election: If the political activity in this report primarily pertains to a recently held election, provide the date of the recently held election in which you participated as a candidate that most immediately precedes the deadline for this report.

Election Type: Check the box next to the type of election that most accurately describes the election for which this report is filed.

Primary: An election held by a political party to select its nominees for office.

Runoff: An election held if no candidate for a particular office receives the vote necessary to be elected in an election requiring a majority vote.

General: An election, other than a primary election, that regularly occurs at fixed dates.

Special: An election that is neither a general election nor a primary election nor a runoff election.

Other: If none of the listed election types apply, check “Other” and provide your own description of the election for which the report is filed.

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

13. OFFICE SOUGHT: If you are a candidate in an upcoming election, please enter the office you seek. If you were a candidate in a recently held election, but were unsuccessful or are not currently an officeholder, please enter the office you sought during the election that most immediately precedes the deadline for this report. Include the district, precinct, or other designation for the office, if applicable.

14. NOTICE FROM POLITICAL COMMITTEE(S): Complete this section if you received notice from a political committee that it accepted political contributions or made political expenditures on your behalf. You are required to disclose the receipt of such a notice in the report covering the period in which you receive the notice. If you have not received such notice, you may skip this section.

The political committee is required to include in the notice the full name and address of the committee, the full name and address of the committee’s campaign treasurer, and a statement indicating whether the committee is a general-purpose committee or a specific-purpose committee. If the notice also describes the expenditure, do not include the description in this section.

“Additional Pages” box: If you received notice from more than one committee, check this box and attach an additional page listing the names and addresses of the other committees and of their campaign treasurers.

Committee Type:

“General” box: Check this box if the notice is from a general-purpose committee.

“Specific” box: Check this box if the notice is from a specific-purpose committee.

Committee Name: Enter the full name of the committee as reported in the notice.

Committee Address: Enter the address of the committee as reported in the notice.

Committee Campaign Treasurer Name: Enter the name of the committee’s campaign treasurer as reported in the notice.

Committee Campaign Treasurer Address: Enter the address of the committee’s campaign treasurer as reported in the notice.

PAGE 2

15. C/OH (CANDIDATE/OFFICEHOLDER) NAME: Enter your full name.

16. FILER ID: See instructions for section 1.

17. TOTALS: Complete this section only after you have completed all applicable schedules.

Line 1- Total Unitemized Political Contributions: Enter the total of all unitemized contributions (other than pledges, loans, guarantees of loans, or contributions made electronically) of \$90 or less. Do not include any contributions itemized on Schedules A1 or A2 or any contribution made electronically. Enter a “0” if you did not receive any unitemized contributions during the period covered.

On Schedules A1 and A2, you are required to itemize political contributions that totaled more than \$90 from one person and any political contribution that is made electronically. You also may itemize contributions of \$90 or less from one person. Do not include any itemized contributions in the total entered on line 1, regardless of amount.

Line 2- Total Political Contributions: Add the total contributions listed on Schedules A1 and A2 to the amount you entered on line 1. Enter that total on line 2. Enter a “0” if you did not receive any contributions during the period covered.

Line 3- Total Unitemized Political Expenditures: Enter the total of all unitemized political expenditures of \$190 or less. Do not include any expenditures itemized on Schedules F1, F2, F3, F4, G, or H. Enter a “0” if you did not make any unitemized expenditures during the period covered.

On Schedule F1, you were required to itemize political expenditures that totaled more than \$190 to one payee. You also had the option of itemizing expenditures totaling \$190 or less to one payee. Do not include any expenditures itemized on Schedule F1 in the total entered on line 3, regardless of amount.

On Schedule F2, you were required to itemize incurred but not yet paid political expenditures that totaled more than \$190 to one payee. You also had the option of itemizing incurred political expenditures totaling \$190 or less to one payee. Do not include any political or non-political expenditures itemized on Schedule F2 in the total entered on line 3, regardless of amount.

On Schedule F4, you were required to itemize political expenditures made by a credit card that totaled more than \$190 to one payee. You also had the option of itemizing political expenditures totaling \$190 or less to one payee. Do not include any political or non-political expenditures itemized on Schedule F4 in the total entered on line 3, regardless of amount.

On Schedule G, you were required to itemize political expenditures from personal funds if you intend to seek reimbursement from political contributions. Do not include any expenditures itemized on Schedule G in the total entered on line 3, regardless of amount.

On Schedule H, you were required to itemize payments from political contributions made to certain businesses. Do not include any expenditures itemized on Schedule H in the total entered on line 3, regardless of amount.

Line 4- Total Political Expenditures: Add the following:

- (a) the total expenditures itemized on Schedule F1;
- (b) the total political expenditures itemized on Schedule F2;
- (c) the total political expenditures itemized on Schedule F4;
- (d) the total political expenditures itemized on Schedule G;
- (e) the total political expenditures itemized on Schedule H; and
- (f) the amount you entered on line 3.

Enter that total on line 4.

Enter a “0” if you did not make any expenditures during the period covered.

Line 5- Total Political Contributions Maintained: Enter the total amount of political contributions, including interest or other income on those contributions, maintained as of the last day of the reporting period. Enter “0” if you do not maintain political contributions, including interest or other income on those contributions, as of the last day of the reporting period. This is different from the total contributions reported on line 2. Only contributions accepted during the period covered by the report are entered on line 2.

The law requires you to disclose the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period.

The “total amount of political contributions maintained” includes the total amount of political contributions maintained in one or more accounts, including the balance on deposit in banks, savings and loan institutions and other depository institutions; the present value of any investments that can be readily converted to cash, such as certificates of deposit, money market accounts, stocks, bonds, treasury bills, etc.; and the balance of political contributions accepted and held in any online fundraising account over which the filer can exercise control by making a withdrawal, expenditure, or transfer.

The total amount of political contributions maintained does *not* include personal funds that the filer intends to use for political expenditures, *unless* the personal funds have been disclosed as a loan to your campaign and deposited into an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. Any unexpended funds from such a loan are required to be included in the total amount of political contributions maintained as of the last day of the reporting period.

Note: Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.

Line 6- Total Principal Amount of All Outstanding Loans: Enter the aggregate outstanding principal amount of all loans accepted for campaign or officeholder purposes as of the last day of the reporting period. Enter a “0” if you did not accept any loans during the period covered and have no outstanding loans as of the last day of the reporting period. This is different from the information reported on Schedule E. This line must include outstanding principal of loans made in this reporting period as well as outstanding principal of loans made previously.

18. SIGNATURE: Complete this section only after you have completed all applicable sections and schedules. You must always sign a report that you file. You must complete this section even if you have no schedules to attach. *Only the candidate or officeholder filing the report may sign the report.*

If you are using the paper form, fill this section out by hand after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says “Signature of Candidate/Officeholder (Declarant)” (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say “Signature of Candidate/Officeholder (Declarant)” (an electronic signature is not acceptable), and fill out the unsworn declaration section.

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19. C/OH (CANDIDATE/OFFICEHOLDER) NAME: Enter your full name.

20. FILER ID: See instructions for section 1.

21. SCHEDULE SUBTOTALS: Complete this section only after you have completed all applicable schedules.

Check the appropriate boxes to indicate which schedules are attached to your report. If a schedule is not included in the report, leave the check box blank.

Line 1- Schedule A1: Add the total amount of contributions itemized on Schedule A1 to the amount of unitemized monetary political contributions accepted during the period covered. Enter that total on line 1. Enter a “0” if you did not accept any contributions during the period covered.

Line 2- Schedule A2: Add the total amount of non-monetary in-kind contributions itemized on Schedule A2 to the amount of unitemized non-monetary in-kind contributions accepted during the period covered. Enter that total on line 2. Enter a “0” if you did not accept any non-monetary in-kind contributions during the period covered.

Line 3- Schedule B: Add the total amount of pledged contributions itemized on Schedule B to the amount of unitemized pledged contributions accepted during the

period covered. Enter that total on line 3. Enter a “0” if you did not accept any pledged contributions during the period covered.

Line 4- Schedule E: Add the total amount of loans itemized on Schedule E to the amount of unitemized loans accepted during the period covered. Enter that total on line 4. Enter a “0” if you did not accept any loans during the period covered.

Line 5- Schedule F1: Add the total amount of political expenditures from political contributions itemized on Schedule F1 to the amount of unitemized political expenditures from political contributions made during the period covered. Enter that total on line 5. Enter a “0” if you did not make any political expenditures from political contributions during the period covered.

Line 6- Schedule F2: Add the total amount of unpaid incurred obligations itemized on Schedule F2 to the amount of unitemized unpaid obligations incurred during the period covered. Enter that total on line 6. Enter a “0” if you did not incur any unpaid obligations during the period covered.

Line 7- Schedule F3: Enter the total amount of investments purchased from political contributions itemized on Schedule F3. Enter a “0” if you did not purchase any investments from political contributions during the period covered.

Line 8- Schedule F4: Add the total amount of expenditures made by a credit card itemized on Schedule F4 to the amount of unitemized expenditures made by a credit card during the period covered. Enter that total on line 8. Enter a “0” if you did not make any expenditures by credit card during the period covered.

Line 9- Schedule G: Add the total amount of political expenditures from personal funds itemized on Schedule G to the amount of unitemized political expenditures from personal funds made during the period covered. Enter that total on line 9. Enter a “0” if you did not make any political expenditures from personal funds during the period covered.

Line 10- Schedule H: Enter the total amount of payments from political contributions to a business of the candidate or officeholder itemized on Schedule H. Enter a “0” if you did not make any payments from political contributions to a business of the candidate or officeholder during the period covered.

Line 11- Schedule I: Enter the total amount of non-political expenditures from political contributions itemized on Schedule I. Enter a “0” if you did not make any non-political expenditures from political contributions during the period covered.

Line 12- Schedule K: Enter the total amount of interests, credits, gains, refunds, and contributions returned to the filer itemized on Schedule K. Enter a “0” if you did not have any such activity during the period covered.

SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS

These instructions are for candidates and officeholders using SCHEDULE A1: MONETARY POLITICAL CONTRIBUTIONS.

Use this schedule to disclose information about monetary campaign and officeholder contributions accepted during the reporting period. Do not enter on this schedule information on non-monetary, in-kind contributions, pledges, loans, or guarantees of loans. Once you actually receive pledged money, it must be reported on Schedule A1. (Report non-monetary, in-kind contributions on Schedule A2; report pledges on Schedule B; report loans and guarantees of loans on Schedule E.)

Itemization: You must enter incoming monetary contributions that exceed \$90 from one person, and any monetary contribution made electronically, during a reporting period on this schedule. If you accepted two or more contributions from the same person, the total of which exceeds \$90, enter each contribution separately. Although you are not required to do so, you may also report contributions from one person that do not exceed \$90 in the period on this schedule. If you do not itemize contributions of \$90 and less on this schedule, you must total all such contributions and report them on the Cover Sheet, page 2, section 17, line 1.

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

- 1. TOTAL PAGES SCHEDULE A1:** After you have completed Schedule A1, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date you *accepted* the contribution. Accepting a contribution is different from receiving a contribution. You accept a contribution when you decide to accept it rather than reject it. This may or may not be the same day that you receive the contribution.
- 5. FULL NAME OF CONTRIBUTOR:** Enter the full name of the contributor. If the contributor is an individual, enter the full first and last name, and suffix (Jr., III, etc.) if applicable. If the contributor is an entity, enter the full name of the entity.

“Out-of-State PAC” box: If the contributor is an out-of-state political committee, check the box. Certain restrictions apply to contributions from out-of-state PACS. The fact that a political committee has a mailing address outside of Texas does not mean that the committee is an out-of-state PAC for purposes of these restrictions. A political committee that has a campaign treasurer appointment on file in Texas is not an out-of-state PAC. A political committee that makes most of its political expenditures outside of Texas may be an out-of-state PAC. A political committee must determine if it is an out-of-state PAC.

If the contributor is an out-of-state political committee from which you accepted more than \$940 in the reporting period (including pledges or loans from sources other than financial institutions that have been in business for more than a year), you must include one of the following with your report:

- a written statement, certified by an officer of the out-of-state political committee, listing the full name and address of each person who contributed more than \$190 to the out-of-state political committee during the 12 months immediately preceding the contribution; *or*
- a copy of the out-of-state political committee's statement of organization filed as required by law with the FEC and certified by an officer of the out-of-state committee.

If the contributor is an out-of-state political committee from which you accepted \$940 or less (including pledges) during the reporting period, you must include one of the following with your report:

- a copy of the out-of-state political committee's statement of organization filed as required by law with the FEC and certified by an officer of the out-of-state committee; *or*
- a document listing the committee's name, address and phone number; the name of the person appointing the committee's campaign treasurer; and the name, address and phone number of the committee's campaign treasurer.

"ID #" Line (Electronic Filing Only): If you are filing your report electronically, you may enter in this field the out-of-state committee's Federal Election Commission (FEC) identification number. If you do not have an FEC # for the out-of-state PAC or are not filing electronically with the Commission, you must provide other documentation as explained above.

6. CONTRIBUTOR ADDRESS: Enter the complete address of the contributor.

7. AMOUNT OF CONTRIBUTION: Enter the amount of the contribution.

8. PRINCIPAL OCCUPATION OR JOB TITLE: Candidates for and holders of statewide offices in the executive branch and candidates for and holders of legislative offices must disclose the principal occupation or job title of an individual from whom the candidate or officeholder has accepted contributions (including pledges) of \$940 or more during the reporting period. In other circumstances, filers are not required to report this information but may do so.

9. EMPLOYER: Candidates for and holders of statewide offices in the executive branch and candidates for and holders of legislative offices must disclose the employer of an individual from whom the candidate or officeholder has accepted contributions (including pledges) of \$940 or more during the reporting period. In other circumstances, filers are not required to report this information but may do so.

SCHEDULE A2: NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS

These instructions are for candidates and officeholders using SCHEDULE A2: NON-MONETARY (IN-KIND) POLITICAL CONTRIBUTIONS.

Use this schedule to disclose information about non-monetary, in-kind campaign and officeholder contributions received during the reporting period. An in-kind contribution is a contribution of goods, services, or any other thing of value ***other than money*** that is given to your campaign. You are not required to include contributions of an individual's personal services or travel if the individual receives no compensation from any source for the services. Do not enter on this schedule information on monetary political contributions, pledges, loans, or guarantees of loans. Once you actually receive a pledged in-kind contribution, it must be reported on Schedule A2. (Report monetary contributions on Schedule A1; report pledges on Schedule B; report loans and guarantees of loans on Schedule E.)

Itemization: You must enter non-monetary (in-kind) contributions of goods, services, or other things of value that exceed \$90 from one person, and any non-monetary contribution made electronically, during a reporting period on this schedule. If you accepted two or more non-monetary contributions from the same person, the total of which exceeds \$90, enter each contribution separately. Although you are not required to do so, you may also report contributions from one person that do not exceed \$90 in the period on this schedule. If you do not itemize contributions of \$90 and less on this schedule, you must total all such contributions and report them on the Cover Sheet, page 2, section 17, line 1.

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

- 1. TOTAL PAGES SCHEDULE A2:** After you have completed Schedule A2, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. TOTAL OF UNITEMIZED IN-KIND POLITICAL CONTRIBUTIONS:** Enter the total amount of in-kind political contributions of \$90 or less that you accepted during the period covered that are not itemized on this schedule. If you choose to itemize an in-kind contribution of \$90 or less on this schedule, do not include it in this total. All contributions made electronically must be itemized.
- 5. DATE:** See instructions for Schedule A1, section 4.
- 6. FULL NAME OF CONTRIBUTOR:** See instructions for Schedule A1, section 5.
“Out-of-State PAC” box: See instructions for Schedule A1, section 5.
- 7. CONTRIBUTOR ADDRESS:** Enter the complete address of the contributor.
- 8. AMOUNT OF CONTRIBUTION:** Enter the fair market value of the in-kind contribution.

- 9. IN-KIND CONTRIBUTION DESCRIPTION:** Enter a description of the contribution. The description should be sufficiently detailed to allow a person reviewing your report to understand what was contributed.

“Travel Outside of Texas” box: If the contribution was for travel outside of Texas, please check the box and *report this information on Schedule T*.

- 10. PRINCIPAL OCCUPATION OR JOB TITLE:** See instructions for Schedule A1, section 8.

- 11. EMPLOYER:** See instructions for Schedule A1, section 9.

Sections 12-16 pertain to judicial candidates and officeholders only. Do not complete these sections. If you are a judicial candidate or officeholder, please use form JC/OH and the corresponding instructions.

SCHEDULE B: PLEDGED CONTRIBUTIONS

These instructions are for candidates and officeholders using SCHEDULE B: PLEDGED CONTRIBUTIONS.

Use this schedule to disclose information about pledges accepted during the reporting period for campaign or officeholder purposes. You are not required to include pledges of an individual's personal services or travel if the individual receives no compensation from any source for the services. Do not enter on this schedule information on contributions actually received, loans, or guarantees of loans. (Report contributions actually received on Schedule A1 or Schedule A2, as applicable; report loans and guarantees of loans on Schedule E.)

If you accept a pledge from a person to give you money, goods, services, or anything of value, that pledge is a reportable contribution and you must include the pledge on this schedule for the report covering the period in which you accept the pledge.

Itemization: You must itemize pledges that exceed \$90 in the aggregate from one person during the reporting period. If you received pledges totaling more than \$90 from one person during the reporting period, you must itemize all of those pledges, even if individual pledges were for \$90 or less. Although you are not required to do so, you may also itemize pledges for \$90 or less from one person. You must also disclose the receipt of the pledged contribution on Schedule A1 (used for monetary contributions) or A2 (used for non-monetary contributions), as applicable, in the reporting period in which you actually receive the pledged money or thing of value. If the pledge is accepted and received in the same reporting period, it is not required to be reported on Schedule B.

Note: See the Campaign Finance Guide for more information on pledges.

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

- 1. TOTAL PAGES SCHEDULE B:** After you have completed Schedule B, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. TOTAL OF UNITEMIZED PLEDGES:** Enter the total amount of pledges that you accepted during the period that did not exceed \$90 in the aggregate per person. Although you are not required to do so, you may also itemize pledges of \$90 or less on this schedule. If you itemize some pledges of \$90 or less, do not include those pledges in the total entered here. If you choose to itemize all pledges of \$90 or less, do not enter a total amount here.
- 5. DATE:** Enter the date you *accepted* the pledge. Accepting a pledge is different from receiving a contribution. You accept a pledge when you decide to accept it rather than reject it.

Pledge accepted and received in different reporting periods: If you accept a pledge in one reporting period and then receive the pledged money or other thing of value in a later reporting period, you will disclose the pledge on this schedule in

the reporting period in which you accepted the pledge. You will also disclose the receipt of the pledged money or other thing of value on the appropriate incoming funds schedule (report monetary contributions on Schedule A1; report in-kind contributions on Schedule A2; report loans on Schedule E) in the reporting period in which you received the pledge.

Pledge received in same reporting period as accepted: If you receive a pledge in the same reporting period in which it was accepted, then you will not report the pledge on this schedule. You will only disclose the contribution on the appropriate incoming funds schedule (report monetary contributions on Schedule A1; report in-kind contributions on Schedule A2; report loans on Schedule E). The date of the contribution will be the date you accepted the pledged contribution, regardless of when the pledged contribution was actually received.

Pledge accepted but never received: You will disclose the pledge on this schedule in the reporting period in which you accepted the pledge. If you never actually receive the pledge, it is not necessary to correct your report to delete the pledge.

Example: In June a supporter promises that he will give Juan Garcia \$1,000 in the last week before the November election. Juan accepts his promise. Juan must disclose the pledge on his July 15 report covering the period in which he accepted the pledge. (Note: When he receives the \$1,000, he will disclose it as a monetary contribution on Schedule A1 of the report covering the period in which he received the money. Also, if he never receives the \$1,000, he does not correct/amend his report to delete the entry for the pledge.)

6. FULL NAME OF PLEDGOR: Enter the full name of the person who made the pledge.

“Out-of-State PAC” box: See instructions for Schedule A1, section 5.

7. PLEDGOR ADDRESS: Enter the complete address of the person who made the pledge.

8. AMOUNT OF PLEDGE: Enter the amount of the pledge or the fair market value of any pledged goods or services or other thing of value, as applicable.

9. IN-KIND DESCRIPTION: If the pledge was for goods or services or any other thing of value, enter a description of the pledged goods or services or other thing of value. The description should be sufficiently detailed to allow a person reviewing your report to understand what was pledged.

“Travel Outside of Texas” box: If the pledged contribution was an in-kind contribution for travel outside of Texas, please check the box and *report this information on Schedule T.*

10. PRINCIPAL OCCUPATION OR JOB TITLE: See instructions for Schedule A1, section 8.

11. EMPLOYER: See instructions for Schedule A1, section 9.

You do not need Schedules C1-4 and D. These schedules are for political committees to report contributions from corporations and labor organizations. Candidates and officeholders are generally prohibited from accepting such contributions.

SCHEDULE E: LOANS

These instructions are for candidates and officeholders using SCHEDULE E: LOANS.

Use this schedule to disclose information about loans and guarantees of loans accepted during the reporting period for campaign or officeholder purposes. This schedule must also be used to disclose deposits of personal funds into an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. This schedule may also be used to disclose political expenditures from personal funds.

Loans to Your Campaign from Your Personal Funds: You may disclose political expenditures from personal funds as a loan to your campaign on Schedule E. Outgoing political expenditures made from that loan must then be disclosed as if they were made from political contributions. The amount you disclose as a loan from yourself in a reporting period may NOT exceed the amount you actually spent from personal funds in that reporting period. In other words, do not report a \$100,000 loan to your campaign if the amount actually spent from your personal funds in the reporting period was \$5,000. When you reimburse yourself, disclose the reimbursement as an outgoing political expenditure on Schedule F1. The reimbursement may not exceed the amount disclosed as a loan. (You may also disclose political expenditures from personal funds on Schedule G. See the Schedule G instructions below for more information.)

Personal Funds Deposited into a Political Account: If you deposit personal funds in an account in which political contributions are held, you must disclose the deposited amount as a loan on Schedule E and check the box indicating "Personal Funds Deposited into Political Account." Personal funds deposited in an account in which political contributions are held are subject to the personal use restriction. Disclose the outgoing political expenditures made from that loan as if they were made from political contributions. When you reimburse yourself, disclose the reimbursement as an outgoing political expenditure on Schedule F1. The reimbursement may not exceed the amount disclosed as a loan.

Itemization: You must itemize loans (including loans from personal funds) that exceed \$90 that you accepted during the period from one person. If you accepted two or more loans from the same person, the total of which exceeds \$90, itemize each loan separately. You must also itemize loans that are made electronically by a person other than a financial institution. Although you are not required to do so, you may also itemize any other loans that do not exceed \$90.

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

- 1. TOTAL PAGES SCHEDULE E:** After you have completed Schedule E, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.

- 4. TOTAL OF UNITEMIZED LOANS:** Enter the total amount of loans accepted during the reporting period that did not exceed \$90 in the aggregate per person and were not from financial institutions, unless the loans were made electronically.

Although you are not required to do so, you may itemize loans of \$90 or less from persons other than financial institutions on this schedule. If you itemize some loans of \$90 or less, do not include those loans in the total you enter here. If you choose to itemize all loans of \$90 or less, enter a “0” here.

- 5. DATE OF LOAN:** Enter the date you *accepted* the loan.
- 6. IS LENDER A FINANCIAL INSTITUTION?:** If you accepted the loan from a corporation that has been legally engaged in the business of making loans for more than one year, circle “Y” for yes. If you accepted the loan from any other source, circle “N” for no. A loan from a corporation that has not been legally engaged in the business of making loans for more than one year is a corporate contribution. Candidates and officeholders may not accept corporate contributions.
- 7. NAME OF LENDER:** Enter the full name of the person or financial institution that made the loan. If the lender is an individual, enter the full first and last name and suffix (Jr., III, etc.) if applicable. If the lender is an entity, enter the full name of the entity.

“Out-of-State PAC” box: See instructions for Schedule A1, section 5.

Note: See the Campaign Finance Guide for detailed information on accepting and reporting contributions from out-of-state political committees.

- 8. LENDER ADDRESS:** Enter the complete address of the person or financial institution that made the loan.
- 9. LOAN AMOUNT:** Enter the principal amount of the loan.
- 10. INTEREST RATE:** Enter the interest rate.
- 11. MATURITY DATE:** Enter the maturity date.
- 12. PRINCIPAL OCCUPATION OR JOB TITLE:** Candidates for and holders of statewide offices in the executive branch and candidates for and holders of legislative offices must disclose the principal occupation or job title of each individual from whom the candidate or officeholder has accepted a loan (including a pledge of a loan) of \$940 or more during the reporting period. Other types of filers are not required to report this information but may do so.
- 13. EMPLOYER:** Candidates for and holders of statewide offices in the executive branch and candidates for and holders of legislative offices must disclose the full name of the employer of an individual from whom the candidate or officeholder has accepted a loan (including a pledge of a loan) of \$940 or more during the reporting period. Other types of filers are not required to report this information but may do so.

- 14. DESCRIPTION OF COLLATERAL:** If there is no collateral for the loan, check the “none” box and go to section 15. If there is collateral for the loan, enter a description of the collateral for the loan.
- 15. “Check if personal funds were deposited into political account” box:** Check this box *only if* the loan is a deposit of your personal funds into an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. Political expenditures made from that loan, and any subsequent expenditures to reimburse the candidate or officeholder, must be reported as if they were made from political contributions. The reimbursement may not exceed the amount reported as a loan. Personal funds deposited in an account in which political contributions are held are subject to the personal use restrictions.
- 16. GUARANTOR INFORMATION:** If there are no guarantors for the loan, check the “Not Applicable” box and go to the next loan. If you have no further loans to report, go to the next applicable schedule.
- A person who guarantees all or part of a loan makes a reportable contribution in the amount of the guarantee. You must report such a contribution on this schedule, and not on the contributions schedule.
- 17. NAME OF GUARANTOR:** Enter the full name of the person guaranteeing the loan. If the guarantor is an individual, enter the full first and last name and suffix (Jr., III, etc.) if applicable. If the guarantor is an entity, enter the full name of the entity.
- 18. GUARANTOR ADDRESS:** Enter the complete address of the guarantor.
- 19. AMOUNT GUARANTEED:** Enter the dollar amount of the loan that the guarantor has agreed to guarantee.
- 20. PRINCIPAL OCCUPATION:** Enter the principal occupation of the guarantor.
- 21. EMPLOYER:** Enter the employer of the guarantor.

SCHEDULE F1: POLITICAL EXPENDITURES FROM POLITICAL CONTRIBUTIONS

These instructions are for candidates and officeholders using SCHEDULE F1: POLITICAL EXPENDITURES FROM POLITICAL CONTRIBUTIONS.

Use this schedule to disclose information about political expenditures from political contributions that were made during the reporting period. Do not enter on this schedule unpaid incurred obligations, political expenditures made from personal funds, the purchase of investments from political contributions, expenditures made by credit card, or payments from political contributions made to a business that you own or control. (Report unpaid incurred obligations on Schedule F2; report expenditures from personal funds on Schedule G; report the purchase of investments from political contributions on Schedule F3; report expenditures made by credit card on Schedule F4; and report payments from political contributions made to a business that you own or control on Schedule H.)

Expenditures Made by Credit Card: You must disclose expenditures charged to a credit card on Schedule F4 and *not* on this schedule. When you pay the credit card bill, you must disclose the payment to the credit card company on Schedule F1 (used for political payments from political contributions), Schedule G (used for political payments from personal funds), Schedule H (used for payments from political contributions made to a business that you own or control), or Schedule I (used for nonpolitical payments from political contributions), as applicable. See instructions for Schedule F4: [Expenditures Made by Credit Card](#) for more information.

See the *Campaign Finance Guide for Candidates and Officeholders* for important restrictions regarding the use of political funds to rent or purchase real property.

Itemization: You must enter expenditures paid to one individual or entity during a reporting period that in the aggregate exceed \$190 on this schedule. If you made more than one expenditure to the same payee, the total of which exceeded \$190, enter each expenditure separately. Although you are not required to do so, you may also report expenditures to one person that do not exceed \$190 in the period on this schedule. If you choose not to itemize expenditures of \$190 and less on this schedule, you must total all unitemized expenditures and report them on the Cover Sheet, page 2, section 17, line 3.

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

- 1. TOTAL PAGES SCHEDULE F1:** After you have completed Schedule F1, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date the expenditure payment was made. Remember: Expenditure obligations you incurred in this reporting period *but have not yet paid* are entered on Schedule F2. Expenditures made by credit card are entered on Schedule F4.
- 5. PAYEE NAME:** Enter the full name of the person to whom the expenditure was made.

Note: If you make an expenditure for goods or services to benefit another candidate, officeholder, or committee, enter the name of the vendor who sold you the goods or services. Do not enter the name of the person for whose benefit you made the expenditure. Include that information under section 8, “Purpose of Expenditure.”

- 6. AMOUNT:** Enter the exact amount of the expenditure.
- 7. PAYEE ADDRESS:** Enter the complete address of the person to whom the expenditure was made.
- 8. PURPOSE OF EXPENDITURE:** You must disclose the purpose of the expenditure in two parts: Category and Description. Merely disclosing the category of goods, services, or other thing of value for which the expenditure is made does not adequately describe the purpose of an expenditure.

- (a) Category:** Select a category of goods, services, or other thing of value for which an expenditure is made. If none of the listed categories apply, select “Other” and enter your own category. Examples of acceptable categories include:

Advertising Expense

Accounting/Banking

Consulting Expense

Contributions/Donations Made By Candidate/Officeholder/Political Committee

Credit Card Payment

Event Expense

Fees

Food/Beverage Expense

Gifts/Awards/Memorials Expense

Legal Services

Loan Repayment/Reimbursement

Office Overhead/Rental Expense

Polling Expense

Printing Expense

Salaries/Wages/Contract Labor

Solicitation/Fundraising Expense

Transportation Equipment and Related Expense

Travel In District

Travel Out Of District

Other

(b) Description: Enter a brief statement or description of the candidate or officeholder activity that is conducted by making the expenditure. The brief statement or description must include the item or service purchased and must be sufficiently specific, when considered within the context of the description of the category, to make the reason for the expenditure clear. Merely disclosing the category of goods, services, or other thing of value for which the expenditure is made does not adequately describe the purpose of an expenditure.

For examples of acceptable ways to disclose the purpose of an expenditure, please see the "Examples: Purpose of Expenditures" on page 46.

“Check if travel outside of Texas” box: Check this box if the expenditure is for travel outside of Texas. The description of a political expenditure for travel outside of the state of Texas must include detailed information. Please report this information on Schedule T.

“Check if Austin, TX, officeholder living expense” box: Check this box if the expenditure is an officeholder expense for living in Austin, Texas.

- 9. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:**
If you made a direct campaign expenditure to benefit another candidate or officeholder, enter the full name of the candidate or officeholder and the name of the office sought or held, including the district, precinct, or other designation of the office, as applicable. (Attach additional sheets to list multiple candidates.) Do not complete this section if the expenditure was not a direct campaign expenditure.

A “direct campaign expenditure” to benefit another candidate is not a “political contribution” to that other candidate. A direct campaign expenditure is a campaign expenditure that you make on someone else’s behalf and without the prior consent or approval of that person. This is in contrast to a political contribution, which the person has the opportunity to accept or reject.

Example: If you made expenditures to prepare and distribute an endorsement letter in support of a candidate after first asking for and getting the candidate’s approval, you made an *in-kind contribution*. However, if you did not get the candidate’s approval *before* you made the expenditure, you made a *direct campaign expenditure*.

SCHEDULE F2: UNPAID INCURRED OBLIGATIONS

These instructions are for candidates and officeholders using SCHEDULE F2: UNPAID INCURRED OBLIGATIONS.

Use this schedule to disclose information about obligations to make an expenditure that you incurred during the reporting period but have not yet paid. Do not enter on this schedule obligations that were incurred and paid during the reporting period, or other outgoing funds. (Report obligations incurred and paid during the reporting period on Schedule F1, F3, G, H, or I as appropriate, and report expenditures made by credit card on Schedule F4.)

See the *Campaign Finance Guide for Candidates and Officeholders* for important restrictions regarding the use of political funds to rent or purchase real property.

Itemization: Itemization requirements differ depending on whether the unpaid incurred obligation is for a political or non-political expenditure.

Unpaid Incurred Political Obligations: You must enter political obligations incurred but not yet paid to one individual or entity during a reporting period that in the aggregate exceed \$190 on this schedule. If you incurred more than one obligation to the same payee, the total of which exceeded \$190, enter each expenditure separately. Although you are not required to do so, you may also report political obligations incurred to one person that do not exceed \$190 in the period on this schedule. If you choose not to itemize incurred political obligations of \$190 and less on this schedule, you must total all unitemized obligations and report them in section 4 of this Schedule. You must also include that amount in the total unitemized political expenditures of \$190 or less on C/OH Cover Sheet, page 2, section 17, line 3.

Unpaid Incurred Non-Political Obligations: You must enter non-political obligations incurred but not yet paid to one individual or entity during a reporting period on this schedule, regardless of the amount.

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

- 1. TOTAL PAGES SCHEDULE F2:** After you have completed Schedule F2, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. TOTAL OF UNITEMIZED UNPAID INCURRED OBLIGATIONS:** Enter the total amount of political obligations incurred during the reporting period that do not exceed \$190 in the aggregate per person, unless itemized on this schedule. You are not required to itemize unpaid incurred political obligations of \$190 or less, but if you choose to do so, do not include those unpaid incurred obligations in the total you enter here.
- 5. DATE:** Enter the date the obligation was incurred. Obligations you incurred *and* paid during the reporting period are not entered on this schedule.

6. PAYEE NAME: See instructions for Schedule F1, section 5.

Note: If you incurred an obligation for goods or services to benefit another candidate, officeholder, or committee, enter the name of the vendor of the goods or services. Do not enter the name of the person for whose benefit you incurred the obligation. Include that information under section 10, “Purpose of Expenditure.”

7. AMOUNT: Enter the exact amount of the incurred obligation.

8. PAYEE ADDRESS: Enter the complete address of the person to whom the obligation is owed.

9. TYPE OF EXPENDITURE: Check only one box to indicate whether the incurred obligation was political or non-political.

A non-political expenditure is an expenditure that is neither a campaign expenditure nor an officeholder expenditure. As a practical matter, *very few* expenditures made from political contributions are non-political expenditures. For instance, expenditures for administrative expenses, banking fees, and professional dues are typically political expenditures.

10. PURPOSE OF EXPENDITURE: See instructions for Schedule F1, section 8.

11. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:
See instructions for Schedule F1, section 9.

SCHEDULE F3: PURCHASE OF INVESTMENTS FROM POLITICAL CONTRIBUTIONS

These instructions are for candidates and officeholders using SCHEDULE F3: PURCHASE OF INVESTMENTS FROM POLITICAL CONTRIBUTIONS.

Use this schedule to disclose information about investments purchased from political contributions during the reporting period. Do not enter on this schedule political expenditures from political contributions, unpaid incurred obligations, expenditures made by credit card, political expenditures made from personal funds, or payments from political contributions made to a business that you own or control. (Report political expenditures from political contributions on Schedule F1; report unpaid incurred obligations on Schedule F2; report expenditures made by credit card on Schedule F4; report expenditures from personal funds on Schedule G; and report payments from political contributions made to a business that you own or control on Schedule H.)

See the *Campaign Finance Guide for Candidates and Officeholders* for important restrictions regarding the use of political funds to rent or purchase real property.

Itemization: You must enter investments purchased with political contributions during a reporting period that in the aggregate exceed \$120 on this schedule. Although you are not required to do so, you may also report investments purchased with political contributions that do not exceed \$120 in the period on this schedule.

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

- 1. TOTAL PAGES SCHEDULE F3:** After you have completed Schedule F3, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date you purchased the investment.
- 5. NAME OF PERSON FROM WHOM INVESTMENT IS PURCHASED:** Enter the full name of the person or entity from whom you purchased the investment. If you purchased the investment from an individual, enter the full first and last name, and suffix (Jr., III, etc.) if applicable (title is optional). If you purchased the investment from an entity, enter the full name of the entity.
- 6. ADDRESS OF PERSON FROM WHOM INVESTMENT IS PURCHASED:** Enter the complete address of the person or entity from whom you purchased the investment.
- 7. DESCRIPTION OF INVESTMENT:** Enter a brief statement or description of the investment. For example, “Ten shares of stock in ABC company.”
- 8. AMOUNT OF INVESTMENT:** Enter the amount of the investment purchased.

SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD

These instructions are for candidates and officeholders using SCHEDULE F4: EXPENDITURES MADE BY CREDIT CARD.

Use this schedule to disclose information about expenditures made by a credit card. You must disclose expenditures charged to a credit card on this schedule and identify the individual, entity, or vendor who receives payment from the credit card company. When you pay the credit card bill, you must disclose the payment to the credit card company on Schedule F1 (used for political payments from political contributions), Schedule G (used for political payments from personal funds), Schedule H (used for payments from political contributions made to a business that you own or control), or Schedule I (used for nonpolitical payments from political contributions), as applicable.

Do not enter on this schedule political expenditures from political contributions, unpaid incurred obligations, political expenditures made from personal funds, or payments from political contributions made to a business that you own or control. (Report political expenditures from political contributions on Schedule F1; report unpaid incurred obligations on Schedule F2; report the purchase of investments from political contributions on Schedule F3; report expenditures from personal funds on Schedule G; and report payments from political contributions made to a business that you own or control on Schedule H.)

For examples regarding the disclosure of expenditures made by credit card, please see “Examples: Reporting Expenditures Made by Credit Card” on page 43.

Itemization: Itemization requirements differ depending on whether the expenditure made by a credit card is for a political or non-political expenditure.

Political Expenditures Made by Credit Card: You must itemize political expenditures made by credit card that exceed \$190 (in the aggregate) to a single payee. If you made two or more expenditures to the same payee, the total of which exceeded \$190, enter each expenditure made by credit card separately. Although you are not required to do so, you may also report political expenditures made by credit card that do not exceed \$190 in the reporting period on this schedule. If you choose not to itemize political expenditures made by credit card of \$190 and less on this schedule, you must total all unitemized political expenditures and report them in section 4 of this Schedule. You must also include that amount in the total unitemized political expenditures of \$190 or less on C/OH Cover Sheet, page 2, section 17, line 3.

Non-Political Expenditures Made by Credit Card: You must itemize any non-political expenditure made by credit card, regardless of the amount.

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

- 1. TOTAL PAGES SCHEDULE F4:** After you have completed Schedule F4, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.

3. FILER ID: See instructions for Cover Sheet, page 1, section 1.

4. TOTAL OF UNITEMIZED EXPENDITURES CHARGED TO A CREDIT CARD:

Enter the total amount of political expenditures charged to a credit card during the reporting period that do not exceed \$190 in the aggregate per person, unless itemized on this schedule. You are not required to itemize political expenditures made by credit card of \$190 or less, but if you choose to do so, do not include those political expenditures made by credit card in the total you enter here.

5. DATE: Enter the date you made the expenditure by credit card.

Note: There is a special reporting rule for expenditures made by credit card. For reports due 30 days and 8 days before an election (pre-election reports) and for runoff reports, the date of the credit card expenditure is the date the credit card is used. For other reports, the date of the credit card expenditure is either the date of the charge or the date the credit card statement is received. *A filer can never go wrong by disclosing the date of the expenditure as the date of the charge.*

6. PAYEE NAME: See instructions for Schedule F1, section 5. Disclose the name of the vendor who sold you the goods or services as the payee, NOT the credit card company. You do not report the name of the credit card company on this schedule.

Note: If you made an expenditure for goods or services to benefit another candidate, officeholder, or committee, enter the name of the vendor of the goods or services. Do not enter the name of the person for whose benefit you made the expenditure. Include that information under section 10, “Purpose of Expenditure.”

7. AMOUNT: Enter the amount of the credit card expenditure.

8. PAYEE ADDRESS: Enter the complete address of the payee of the credit card expenditure.

9. TYPE OF EXPENDITURE: Check only one box to indicate whether the credit card expenditure was political or non-political.

A non-political expenditure is an expenditure that is neither a campaign expenditure nor an officeholder expenditure. As a practical matter, *very few* expenditures made from political contributions are non-political expenditures. For instance, expenditures for administrative expenses, banking fees, and professional dues are typically political expenditures.

10. PURPOSE OF EXPENDITURE: See instructions for Schedule F1, section 8.

Note: Do not choose “Credit Card Payment” as the category for an expenditure made by credit card when an individual, entity, or vendor receives payment from the credit card company. Instead, choose the category that corresponds to the goods, services, or other thing of value purchased from the individual, entity, or vendor.

11. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:

See instructions for Schedule F1, section 9.

SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS

These instructions are for candidates and officeholders using SCHEDULE G: POLITICAL EXPENDITURES MADE FROM PERSONAL FUNDS.

You may use this schedule to disclose information about political expenditures from personal funds that were made during the reporting period. Alternatively, you may choose to disclose political expenditures from personal funds as a loan on Schedule E (see the Schedule E instructions above for more information). Do not enter on this schedule information about personal funds deposited in an account in which political contributions are held as permitted by section 253.0351(c) of the Election Code. (Report the deposit of personal funds into a political account as a loan on Schedule E.)

Expenditures Made by Credit Card: You must disclose expenditures charged to a credit card on Schedule F4 and *not* on this schedule. When you pay the credit card bill, you must disclose the payment to the credit card company on Schedule F1 (used for political payments from political contributions), Schedule G (used for political payments from personal funds), Schedule H (used for payments from political contributions made to a business that you own or control), or Schedule I (used for nonpolitical payments from political contributions), as applicable. See instructions for Schedule F4: Expenditures Made by Credit Card for more information.

If you intend to seek reimbursement *in any amount* from political contributions for a political expenditure made from personal funds, you must either report the expenditure on Schedule E or itemize the expenditure on this schedule and check the box in Section 6 to indicate that you intend to seek reimbursement from political contributions. ***You may not correct a report to allow reimbursement.*** When you reimburse yourself, disclose the reimbursement as an outgoing political expenditure on Schedule F1.

See the Campaign Finance Guide for important restrictions regarding the use of political funds to rent or purchase real property.

Itemization: If you choose to report political expenditures from personal funds on this schedule, you must itemize political expenditures paid to one individual or entity during a reporting period that in the aggregate exceed \$190 on this schedule. If you made more than one expenditure to the same payee, the total of which exceeded \$190, enter each expenditure separately. Although you are not required to do so, you may also report expenditures to one person that do not exceed \$190 in the period on this schedule. You must total all political expenditures from personal funds that you do not itemize on this schedule and include them in the total of unitemized political expenditures on the C/OH Cover Sheet, page 2, section 17, line 3.

Officeholder expenditures from personal funds for which you do not intend to seek reimbursement are not required to be reported on this schedule or included in the total of unitemized political expenditures.

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

1 TOTAL PAGES SCHEDULE G: After you have completed Schedule G, count the total number of pages. Each side of a two-sided form counts as one page.

2. **FILER NAME:** Enter your full name.
3. **FILER ID:** See instructions for Cover Sheet, page 1, section 1.
4. **DATE:** Enter the date the expenditure was made.
5. **PAYEE NAME:** See instructions for Schedule F1, section 7.
6. **AMOUNT:** Enter the exact amount of the expenditure.

 “Reimbursement from Political Contributions Intended” box: Check this box if you intend to reimburse yourself for the expenditure. (In order to be reimbursed from political contributions in any amount for an expenditure made out of personal funds, you must itemize the expenditure on this schedule and check this box or you must report the expenditure as a loan to yourself on Schedule E.)
7. **PAYEE ADDRESS:** Enter the complete address of the person to whom the expenditure was made.
8. **PURPOSE OF EXPENDITURE:** See instructions for Schedule F1, section 8.
9. **DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:**
 See instructions for Schedule F1, section 9.

SCHEDULE H: PAYMENT FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH

These instructions are for candidates and officeholders using SCHEDULE H: PAYMENT FROM POLITICAL CONTRIBUTIONS TO A BUSINESS OF C/OH.

Use this schedule to disclose information about payments from political contributions that were made to a business in which you have an interest of more than 10%, a position on the governing body, or a position as an officer. Do not enter on this schedule other payments from political contributions made during the reporting period.

See the *Campaign Finance Guide for Candidates and Officeholders* for a discussion on the important restrictions on making and reporting payments from political contributions to a business in which you have an interest.

This schedule is for payments to a business in which you have one or more of the following interests or positions:

- 1) a participating interest of more than 10%;
- 2) a position on the governing body of the business; or
- 3) a position as an officer of the business.

Itemization: You must enter all payments from political contributions made to certain businesses (as defined above) of a candidate or officeholder made during the reporting period on this schedule, regardless of the amount.

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

- 1. TOTAL PAGES SCHEDULE H:** After you have completed Schedule H, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date you made the payment.
- 5. BUSINESS NAME:** Enter the full name of the business to which you made the payment.
- 6. AMOUNT:** Enter the dollar amount of the payment.
- 7. BUSINESS ADDRESS:** Enter the complete address of the business to which you made the payment.
- 8. PURPOSE OF EXPENDITURE:** See instructions for Schedule F1, section 8.
- 9. DIRECT CAMPAIGN EXPENDITURE TO BENEFIT CANDIDATE/OFFICEHOLDER:** See instructions for Schedule F1, section 9.

SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS

These instructions are for candidates and officeholders using SCHEDULE I: NON-POLITICAL EXPENDITURES MADE FROM POLITICAL CONTRIBUTIONS.

Use this schedule to disclose information about non-political expenditures from political contributions made during the reporting period. Do not enter political expenditures on this schedule. Also, do not enter non-political expenditure obligations you incurred in this reporting period but have not yet paid or non-political expenditures made by credit card. (Report unpaid incurred obligations on Schedule F2; report expenditures made by a credit card on Schedule F4.)

Expenditures Made by Credit Card: You must disclose non-political expenditures charged to a credit card on Schedule F4 and *not* on this schedule. When you pay the credit card bill, you must disclose the payment to the credit card company on Schedule F1 (used for political payments from political contributions), Schedule G (used for political payments from personal funds), Schedule H (used for payments from political contributions made to a business that you own or control), or Schedule I (used for nonpolitical payments from political contributions), as applicable. See instructions for Schedule F4: Expenditures Made by Credit Card for more information.

Itemization: You must enter all non-political expenditures from political contributions on this schedule, regardless of the amount. A non-political expenditure is an expenditure that is neither a campaign expenditure nor an officeholder expenditure. As a practical matter, *very few* expenditures made from political contributions are non-political expenditures. For instance, expenditures for administrative expenses, banking fees, and professional dues are typically political expenditures. You may not convert political contributions to personal use.

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

- 1. TOTAL PAGES SCHEDULE I:** After you have completed Schedule I, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date the expenditure payment was made.
- 5. PAYEE NAME:** See instructions for Schedule F1, section 5.
- 6. AMOUNT:** Enter the exact amount of the expenditure payment.
- 7. PAYEE ADDRESS:** Enter the complete address of the person to whom the expenditure was made.
- 8. PURPOSE OF EXPENDITURE:** See instructions for Schedule F1, section 8.

SCHEDULE K: INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER

These instructions are for candidates and officeholders using SCHEDULE K: INTEREST, CREDITS, GAINS, REFUNDS, AND CONTRIBUTIONS RETURNED TO FILER.

Use this schedule to report information regarding any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting from the use of a political contribution or an asset purchased with a political contribution, any proceeds of the sale of an asset purchased with a political contribution, the amount of which exceeds \$120, and any other gain from a political contribution received during the reporting period.

Itemization: You must enter interest, credits, gains, refunds and returned contributions received during a reporting period that in the aggregate exceed \$120 on this schedule. Although you are not required to do so, you may also report any credit/gain/refund, or interest that does not exceed \$120 in the period on this schedule.

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

- 1. TOTAL PAGES SCHEDULE K:** After you have completed Schedule K, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter your full name.
- 3. FILER ID:** See instructions for Cover Sheet, page 1, section 1.
- 4. DATE:** Enter the date the credit/gain/refund was received or the interest was earned, as applicable.
- 5. NAME OF PERSON FROM WHOM AMOUNT IS RECEIVED:** Enter the full name of the person or business from whom the credit/gain/refund/returned contribution or interest was received.
- 6. ADDRESS OF PERSON FROM WHOM AMOUNT IS RECEIVED:** Enter the complete address of the person or business from whom the credit/gain/refund/returned contribution or interest was received.
- 7. PURPOSE FOR WHICH AMOUNT IS RECEIVED:** Enter a brief statement or description of the purpose for which the amount was received (for example, “phone service deposit return” “returned contribution” or “interest on savings account”).

 “Check if political contribution returned to filer” box: If the incoming credit/gain was originally made by you in the form of a political contribution to another candidate or political committee and was returned to you in this reporting period, check this box.
- 8. AMOUNT:** Enter the exact dollar amount of the credit/gain/refund/returned contribution, or interest.

SCHEDULE T: IN-KIND CONTRIBUTIONS OR POLITICAL EXPENDITURES FOR TRAVEL OUTSIDE OF TEXAS

These instructions are for candidates and officeholders using SCHEDULE T: IN-KIND CONTRIBUTIONS OR POLITICAL EXPENDITURES FOR TRAVEL OUTSIDE OF TEXAS.

Use this schedule to disclose information about contributions accepted or expenditures made during the reporting period. In addition to completing this schedule, you must also report the actual contribution or expenditure on the appropriate schedule or form. The law requires detailed information regarding in-kind contributions or political expenditures for travel outside of the state of Texas.

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

- 1. TOTAL PAGES SCHEDULE T:** After you have completed Schedule T, count the total number of pages. Each side of a two-sided form counts as one page.
- 2. FILER NAME:** Enter the full name of the candidate, committee, or party on whose report you are including this schedule.
- 3. FILER ID:** If you are filing with the Commission, enter your filer account number. If you do not file with the Commission, you are not required to enter a filer account number.
- 4. NAME OF CONTRIBUTOR / CORPORATION OR LABOR ORGANIZATION / PLEDGOR / PAYEE:** Enter the full name of the contributor / corporation or labor organization / pledgor / payee as it appears on the schedule or form on which you reported the actual contribution or expenditure.
- 5. CONTRIBUTION / EXPENDITURE REPORTED ON:** Check the appropriate box for the schedule or form on which you reported the actual contribution or expenditure.
- 6. DATES OF TRAVEL:** Enter the dates on which the travel occurred.
- 7. NAME OF PERSON(S) TRAVELING:** Enter the full name of the person or persons traveling on whose behalf the travel was accepted or on whose behalf the expenditure was made.
- 8. DEPARTURE CITY OR NAME OF DEPARTURE LOCATION:** Enter the name of the departure city or the name of each departure location.
- 9. DESTINATION CITY OR NAME OF DESTINATION LOCATION:** Enter the name of the destination city or the name of each destination location.
- 10. MEANS OF TRANSPORTATION:** Enter the method of travel (e.g., airplane, bus, boat, car, etc.)
- 11. PURPOSE OF TRAVEL:** Enter the campaign or officeholder purpose of the travel, including the name of a conference, seminar, or other event.

FORM C/OH-FR: DESIGNATION OF FINAL REPORT

These instructions are for candidates and officeholders using Form C/OH-FR: C/OH REPORT: DESIGNATION OF FINAL REPORT. A final report must include this form (Form C/OH-FR) and the CAMPAIGN FINANCE REPORT (Form C/OH) with the “Final Report” box checked on page 1, section 9. It must also include Schedules A1, A2, B, E, F1, F2, F3, F4, G, H, I, K, and T, as applicable.

GENERAL INFORMATION

For filing purposes, you are a “candidate” as long as you have an appointment of campaign treasurer on file. If you do not expect to accept any further campaign contributions or to make any further campaign expenditures, you may file a final report of contributions and expenditures. A final report terminates your appointment of campaign treasurer and relieves you of the obligation of filing further reports as a candidate.

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

The effect of filing a final report differs depending on whether you are an officeholder at the time you file a final report.

Officeholders Filing a Final Report: You will not have to worry about surplus political funds and assets until you cease to be an officeholder. You may still be required to file semiannual reports of contributions and expenditures as an officeholder. The only officeholders who are not required to file semiannual reports are local officeholders who do not exceed \$940 in contributions or \$940 in expenditures during the reporting period.

If you cease to be an officeholder at a time when you do not have a campaign treasurer appointment on file, and you retain political contributions, interest or other income from political contributions, or assets purchased with political contributions or interest or other income from political contributions after filing the last required report as an officeholder, you **must** file an annual report of unexpended contributions not earlier than January 1 and not later than January 15 of each year following the year in which you filed the last required report as an officeholder. You may not retain these unexpended funds longer than six years after the date you ceased to be an officeholder. For information about important restrictions regarding the use and reporting of unexpended contributions, see the Campaign Finance Guide.

Non-Officeholders Filing a Final Report: You will no longer be required to file reports **unless** you retain political contributions, interest or other income from political contributions, or assets purchased with political contributions or interest or other income from political contributions. If you retain any of those items, you must file an annual report of unexpended contributions not earlier than January 1 and not later than January 15 of each year after the year in which you filed your final report. You may not retain these unexpended funds longer than six years after the date of filing a final report. For information about important restrictions regarding the use and reporting of unexpended contributions, see the Campaign Finance Guide.

COMPLETING THE FORM

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

1. **C/OH NAME:** Enter your full name.
2. **FILER ID:** If you are filing with the Commission, enter your Filer ID. If you do not file with the Commission, you are not required to enter a Filer ID.
3. **SIGNATURE:** You must sign this section to indicate that you understand the consequences of filing a final report.
4. **FILER WHO IS NOT AN OFFICEHOLDER:** Complete this section if you are not an officeholder at the time of filing your final report. Be sure to check the appropriate box in both sections A and B and sign on the “Signature” line.
5. **OFFICEHOLDER:** Complete this section if you are an officeholder at the time of filing your final report. You must check the box to indicate awareness of further filing requirements.

ADDITIONAL INFORMATION REGARDING EXPENDITURES

EXAMPLES: REPORTING EXPENDITURES MADE BY CREDIT CARD

This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting expenditures made by credit card and payments made to credit card companies.

Example #1: Candidate Using Credit Card to Make Political Expenditures and Using Political Contributions to Pay the Credit Card Bill in the Same Reporting Period

A candidate for office uses her credit card to buy \$1,000 in campaign office supplies from an office store. During the same reporting period, the candidate uses her credit card to buy \$500 in political advertising signs from a sign company. During the same reporting period, the candidate makes a single payment from her political contributions account to pay the \$1,500 credit card bill.

To report that activity, the candidate would report all of the following on a campaign finance report (Form C/OH) covering the period in which she made the credit card charges and sent the payment to the credit card company:

1. For the credit card charges: a \$1,000 expenditure on the “Expenditures Made by Credit Card” Schedule (F4). The schedule identifies the office store as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Office Overhead/Rental Expense,” and a description as “Campaign Office Supplies.” In Section 9 of the schedule, the box for “Political” is also checked. The candidate also reports the \$500 expenditure on the “Expenditures Made by Credit Card” Schedule and identifies the sign company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Advertising Expense,” and a description as “Political Advertising Signs.” In Section 9 of the schedule, the box for “Political” is also checked.
2. For the payment to the credit card company: a \$1,500 expenditure on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Credit Card Payment,” and a description as “Payment of credit card bill for credit card expenditures.”
3. Both \$1,500 amounts reported on each schedule will also be included in the appropriate totals sections of Cover Sheet Pages 2 and 3.

Example #2: Candidate Using Credit Card to Make a Political Expenditure and Using Personal Funds to Pay the Credit Card Bill in the Same Reporting Period

A candidate for *non-judicial* office uses his credit card to purchase \$3,000 in political advertising materials from a print shop. During the same reporting period, the candidate makes a payment from his personal funds account to pay the \$3,000 credit card bill.

To report that activity, the candidate would report all of the following on a campaign finance report (Form C/OH) covering the period in which he made the credit card charge and sent the payment to the credit card company:

1. For the credit card charge: a \$3,000 expenditure on the “Expenditures Made by Credit Card” Schedule (F4). The schedule identifies the print shop as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Advertising Expense,” and a description as “Political Advertising Materials.” In Section 9 of the schedule, the box for “Political” is also checked.
2. For the payment to the credit card company: a \$3,000 expenditure on the “Political Expenditures Made from Personal Funds” Schedule (G). The schedule identifies the credit card company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Credit Card Payment,” and a description as “Payment of credit card bill for political advertising materials.” If the candidate intends to seek reimbursement from political contributions, the candidate may also check the appropriate box in Section 6.
3. Both \$3,000 amounts reported on each schedule will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

Example #3: Political Committee Using Credit Card to Make a Political Expenditure and Using Political Contributions to Pay the Credit Card Bill in Different Reporting Periods

A general-purpose committee uses its credit card to buy \$500 in political advertising in a newspaper. The committee receives the statement from the credit card company but does not send a payment until after the reporting period ends. When the committee sends a payment to the credit card company, it makes a \$500 payment from its political contributions account.

To report the credit card charge, the committee’s campaign treasurer would report all of the following on a campaign finance report (Form GPAC) covering the period in which it made the credit card charge:

1. A \$500 expenditure on the “Expenditures Made by Credit Card” Schedule (F4). The schedule identifies the newspaper as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Advertising Expense,” and a description as “Political Advertising.” In Section 9 of the schedule, the box for “Political” is also checked.
2. The \$500 amount reported on the “Expenditures Made by Credit Card” Schedule (F4) will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

To report the payment to the credit card company, the committee’s campaign treasurer would also report all of the following on a campaign finance report (Form GPAC) covering the period in which it made the payment to the credit card company:

1. A \$500 expenditure on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as

“Credit Card Payment,” and a description as “Payment of credit card bill for political advertising.”

2. The \$500 amount reported on the “Political Expenditures from Political Contributions” Schedule (F1) will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

Example #4: Candidate Using Credit Card to Make a Political Expenditure and Using Political Contributions to Pay the Credit Card Bill in Different Reporting Periods

A candidate for *judicial* office uses her credit card to buy \$500 in political advertising in a newspaper. The candidate receives the statement from the credit card company but does not send a payment until after the reporting period ends. When the candidate sends a payment to the credit card company, she makes a \$500 payment from her political contributions account.

To report the credit card charge, the candidate would report all of the following on a campaign finance report (Form JC/OH) covering the period in which she made the credit card charge:

1. A \$500 expenditure on the “Expenditures Made by Credit Card” Schedule (F4). The schedule identifies the newspaper as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Advertising Expense,” and a description as “Political Advertising.” In Section 9 of the schedule, the box for “Political” is also checked.
2. The \$500 amount reported on the “Expenditures Made by Credit Card” Schedule (F4) will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

To report the payment to the credit card company, the candidate would also report all of the following on a campaign finance report (Form JC/OH) covering the period in which the payment to the credit card company was made:

1. A \$500 expenditure on the “Political Expenditures from Political Contributions” Schedule (F1). The schedule identifies the credit card company as the payee of the expenditure and includes the address, date, amount, a category of the expenditure as “Credit Card Payment,” and a description as “Payment of credit card bill for political advertising.”
2. The \$500 amount reported on the “Political Expenditures from Political Contributions” Schedule (F1) will also be included in the appropriate sections of Cover Sheet Pages 2 and 3.

EXAMPLES: PURPOSE OF EXPENDITURES

This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting the purpose of an expenditure. However, it is not, and is not intended to be, an exhaustive or an exclusive list of how a filer may permissibly report the purpose of an expenditure.

(1) Example: Candidate X is seeking the office of State Representative, District 2000. She purchases an airline ticket from ABC Airlines to attend a campaign rally within District 2000. The acceptable category for this expenditure is “travel in district.” The candidate activity that is accomplished by making the expenditure is to attend a campaign rally. An acceptable brief statement is “airline ticket to attend campaign event.”

(2) Example: Candidate X purchases an airline ticket to attend a campaign event outside of District 2000 but within Texas, the acceptable category is “travel out of district.” The candidate activity that is accomplished by making the expenditure is to attend a campaign event. An acceptable brief statement is “airline ticket to attend campaign or officeholder event.”

(3) Example: Candidate X purchases an airline ticket to attend an officeholder related seminar outside of Texas. The acceptable method for the purpose of this expenditure is by selecting the “travel out of district” category and completing the “Schedule T” (used to report travel outside of Texas).

(4) Example: Candidate X contracts with an individual to do various campaign related tasks such as work on a campaign phone bank, sign distribution, and staffing the office. The acceptable category is “salaries/wages/contract labor.” The candidate activity that is accomplished by making the expenditure is to compensate an individual working on the campaign. An acceptable brief statement is “contract labor for campaign services.”

(5) Example: Officeholder X is seeking re-election and makes an expenditure to purchase a vehicle to use for campaign purposes and permissible officeholder purposes. The acceptable category is “transportation equipment and related expenses” and an acceptable brief description is “purchase of campaign/officeholder vehicle.”

(6) Example: Candidate X makes an expenditure to repair a flat tire on a campaign vehicle purchased with political funds. The acceptable category is “transportation equipment and related expenses” and an acceptable brief description is “campaign vehicle repairs.”

(7) Example: Officeholder X purchases flowers for a constituent. The acceptable category is “gifts/awards/memorials expense” and an acceptable brief description is “flowers for constituent.”

(8) Example: Political Committee XYZ makes a political contribution to Candidate X. The acceptable category is “contributions/donations made by candidate/officeholder/political committee” and an acceptable brief description is “campaign contribution.”

(9) Example: Candidate X makes an expenditure for a filing fee to get his name on the ballot. The acceptable category is “fees” and an acceptable brief description is “candidate filing fee.”

(10) Example: Officeholder X makes an expenditure to attend a seminar related to performing a duty or engaging in an activity in connection with the office. The acceptable category is “fees” and an acceptable brief description is “attend officeholder seminar.”

(11) Example: Candidate X makes an expenditure for political advertising to be broadcast by radio. The acceptable category is “advertising expense” and an acceptable brief description is “political advertising.” Similarly, Candidate X makes an expenditure for political advertising to appear in a newspaper. The acceptable category is “advertising expense” and an acceptable brief description is “political advertising.”

(12) Example: Officeholder X makes expenditures for printing and postage to mail a letter to all of her constituents, thanking them for their participation during the legislative session. Acceptable categories are “advertising expense” OR “printing expense” and an acceptable brief description is “letter to constituents.”

(13) Example: Officeholder X makes an expenditure to pay the campaign office electric bill. The acceptable category is “office overhead/rental expense” and an acceptable brief description is “campaign office electric bill.”

(14) Example: Officeholder X makes an expenditure to purchase paper, postage, and other supplies for the campaign office. The acceptable category is “office overhead/rental expense” and an acceptable brief description is “campaign office supplies.”

(15) Example: Officeholder X makes an expenditure to pay the campaign office monthly rent. The acceptable category is “office overhead/rental expense” and an acceptable brief description is “campaign office rent.”

(16) Example: Candidate X hires a consultant for fundraising services. The acceptable category is “consulting expense” and an acceptable brief description is “campaign services.”

(17) Example: Candidate/Officeholder X pays his attorney for legal fees related to either campaign matters or officeholder matters. The acceptable category is “legal services” and an acceptable brief description is “legal fees for campaign” or “for officeholder matters.”

(18) Example: Candidate/Officeholder X makes food and beverage expenditures for a meeting with her constituents. The acceptable category is “food/beverage expense” and an acceptable brief statement is “meeting with constituents.”

(19) Example: Candidate X makes food and beverage expenditures for a meeting to discuss candidate issues. The acceptable category is “food/beverage expense” and an acceptable brief statement is “meeting to discuss campaign issues.”

(20) Example: Officeholder X makes food and beverage expenditures for a meeting to discuss officeholder issues. The acceptable category is “food/beverage expense” and an acceptable brief statement is “meeting to discuss officeholder issues.”

(21) Example: Candidate/Officeholder X makes food and beverage expenditures for a meeting to discuss campaign and officeholder issues. The acceptable category is “food/beverage expense” and an acceptable brief statement is “meeting to discuss campaign/officeholder issues.”

EXAMPLES: REPORTING EXPENDITURES FROM PERSONAL FUNDS

This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting expenditures from personal funds.

If you intend to seek reimbursement of any amount from political contributions for a political expenditure made from your personal funds, you must report the expenditure in one of three ways. Keep in mind that this reporting system is not an accounting system and duplication of expenditures is not uncommon when reporting transactions related to expenditures made from personal funds.

Method #1: Itemize the expenditure on the “Political Expenditures Made from Personal Funds” schedule (Schedule G) and check the box to indicate that you intend to seek reimbursement from political contributions. You may not correct a report to allow reimbursement without subjecting yourself to a possible penalty. When you reimburse yourself, which could be months or years later, report the reimbursement on the “Political Expenditures” schedule (Schedule F1).

Example: On December 1, 2007, Candidate A spends \$500 of her own personal funds to purchase political advertising signs. She reports the expenditure to the vendor on Schedule G and checks the box to indicate that reimbursement is intended. One year later, Candidate A reimburses herself from political contributions. She reports the reimbursement on Schedule F1. Candidate A is the payee and the purpose of the expenditure is to reimburse herself for a political expenditure made from personal funds on December 1, 2007.

If you intend to seek reimbursement from political contributions for a political expenditure of any amount made from personal funds, you must itemize the expenditure on Schedule G.

Method #2: Report the political expenditures made from your personal funds as a loan to your campaign on the “Loans” schedule (Schedule E). Next, report the political expenditures made from that loan as if they were made from political funds (report on Schedules F1, F2, F3, F4, or H as appropriate). Do NOT report political expenditures made from the loan on Schedule G.

The amount you report as a loan in a reporting period may NOT exceed the amount you actually spent from personal funds in that reporting period. In other words, do not report a \$100,000 loan to your campaign if the amount actually spent from personal funds in the reporting period was \$5,000. When you reimburse yourself, which could be months or years later, report the reimbursement on the Schedule F1.

Example: In one reporting period, Candidate B spends \$5,000 of his own personal funds to purchase political advertising materials. He spends \$3,000 at Business One and \$2,000 at Business Two. He reports the expenditures as a \$5,000 loan on Schedule E and then itemizes each of the two expenditures as a political expenditure on Schedule F1. A year later, Candidate B reimburses himself from political contributions by disclosing the reimbursement on Schedule F1. He reports the reimbursement on Schedule F1. The payee in this instance is Candidate B, the category of the expenditure is “Loan Repayment/Reimbursement,” and “political expenditure made from personal funds reported as a loan” is an acceptable brief description.

Method #3: Deposit personal funds in an account in which your political contributions are maintained and report that amount as a loan on the "Loans" schedule (Schedule E). Next, report the political expenditures made from that loan as if they were made from political funds (report on Schedules F1, F2, F3, or H as appropriate). When you reimburse yourself, which could be months or years later, report the reimbursement on the Schedule F1. The reimbursement may not exceed the amount reported as a loan. Personal funds deposited in an account in which political contributions are held are subject to the personal use restriction.)

Example: In one reporting period, Candidate C opens a campaign bank account and deposits \$5,000 of her own personal funds into the account. She makes one \$3,000 expenditure for political advertising. Candidate C has no other activity in the reporting period. She reports the \$5,000 as a loan on Schedule E, itemizes the \$3,000 expenditure for the political advertising on Schedule F1, and includes the remaining \$2,000 on her contributions maintained at the end of the reporting period total. A year later, Candidate C reimburses herself from political contributions by disclosing the reimbursement on Schedule F1. The payee in this instance is Candidate C, the category of expenditure is "Loan Repayment/Reimbursement," and "political expenditure made from personal funds reported as a loan" is an acceptable brief description.

EXAMPLES: REPORTING STAFF REIMBURSEMENT

This list is for illustrative purposes only. It is intended to provide helpful information and to assist filers in reporting staff reimbursements.

When a staff member makes political payment(s) out of his or her personal funds, how you disclose the payment(s) depends on two things: 1) the aggregate total of those payments in the reporting period; and 2) whether or not you reimburse the staff worker in the same reporting period.

Example #1: The payment out of the staff worker's personal funds does not exceed \$5,000 in the reporting period **and** you reimburse the staff worker from political funds in the same reporting period – You will simply itemize the payment (if over the \$190 itemization threshold) on Schedule F1 as if you made the expenditure directly to the vendor out of your political funds, with the name of the vendor who sold the goods or services as the payee for the expenditure. **Do not** disclose as the payee the name of your staff worker.

Example #2: The payment(s) out of the staff worker's personal funds are over \$5,000 in the aggregate in the reporting period **and** you reimburse the staff worker from political funds in the same reporting period – You will use a 3-step process, disclosing everything on the same report: (1) On Schedule E, disclose the total amount paid from the staff worker's personal funds as a loan from the staff worker to your campaign; (2) On Schedule F1, itemize the payments made by your staff worker separately, with the names of the vendors who sold the goods or services to your staff worker as the payees for the expenditures. **Do not** disclose as the payee the name of your staff worker; and (3) On Schedule F1, disclose the payment to your staff worker for the reimbursement of the loan.

Example #3: The payment(s) out of the staff worker's personal funds do not exceed \$5,000 in the aggregate in the reporting period **but** you reimburse the staff worker from political funds in a different reporting period – You will use a 3-step process, disclosing steps 1 and 2 on the same report and step 3 later, when the reimbursement occurs: (1) On Schedule E, disclose the total amount paid from the staff worker's personal funds as a loan from the staff worker to your campaign; (2) On Schedule F1, itemize the payments made by your staff worker separately, with the names of the vendors who sold the goods or services to your staff worker as the payees for the expenditures. **Do not** disclose as the payee the name of your staff worker; and (3) When you reimburse your staff worker, if ever, disclose on Schedule F1 of the report covering the period in which the reimbursement occurs the payment to your staff worker for the reimbursement of the loan.

ORDINANCE NO. O-2021- 03

AN ORDINANCE AMENDING ORDINANCE O-2014-21 CHAPTER 106, "SIGNS", ARTICLE II, DIVISION 1, OF THE CODE OF ORDINANCE MANUAL REGARDING SIGN DEFINITION; ADOPTION OF CHAPTER 216 OF THE TEXAS LOCAL GOVERNMENT CODE AND HIGHWAY BEAUTIFICATION ACT 23 U.S.C.A. §131; PURPOSE; OBJECTIVES, ENFORCEMENT OF ARTICLE, RIGHT OF ENTRY, RESTRICTIONS, APPEALS, NON-APPLICABILITY TO MUNICIPAL FUNCTIONS AND ACTIVITIES, PENALTIES, INTERPRETATION, INTENT, CONFLICTING PROVISIONS, REPEALING CLAUSE, SEVERABILITY CLAUSE, PUBLICATION AND PROVIDING FOR AN EFFECTIVE DATE

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, THAT:

ARTICLE II. SIGN ORDINANCE

DIVISION 1. GENERALLY

Sec. 106-31. Adoption of Chapter 216 of the Texas Local Government Code and adoption of Highway Beautification Act 23 U.S.C.A §131

From the effective date of this Ordinance as required by law and the Pharr City charter, the city adopts for all purposes intended by law and this Ordinance Chapter 216 of the Texas Local Government Code as well as the federal Highway Beautification Act 23 U.S.C.A §131.

Sec. 106-31(a). Sign Definition

A sign is anything described in accordance with Chapter 216 of the Texas Local Government Code, Highway Beautification Act 23 U.S.C.A §131, and any device, structure, fixture or placard using graphics, symbols and/or any written copy designed to inform or attract the attention of persons for the primary purpose of identifying, providing directions or advertising any establishment, product, goods or services. The following shall be deemed to be excluded from the definition of "sign" as it applies to the regulations in this article:

- (1) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, or names of occupants of premises.
- (2) Flags and insignia of any government, except when displayed in connection with a commercial promotion.
- (3) Public signs of a public or noncommercial nature, which shall include community service information signs, public transit service signs (traffic signs), public utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historical points of interest, and all signs erected by a public officer in the performance of a public duty.
- (4) Integral decorative or architectural features of buildings, except letters,

trademarks, moving parts, or moving lights.

- (5) Signs which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby, court, or entrance of any theatre which are intended solely for information relating to the interior operation of the building in which they are located.
- (6) Memorial plaques or tablets, grave markers, statues and other remembrances of persons or events that is noncommercial in nature.

Sec. 106-32. General definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertising sign means a sign which identifies or promotes any product, commodity, or service.

Agricultural sign means a sign which identifies the farm or ranch on which it is placed and advertising the products, crops, animals or poultry raised or quartered thereon.

Animates sign means a sign with action or motion, flashing color ranges requiring electrical energy, automatic electronically controlled copy changes, electronic or manufactured sources of supply, but not including wind actuated elements such as flags, banners or special items.

Authorized agent means an architect, builder, developer, engineer or other person empowered to act on behalf of other persons.

Beautification corridors mean the areas along Interstate Highway 2 from Veterans Boulevard ("I" Road) to Jackson Road and Interstate Highway 69-C from Interstate Highway 2 to Owassa Road.

Board means the board of adjustment of the city.

Building Frontage means the linear length of a building facing a public way or which contains a public entrance.

City manager means the city manager or his duly authorized representative, (i.e., assistant city manager, director of planning, building inspector).

District means a part, zone, or geographic area within the city within which certain zoning or development regulations apply.

Expressway corridors mean the areas along Interstate Highway 2 from Veterans Boulevard ("I" Road) to Jackson Road and Interstate Highway 69-C from Interstate Highway 2 to Owassa Road.

Extraterritorial jurisdiction (E.T.J) means the area extending one mile beyond the corporate limits of the city.

Gutter flow line means, in lieu of paved curb and gutter, the invisible lines to either side or the paved or used right-of-way of a road at which water will naturally flow parallel on such road.

Home occupation means a commercial use customarily carried on in the home by members of the occupant family without structural alterations to the principal building or any of its rooms; without the installation of machinery or additional equipment other than that customary to normal household operations; without the employment of additional persons; with a non-illuminated sign that is no larger than eighteen (18) inches by twenty-four (24) inches to advertise the occupation, and which does not cause the generation of other than normal noise and pedestrian and vehicular traffic.

Illuminates sign means any sign illuminated in any manner by an artificial light source.

Institutional sign means a sign which identifies a school, church, hospital or similar publicly owned building.

Nonconforming sign means any sign which does not conform to the regulations of this article.

Non-Expressway Corridor means any commercial area of the City other than the identified and approved Expressway Corridor.

Off-premise sign means a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not conducted or a product not offered or sold upon the premises where such sign is located, e.g., billboards, outdoor advertising, or offsite sign.

On-premise sign means a sign which directs the attention of the general public to a lawful use of the premises on which it is located, including signs and sign devices indicating the business transacted, services rendered, or goods sold or produced on the premises, name of the business, and name of the person occupying the premises.

Premises or site means any platted or un-platted tract or any combination of contiguous lots held under single ownership.

Sexually oriented sign means any sign which attracts attention to sexual activities, promotes sex or exposes sexually explicit parts of the body.

Building Code means that code published by the latest edition of the International Building Code, and adopted under chapter 22, article III, of this Code, and being a set of rules and regulations designed to protect the public's life, health and welfare in the built environment.

Sec. 106-33. Purpose

The purpose of this article is to permit such signs that will not, by reason of their size, location, construction, or manner of display, endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a way as to support and complement the land use objectives as set forth in the zoning ordinance.

Sec. 106-34. Objectives

Primary objective: The primary objective of this article is to ensure that since the Rio Grande Valley area is one of the country's foremost winter resorts, and since the city is a part of this area and wishes to attract and service the winter visitors, that what is seen is inviting and appreciated by both visitors and investors. The city has spent considerable funds in a continuing beautification program and is committed to an overall aesthetic improvement. The visual nuisance presented by an unregulated accumulation of signs within the city limits and its extraterritorial jurisdiction is not conducive to this effort

Secondary objective: This article is designed to eliminate potential safety hazards created by outdoor advertising display devices. For these reasons, the regulations set out in this article are deemed to be imperative.

Sec. 106-35. Enforcement of article; right of entry

The city manager, or his designated representative, is hereby authorized and directed to administer and enforce all the provisions of this article, and shall have the right to enter any premises for inspection purposes during reasonable hours and after reasonable notice has been given in order to ensure the enforcement of this article. This article, in conjunction with the latest edition of the International Building Code and regulations of the state department of highways and public transportation, provides the guidelines and regulations for any and all signs constructed, erected, altered, installed, relocated or renovated within the corporate limits of the city and its extraterritorial jurisdiction.

Sec. 106-36. Restrictions generally

- A) No more than one (1) permanent sign shall be permitted per frontage road, except for those lots with double frontage, in which case a maximum of 2 (two) permanent signs will be permitted with at least one sign on each frontage. In the event 2 (two) front yards overlap at a corner, the area of overlap shall be designated as only 1 (one) front yard and only 1 (one) sign may be erected. This does not include exempted signs.
- B) Setbacks shall be measured from the right-of-way (except where otherwise explicitly stated) to the edge of the part of the sign that is nearest the curb. No sign may project over the right-of-way line, except projection, marquee, awning or canopy signs that are attached to a building that has been built up to the right-of-way. Those signs shall not project farther than a point located two feet back from the curb. Clearance over sidewalks for marquee, canopy and projection signs shall be nine (9) feet;

- C) No site may utilize more than 3 (three) different types of signs (unless otherwise noted in the zoning district) excluding temporary and exempted signs.
- D) Signs shall not create a nuisance to the occupancy or use of other properties as a result of their size, height, brightness or movement.
- E) No sign shall be located within the five (5) foot area surrounding any place of pedestrian ingress or egress to a building or structure or shall be so placed as to prevent free ingress or egress from any window, door, required exit or fire escape.
- F) Signs shall be in harmony with the building, the neighborhood, or other signs in the area (except when such other signs do not meet the objectives of this article).
- G) No sign shall be allowed within the restricted area described as follows:
 - 1.) All of that portion of land lying within a triangular shaped area on each street corner within the city described by metes and bounds as follows: Beginning at the precise corner of the intersection point of the curbs of each of the two streets forming each corner and extending 12 feet along each such curb line from such curb intersection point, the straight line from the ends of such 12-foot extensions, whether such land be privately owned or unpaved or un-traveled street right-of-way.
 - 2.) Where no curbs are in existence at such street intersections, such 12-foot lines shall coincide with the central flow line of the ditches paralleling such uncurbed streets, as shall be determined by the city manager or his duly authorized representative.
- H) Signs shall be designed, constructed and maintained according to the requirements of the latest edition of the International Building Code for use of materials, loads and stresses.
- I) Signs exceeding fifteen (15) feet in height shall have plans sealed by professional engineer licensed to practice in the State of Texas.
- J) No sign of any type shall be placed within the public right-of-way.
- K) Searchlights. Searchlights may be allowed without permit on a temporary basis with the time to be anywhere between 4:00 p.m. and 10:00 p.m. The number of consecutive days when searchlights may be used is limited to 3 (three). The applicant must apply to the city manager or his duly authorized representative for permission to operate a searchlight and must comply with all other state and federal regulations pertaining to their use.

Sec. 106-37. Appeals

Any person contesting any disapproval, interpretation and/or the application of any rule, standard, regulation, determination, requirement, or necessity set forth in this article shall have the right to appeal the decision to the city manager through the board of adjustment by established procedures. Such appeal shall be requested in writing within five (5) business days of the return of the denied permit application. The board shall have the jurisdiction to grant special variances from the provisions of this article where it is found, upon presentation of

adequate proof, that compliance with any provisions of this article will result in an arbitrary and unreasonable taking of property or in the practical closing or elimination of any lawful business, or a substantial financial hardship or inequity, in any case without sufficient corresponding benefit or advantage to the city and its citizens in terms of accomplishing the objectives of this article as set forth herein. The board of adjustment may permit such modifications of the requirements of this article as may be found necessary to avoid inconvenience arising because of the location of existing structures or of topography and is hereby authorized to grant such variances in accordance with the following restrictions:

- 1.) Setback, effective area (face), and height of detached on-premises signs may be decreased or increased as much as 10 (ten) percent.
- 2.) The number of permanent signs on any premises may be increased by not more than one (1).
- 3.) No variance shall be granted past the termination date established pursuant to that provision which permits the continuance of any nonconformity.

In no case may the board authorize a private sign on or over public property unless specifically authorized by this article.

Sec. 106-38. Interpretation, intent

In interpreting and applying the provisions of this article, or any amendments thereto, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this article or any amendment thereto to interfere with or abrogate or annul any easements, covenants or other agreements between parties, or any statute, local ordinance or regulations, except that if this article or any amendment thereto imposes a greater restriction, or higher standard, this article or any amendment thereto shall control.

Sec. 106-39. Conflicting provisions

Whenever the requirements of this article are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Secs. 106-40- 106-60. Reserved

DIVISION 2. TYPES; CLASSIFICATIONS

Sec. 106-61. Sign types

The various types of signs regulated by this article are hereby defined as follows:

Accessory sign means a sign that is incidental to the effective operation of the enterprise to which it pertains, and is not intended to serve as the primary identification of the premises and does not attract the attention of passersby for the purpose of advertising a product or service

available therein.

Banner sign and Banner Flag Pole means any temporary *sign* intended to be hung either with or without frames, characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind. Banner signs or flags are not intended to be used as a permanent sign. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this article.

Bench sign means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Billboard sign means any flat surface erected on a framework or on any structure, or attached to posts and used for, or designed to be used for, the display of bills, posters, or other advertising material, for the purpose of advertising a business, organization, event, person, place, or thing not located on the same premises as such advertising material, with one or two parallel and directly opposite signs with their faces oriented in opposite directions and spaced not more than ten (10) feet apart (see definition of off-premises signs, section 106-32).

Canopy sign means a sign that is hung, affixed, or suspended beneath an awning or canopy and is intended to identify a business, product or service primarily for the benefit of pedestrian traffic. A canopy is defined as being a structure, not including a carport, either attached to or detached from any existing structure, having no side walls, consisting of a roof with support columns or posts and being constructed of non-combustible materials to be used solely for the purpose of providing shade and/or for the purpose of providing protection for gasoline and fuel dispensing equipment. For the sake of this article, this definition shall also include canopies used for the purpose of shade and/or protection over a public right-of-way, and further defined as a structure projecting from, extending beyond, and supported by a building.

Changeable copy sign means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign. This does not include those signs having automatic electronically controlled copy changes.

Construction sign means any temporary non-illuminated sign giving the name of architects, engineers, builders, or contractors and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Changeable electronic digital variable message sign, CEDVMS (Digital LED Signs) means an electric sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A changeable electronic variable message sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Director sign means a sign on which the names and location of occupants or the use of a

building is given. This shall include office buildings, church directories, and shopping malls.

Ground or pole sign means any sign which is supported by structures or supports in or upon the ground and independent of support from any building, for the purpose of directing attention to the general public to a lawful use of the premises on which it is located and which will not include a billboard sign. (See definition of on-premise sign in section 106-32).

Home occupation sign means any non-illuminated sign that is no larger than eighteen (18) inches by twenty-four (24) inches, indicating the name of the occupant and/or occupation of a customary home occupation as defined in this article.

Marquee sign means any sign attached to and made a part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Monument sign is a ground sign generally having a low profile with little or no open space between the ground and the sign and having a structure constructed of masonry, limestone, stucco or materials similar in appearance as approved by the building official.

Political sign means any sign that contains primarily a political message on a temporary basis.

Portable sign means a movable sign that is not attached to a permanent support, or building, designed to be temporary and mobile. This definition includes signs attached to trailers, but does not include signs permanently placed on the sides of motor vehicles.

Projecting sign means any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

Real Estate sign means any temporary sign which is used to offer for sale, lease, or rent the property upon which the sign is placed. No permit is required if the sign has an area of thirty-two (32) square feet or less.

Roof sign means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

Snipe sign means any sign of any material whatsoever that is attached in any way to a utility pole, tree, or any object located or situated on public or private property.

Street banner sign means any temporary banner sign which is stretched across and hung over a public right-of-way.

Subdivision sign means a non-illuminated sign located on the property to be subdivided or recently subdivided.

Temporary sign means any sign not on a permanent foundation, the life of which does not extend beyond that specified for certain uses in this article, such as construction, real estate,

political, portable and trailer signs.

Trailer sign means any sign mounted on a vehicle normally licensed by the state as a trailer and used for advertising or promotional purposes.

Wall sign means any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

Window sign means any sign affixed or attached to the interior or exterior of a window, not to exceed in size and surface of the window area.

Sec. 106-62. Sign Classifications

A) *Permitted signs.* Except as otherwise provided in this article, permitted signs shall be as enumerated in Division 5 of this article, signs permitted by zoning districts.

B) *Exempted signs.* The following signs shall not require permits under this Article: All signs defined in section 106-31; and:

- 1.) Temporary banner signs three (3) feet or less in width and height.
- 2.) Home occupation signs as allowed by the zoning ordinance.
- 3.) Temporary political signs.
- 4.) Temporary real estate signs having thirty-two (32) square feet or less of face area.
- 5.) Window Signs
- 6.) Construction Signs
- 7.) Signs that are displayed on motor vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name or the type of business, excluding all banners, that are located on moving vans, delivery trucks, trailers or other commercial vehicles are permitted; but only if the primary purpose of such vehicles is not for the display of the signs thereon, and only if such vehicles are parked or stored in areas appropriate to their use as commercial or delivery vehicles, such as service areas or locations close to the business building away from public traffic areas. Non-working stationary vehicles are prohibited.
- 8.) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter. A sign containing the word "parking" at any parking lot where any person is charged any fee or other monetary consideration for parking shall be considered an advertising sign, not a private traffic directional sign.
- 9.) **Garage/Yard Sale signs:** Garage/yard sale signs are permitted only on private property on which the garage/yard sale is being conducted. Such signs are permitted

no more than 12 hours prior to a sale and must be removed immediately after such sale. No person shall attach in any way posters, notices or advertisements to utility poles, meter posts, or trees in or along any street right-of-way within the city.

- 10.) Gasoline price signs attached to a permanent fixture or structure not exceeding a total area of twelve (12) square feet.
 - 11.) Signs not exceeding three (3) square feet in area attached to gas pumps or gas pump canopies that are informational or directional and do not contain advertising matter.
 - 12.) Street banner signs hanging over a public right-of-way for a limited time with permission from the city manager.
- C) *Prohibited signs.* It shall be unlawful to erect or maintain any sign which is not included under the types of signs permitted in district regulations. Prohibited signs within the corporate limits of the city and its extraterritorial jurisdiction (E.T.J.) include, but are not limited to, the following:
- 1.) Any signs which resemble an official traffic sign or signal which bear the words "stop," "go slow," "caution," "danger," "warning" or similar words, and which were not placed by proper governmental authority.
 - 2.) Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed to be a *traffic* control sign, signal, or device, and which were not placed by proper governmental authority, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign, signal or device.
 - 3.) Signs placed on trees, rocks or utility poles.
 - 4.) Signs that block other signs, fire escapes, doors and windows.
 - 5.) Signs which emit sound, smoke or steam.
 - 6.) Signs erected or placed within the public right-of-way shall be removed.
 - 7.) It shall be unlawful to erect or maintain any off-premise sign(s), unless they are maintained under the provisions in section 106-62(G).
 - 8.) Signs painted on rooftops.
 - 9.) Portable or Temporary digital LED or projection advertising signs.
 - 10.) Ground pole signs made of any type of combustible material, (plywood, wood posts, etc..)
 - 11.) Vehicle signs except as permitted in section 106-62 B (7).
 - 12.) Signs containing manual change copy or CEDVMS which are greater than thirty (30)

percent of the allowable sign area.

Note: Those existing signs attached to a building or canopy which project into or hang over the public right-of-way shall be allowed to remain; however, they must comply with the latest edition of the International Building Code. Such signs when hung from a marquee or canopy shall be at least eight (8) feet at the lowest level above the sidewalk or ground level. Signs shall not extend outside the line of the canopy. Signs shall not extend more than six (6) feet above or eighteen (18) inches below the canopy and under no circumstances shall the sign have a vertical dimension greater than eight (8) feet.

D) Temporary signs.

1.) *Temporary construction signs:* Temporary construction signs shall be permitted on the site of approved projects or developments. Temporary construction signs may be erected and maintained for a period of thirty (30) days prior to commencement of construction and shall be removed by the owner within fifteen (15) days after completion of building on the site. One construction sign for each street frontage of a construction project, not to exceed 24 square feet in sign area in residential zones or 64 square feet in sign area in all other zones.

2.) *Temporary development signs:* One (1) development sign for each street frontage of a development site not to exceed 32 square feet in sign area in residential zones or 450 square feet in sign area in all other zones. Such signs must be removed upon completion of the development.

3.) *Temporary political signs:* Temporary political signs may be placed in all zoning districts; however, such signs may not be placed in the public right-of-way. Such signs shall be removed within fifteen (15) days following the election for which the sign is posted. This section is pursuant to Chapter 259 of the Texas Election Code.

A) All signs must also comply with the requirements set forth in Section 259.001 of the Texas Election Code. The following notice must be written, in a clearly visible and legible font of not less than 2" letters, on each political advertising sign:

"NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE), TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY."

4.) *Temporary real estate signs:* One (1) non-illuminated real estate sign per lot per street frontage, not to exceed 32 square feet in sign area. Such signs must be removed 15 days following sale, rental or lease.

5.) *Temporary portable and trailer signs:* Temporary portable signs and trailer signs shall be limited to one (1) such sign per business in the N-C neighborhood commercial, C general business, H-C heavy commercial, L-I limited industrial, and H-1 heavy industrial districts. Portable signs shall be permitted once a month for a

period of up to seven (7) consecutive days within any calendar month and shall be removed immediately upon the expiration date of the permit. There shall not be more than twelve (12) permits for temporary business signs issued for the same premises within one (1) calendar year. No portable sign shall be placed in a parking space on a lot on which, according to the city zoning ordinance, the required number of parking spaces is not provided. Temporary portable signs and trailer signs, if illuminated, shall be connected to a direct power source (G.F.C.I. required) within a three-foot (3') radius of the sign.

- 6.) *Temporary commercial banner* signs and commercial banner flags: Temporary commercial banner signs and commercial banner flags shall be allowed. All such signs shall be permitted for a period not to exceed sixty (60) consecutive days after which the signs shall be removed and not be replaced for a period of six (6) months. Commercial banner signs having a width and length of more than three (3) feet require a permit. Commercial banner signs having a width and length of three (3) feet or less used to attract attention to new residences or businesses shall not require a permit.

A) A temporary commercial banner sign:

- 1.) Shall be in good repair;
- 2.) Shall have a maximum height of 10 feet and maximum width of 15 feet.
- 3.) Shall have the permit number conspicuously posted in the lower right hand corner of the banner;
- 4.) Shall advertise only the name of, uses of, or goods or services available within the building or tenant lease space to which the sign is attached;
- 5.) Shall be mounted parallel to the face of a building or permanent structure;
- 6.) Shall not be located within public road right-of-way of the State of Texas or the City of Pharr;
- 7.) Shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light.

B) A temporary commercial banner flag:

- 1.) Shall be in good repair;
- 2.) Shall have the permit number conspicuously posted in the lower right hand corner of the flag;
- 3.) Shall advertise only the name of, uses of, or goods or services available within the building or tenant lease space to which the sign is attached;

- 4.) Shall not be located within public road right-of-way of the State of Texas or the City of Pharr;
- 5.) Shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light.
- 7.) *Temporary inflatable signs:* The temporary display of inflatables is permitted for a maximum period of fifteen (15) days per calendar quarter per platted lot provided they are not placed within the parking lot or in an area that blocks the view of oncoming traffic. Inflatables shall be limited to a height of fifteen (15) and a width of ten (10) feet for the inflatable device, not to include the height of any building or structure on which it might be placed. Temporary inflatable signs, if illuminated, shall be connected to a direct power source (G.F.C.I. required) within a three-foot (3') radius of the sign.
- E) *Abandoned signs:* Except as otherwise provided in this article, any sign that is located on property which becomes vacant and is unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign, owner of the premises, or the city manager after written notice has been served.
- F) *Unsafe signs:* Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the city manager, the owner thereof, or the person maintaining such sign, shall upon written notice from the city manager or duly authorized representative, forthwith in the case of immediate danger and in any case within ten (10) days, secure such sign in a manner to be approved by the city manager, in conformity with the provisions of this article, or remove such sign. If such order is not complied within ten (10) days, the city manager shall remove such sign at the expense of the owner or lessee thereof.
- G) *Nonconforming signs.* Allowing nonconforming signs to remain in place indefinitely hamper a primary function of this article of improving the appearance of the community through sign control. For any nonconforming sign requiring removal, the city shall reimburse the owner according to the provisions of state law (H.B. 1330).
- H.) *Political Signs within Public Property or Private Property used as a polling location:* Place or cause to be placed on public property any sign not expressly authorized by the public entity controlling said property. No political candidate signs or political issue signs shall be placed on public or private property used as a polling place that is owned and/or controlled by the city except as provided in this subsection. Notwithstanding the foregoing, no more than two political signs, whether by individual candidate, political slate, and/or political issue signs of not more than nine square feet each may be placed in the areas designated for the placement of such signs on public or private property near the entrance to polling places designated for voting in the election for which the signs are placed. Signs placed pursuant to this subsection may not be placed at any polling location prior to midnight the day of the voting period and

shall be removed not later than the second day after the voting on such election or referendum occurs. This section also applies to private property when used as a polling place. Signs placed pursuant to this subsection may not be placed in the right-of-way and must otherwise comply with Chapter 259 of the Texas Election Code.

- 1) All signs must also comply with the requirements set forth in Section 259.001 of the Texas Election Code. The following notice must be written, in a clearly visible and legible font of not less than 2" letters, on each political advertising sign:

"NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE), TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY."

Note: No nonconforming sign shall be repaired or renovated where the effect of such repair or renovation shall be to enlarge or increase the structure of the nonconforming sign. For the purposes of this section, normal maintenance shall not be considered to be repair or renovation.

I) Changeable Electronic Digital Variable Message Sign (CEDVMS)

- A) CEDVMS signs may be located on either side of a roadway; however, each sign must only be visible from one direction of travel.
- B) Every message or picture display must remain static for eight (8) seconds and must accomplish a change in display within two (2) seconds or less.
- C) A change of message must occur simultaneously on the entire sign face.
- D) Safety: A CEDVMS sign shall:
 - 1.) The sign must contain a default mechanism that freezes the sign in one position if a malfunction occurs.
 - 2.) The maximum brightness of the sign shall not exceed 5,000 nits (candelas per square meter) during daylight hours and 500 nits (candelas per square meter) between dusk to dawn. The sign must have an automatic dimmer control which produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half hour before sunset and one-half hour after sunrise. User must submit documentation of this capability and compliance with sign permit application. The illumination of the sign must remain constant under all lightning conditions and must comply with state regulations.
 - 3.) A sign that is proposed adjacent to a thoroughfare with a posted speed limit of less than 55 MPH and is proposed within 1,500 feet of a traffic signal or driveway entrance, may require a traffic safety study, indicating that no negative traffic or safety hazards will result from the CEDVMS sign.

E) Owner responsibilities:

- 1.) The owner and operator of the sign must agree to cooperate with the chief of police or emergency management coordinator to voluntarily display amber alerts and other emergency community notifications as deemed necessary.
- 2.) The sign owner shall provide to the building official contact information for a person who is available to be contacted at any time and who is responsible for the sign operation and programming.
- 3.) If the building official finds that an electronic sign causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the sign, within twelve (12) hours of a request by the building official, shall reduce the intensity of the sign to a level acceptable to the building official.

F) Prohibitions; A CEDVMS sign shall not:

- 1.) The CEDVMS shall not display a message or picture that scrolls, fades, blinks, bursts, flashes, travels, or by any other means that does not provide constant illumination. Colors shall not include the red, yellow or green color spectrum used for traffic control devices.
- 2.) No signs may be of such intensity or brilliance as to interfere with the effectiveness of an official traffic sign, device or signal. Signs shall not produce glare or other lighting nuisances.
- 3.) This section does not authorize off-premise advertising, e.g., a mobile sign located on a truck or trailer.

G) CEDVMS sign is limited to thirty (30) percent of the allowable sign area.

Sec. 106-63-106-85. Reserved

DIVISION 3. COMPLIANCE WITH CODES AND STANDARDS

Sec. 106-86. Compliance required

All signs hereafter erected shall comply with all applicable provisions of this article, with the latest edition of the International Building Code relating to structural design, and to the latest edition of the national electrical code for applicable components and installation and to the auxiliary specifications set forth in this article.

Sec. 106-87. Auxiliary specifications

- 1.) *Obstruction to exits.* No sign shall be erected so as to obstruct any fire escape, or required exit, window, or door opening intended as a means of egress.

- 2.) *Obstruction to ventilation.* No sign shall be erected which interferes with any opening required for ventilation.
- 3.) *Clearance from electrical power and communication lines.* Signs shall maintain all clearances from electrical conductors in accordance with the city electrical code and from all communications equipment or lines located within the city.
- 4.) *Clearance from surface and underground facilities.* Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.
- 5.) *Drainage.* The roofs of canopies exceeding twenty-five (25) square feet shall be drained to prevent dripping onto neighboring property, public sidewalks or streets.

Sec. 106-88. Structural and design requirements

- 1.) *Design and stress diagrams.* Before a permit shall be granted, the erector of every outdoor advertising sign, with the exception of temporary signs, shall submit to the city manager or duly authorized representative a design and stress diagram or plan containing the design and stress specifications for such design.
- 2.) *Wind pressure.* All outdoor advertising displays shall be constructed to withstand the wind pressure as specified by the current edition of the International Building Code.
- 3.) *Plastic materials.* All outdoor advertising displays using plastic materials, wholly or partially, shall comply with specifications stipulated in the current edition of the International Building Code.
- 4.) *Measurement of sign area.* The size of a sign shall be measured from the outside dimensions of the sign and frame. A sign may have one (1) or more display faces, unless otherwise specified. For off-premises signs which are double-faced, each face is considered a separate sign in computing the face area. For on-premises signs which are double-faced, each face is considered a separate sign in computing the face area if each face is advertising a different business on the property. If the face area of an on-premises sign is identical on both sides, then the face area is computed by measuring one (1) side only.
- 5.) *Setbacks.* For purposes of this article, setbacks shall be measured from the outside frame of the sign if the sign face is parallel to the property line. Setbacks are determined according to the type of sign and the zone in which the sign is to be located; (see signs permitted by zoning districts, Division 5 of this article). Under no circumstances shall a private sign be allowed to project into a public right-of-way unless otherwise authorized by this article.

Sec. 106-89. Jurisdiction of state department of transportation

All signs, other than those placed by the state, within the city and its extraterritorial jurisdiction, which are controlled by the state, shall comply with standards and requirements as set down by the state department of transportation, or the city, whichever is the more restrictive. This includes but is not limited to signs within the highway right-of-way, public parks, public playgrounds or scenic areas, interchanges and intersections.

Sec. 106-90. Inspections

To assure compliance with this article, the city manager or duly authorized representative shall have the right to enter any premises for inspection purposes during reasonable hours and after reasonable notice has been given at intervals as required. Also, the city manager, upon notification of the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or the placement of the sign or shall notify the permit holder or the agent wherein the sign fails to comply with this article.

- 1.) *Foundation inspection.* A foundation inspection is required of all permanent outdoor advertising displays constructed of block or brick or for which footings are required. Such inspections shall be made after trenches are excavated and any reinforcing steel is in place and prior to the placing of concrete.
- 2.) *Setbacks inspection.* A setback inspection is required of all signs, permanent and temporary. Setbacks shall be inspected at the time the foundation inspection is made for permanent signs and prior to the placing of concrete and after placement for temporary signs.
- 3.) *Electrical inspection.* An electrical inspection is required of all illuminated signs. All electrical work shall be done by a master, licensed electrician. It shall be the responsibility of the electrician to call for the required inspection.

Work shall not be done on any part of the sign installation beyond the point indicated in each successive inspection without first obtaining the approval of the city manager or duly authorized representative. Such approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated under subsection (1) to (3) of this section.

Sec. 106-91. Permit identification

Any sign for which a permit is required by this article shall bear a seal of compliance. This information shall be affixed to the sign.

Sec. 106-92. Maintenance; replacement or repair

- 1.) *Maintenance.* All signs for which a permit is required by this article, together with all their supports, braces, guys and anchors, shall be kept in repair and unless of galvanized or non-corroding metal shall be thoroughly painted at least once every two (2) years. The city manager or duly authorized representative may order the removal of any sign that is

not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee.

2.) *Replacement or repair.* When any sign or a substantial part of any sign is blown down or otherwise destroyed or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign, it may not be re-erected, reconstructed, or rebuilt except in full conformance with the provisions and requirements of this article. The property owner/occupant shall maintain the sign in a condition appropriate to its intended use and to all city standards and has a continuing obligation to comply with all building code requirements. It shall be a violation of this section if any of the following conditions exist:

- a) Elements of the sign have portions of the finished material missing, broken or otherwise illegible.
- b) Any elements of the sign are inoperable, bent, twisted, dented, cracked, splintered, torn, or leaning at angles other than those at which it was originally erected.
- c) The sign is partially disassembled.
- d) The sign display area must display information that is current, or a blank sign panel must be installed.
- e) If the sign is deemed by the city to be in an unsafe condition, the owner/occupant of the business shall be notified in writing, and shall, within 48 hours of receipt of such notification, respond to the city with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after ten days, the unsafe condition has not been corrected through repair or removal, the city may refer the matter to the building official as an unsafe structure to be remedied.
- f) Whenever any sign, either conforming or nonconforming to these regulations, is required to be repaired, repainted, refinished or cleaned, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
 - 1.) The sign is not being refaced to display a new occupant, replace a panel or display new items of information;
 - 2.) There is no alteration or remodeling to the structure or the mounting of the sign itself;
 - 3.) There is no enlargement or increase in any of the dimensions of the sign or its structure; and
 - 4.) The sign is accessory to a legally permitted, conditional or nonconforming use.

For purposes of this subsection, a sign or substantial part of a sign is considered to have been destroyed only if the cost of repairing such sign is more than 50 percent (50%) of the replacement

cost of the existing sign at the same location.

Sec. 106-93. Removal of sign by city manager

- 1.) In accordance with Chapter 216 of the Texas Local Government Code as well as the federal Highway Beautification Act 23 U.S.C.A §131 and Chapter 259 of the Texas Election Code, the city manager, or duly authorized representative, shall cause to be relocated, reconstructed, or removed any sign that violates this Ordinance, endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued. A notice shall be prepared which shall describe the sign and specify the violation involved, and which shall state that, if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this section.
- 2.) All notices mailed by the Department of Development Services under this section shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail. For all other signs, the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If such address is known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.
- 3.) Any person having an interest in the sign to be removed pursuant to this section or the property where such sign is situated may appeal the determination of the city manager or duly authorized representative ordering removal or compliance by filing a written notice of appeal with the city board of adjustment within thirty (30) days after the date of mailing the notice, or within thirty (30) days after receipt of the notice if the notice was not mailed.
- 4.) Notwithstanding the provisions of this section, in cases of emergency, the city manager or duly authorized representative may cause the immediate removal of a dangerous or defective sign without notice.
- 5.) In lieu of paying compensation, a violator may be exempt from required relocation, reconstruction, or removal those signs lawfully in place on the effective date of the requirement.

Sec. 106-94-106-115. Reserved

DIVISION 4. LICENSES; PERMITS; BONDS; INSURANCE

Sec. 106-116. Licensing of contractors

- 1.) *Required.* No person shall engage or continue in the business of erecting, maintaining or replacing any sign or advertising structure, or perform any such acts for compensation, without first having obtained a license from the code enforcement division of the community planning and development department of the city.
- 2.) *Fees; term; renewal.* A license fee in the amount of \$25.00 shall be assessed for each

license issued under the provisions of this section. This license shall be valid for a period of twelve (12) months from the date of issuance, after which it shall be renewed every year.

3.) *Application.* Application for licenses required by this section shall be made on forms furnished by the code compliance division and shall contain such information as the code enforcement division may require, including but not limited to:

- A) The name of the applicant and, if representing a partnership or a corporation, the name of all partners or directors;
- B) The permanent local business address; and
- C) A listing of all persons employed by the person applying for such license.

All sign permit applications shall bear the license numbers of the contractor who will actually be performing the work for which the permit is required.

4.) *Revocation of license.* The code compliance division shall have the right, after thirty (30) days' notice in writing to the licensee, to revoke any license granted under this section where it shall find that the information provided on the application is knowingly false or misleading or that the license has violated any of the provisions of this section, unless such licensee shall, before the expiration of such thirty (30) days, correct such information and comply with the provisions of this section.

Sec. 106-117. Permits

1.) *Required; application.* It shall be unlawful to display, erect, relocate, rebuild, reconstruct or alter any sign without first filing with the city manager or duly authorized representative an application in writing and obtaining a sign permit,

- A) The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or the authorized agent, or a sign contractor licensed by the city. Such applications shall be made in writing on forms furnished by the code enforcement division and shall be signed by the applicant.
- B) The city manager or duly authorized representative shall, within five (5) working days of the date of the application, either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished.

2.) *Plans:* Every application for a permit under this section shall be accompanied by a plan or plans drawn to scale of the proposed sign and all existing signs maintained on the premises, and shall include:

- A) The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached;

- B) The dimensions of the sign's supporting members;
- C) The maximum and minimum height of the sign; (if sign exceeds fifteen (15), feet in height, it shall have plans sealed by professional engineer licensed to practice in the State of Texas);
- D) The proposed location of the sign in relation to the face of the building, in front of which or above which it is to be erected;
- E) The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated, existing buildings and any other signs on the property;
- F) Where the sign is to be attached to an existing building, a current photograph of the face of the building to which the sign is to be attached;
- G) The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector;
- H) The location by street address or the proposed sign structure;
- I) The legal description of the property on which the sign is to be located;
- J) Application for an electrical permit for all electric signs if the person building the sign is to make the electrical connection;
- K) A statement of valuation;
- L) All sign permit application shall bear the license numbers of the contractor(s) who will actually be performing the work for which the permit is required; and
- M) Signs shall be designed, constructed and maintained according to the latest edition of the International Building Code.

3.) *On-Premise Sign Fees.* The applicant for an on-premise sign permit shall tender the required fee according to the following schedule:

Value	Fee	Fee if Electrified
\$0.00 - \$100.00	\$15.00	\$50.00
\$101.00 - \$500.00	\$30.00	\$60.00
\$501.00 - \$1,000.00	\$50.00	\$90.00
Over \$1,000.00	\$50.00 plus \$5.00 for each additional \$1,000.00 valuation or portion thereof	Add \$70.00

4.) *Registration of Off-Premise Signs:* It shall be unlawful for any person to maintain any existing off-premises billboard sign on any premises within the corporate city limits of the City of Pharr without having a valid registration tag affixed thereto.

- 1.) *Application:* To register an existing off-premises billboard sign, an application shall be made to the Department of Development Services on forms provided for that purpose. The application shall be accompanied by the payment of an application fee and shall contain the name and address of the owner of the sign, the size of the sign, the exact location of the sign, the date of placement and any other information reasonably required by the department.
- 2.) *Issuance of registration tag:* Upon issuance of a registration tag, the owner of the sign shall affix the tag in a conspicuous place on the corresponding registered existing off-premises billboard sign.
- 3.) *Change in ownership:* The purchaser of a sign shall be responsible for notification of a change in ownership of said sign within 60 days of completion of the purchase.
- 4.) *Invalidation of registration:* The Director of Development Services or his/her designee shall invalidate any registration tag for an existing off-premises billboard sign when:
 - A) The sign is removed from the premises for any reason;
 - B) The sign has been damaged or destroyed such that a new existing off-premises billboard sign must be erected.
- 5.) *Existing Off-Premise Billboard Sign Fees:* The applicant for an existing off-premise billboard sign permit shall tender the required fee according to the following schedule:

Size of Sign	Amount
Small (0 to 72 Sq. Ft.)	\$100.00 Per Year
Medium (73 to 300 Sq. Ft.)	\$150.00 Per Year
Large (301 to 672 Sq. Ft.)	\$200.00 Per Year
Small Digital (0 to 382 Sq. Ft.)	\$300.00 Per Year
Large Digital (383 to 672 Sq. Ft.)	\$500.00 Per Year

Should any person(s) actually begin any work for which a permit is required by the city without taking out a permit therefore, the applicant shall pay, in addition to the fees set out in this subsection, an additional amount equal to one hundred percent (100%) of such fees (double fine fees).

- 6.) *Deviation from permit terms.* When a sign permit has been issued by the city manager or duly authorized representative, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of such permit without prior approval. A written record of such approval shall be entered upon the original permit application and maintained in the files of the code enforcement division. Permits, once approved, cannot be transferred

to another sign, and the sign may not be moved to another location.

- 7.) *Time limit for obtaining.* If a permit required by this section is not obtained within ninety (90) days after the applicant has been notified that the plans are approved, the city manager or his duly authorized representative shall assume that the application is withdrawn and may destroy the plans, specifications and calculations without recourse. Renewed action shall require a new plan.
- 8.) *Time limit for completion.* If the work authorized under a sign permit has not been completed within six months after the date of issuance, such permit shall become null and void, and there shall be no refund of any fee required by this section. If there is a justifiable reason to warrant an extension, the city manager may grant such extension up to six (6) months, provided the request is made prior to the expiration of the permit.

Sec. 106-118. Bonds and insurance

- 1.) Every applicant for a license required by section 106-116 shall, before such license is granted, file with the code enforcement division a continuing bond in the penal sum of \$2,000.00 executed by the applicant and a surety company to be approved by the city manager or designee. Such bond shall assure the faithful observance of the provisions of this article and all amendments thereto, and of all state laws and city codes relating to signs and/or advertising structures, and shall indemnify and hold harmless the city and its officials from any and all claims, damages, liabilities, losses, actions, suits, or judgments which may be presented, sustained, brought, or secured against the city or any of its officials by reason of the granting of such license or on account of the erection, maintenance, alteration, or removal of any sign, or by reason of any accident caused by or resulting therefrom.
- 2.) Prior to the issuance of any sign permit and before any sign is erected, every applicant shall, on the sign permit application form provided, consent in writing to indemnify and to hold the city harmless from any and all damages, liability, judgments, costs, or expense that the city may incur or suffer as to such signs or advertising structures, and shall at the same time offer proof of liability insurance in an amount not less than \$300,000.00 by an insurance company authorized to do business in the state, to be in force for the entire time of the validity of the permit.

Sec. 106-119-106-140. Reserved

DIVISION 5. SIGNS PERMITTED BY ZONING DISTRICTS

Sec. 106-141. Agricultural and/or open space district (A-O)

This section specifies which signs are permitted in the A-0 agricultural-open space zoned area as classified by the city, except for areas located along the city's expressway corridor, as outlined in section 106-145.

- 1.) Generally, all signs defined in section 106-31 and section 106-62(B); and all signs listed in this section, as defined in section 106-61 and under the restrictions as provided in this

section.

- 2.) *On-premises signs.* The following on-premises signs shall be limited to a combination of any two of the following permanent signs per business and/or site, unless otherwise specified.

A) Accessory sign.

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: sixteen (16) square feet.
- 3.) Maximum height: ten (10) feet.

B) Directory sign:

- 1.) Minimum setback: five (5) feet from any property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: twenty (20) feet.

C) Ground/pole sign:

- 1.) Minimum setback: five (5) feet from any property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: thirty (30) feet,

D) Subdivision sign:

- 1.) Minimum setback: attached to fence or wall at the entrance of a subdivision. (if no fence or wall, then it shall be considered a construction sign in which case section 106-141(3)(B) will apply.
- 2.) Maximum size: sixteen (16) square feet on each side of entrance to subdivision.
- 3.) Maximum height: ten (10) feet.

- E) Wall sign:** shall be limited to four (4) such signs per premises, of which there shall be no more than one (1) facing each direction. Wall signs shall comply with the latest edition of the International Building Code.

- 1.) Minimum setback: attached or painted to a fence or wall.
- 2.) Maximum size: sixteen (16) square feet of wall or fence.

- 3.) *Temporary signs.* Temporary signs shall be permitted as allowed in this subsection. Such signs shall be limited to one temporary sign per site and shall comply with section 106-62(D).

- A) Banner sign and Banner Flag Pole:** All such signs shall be permitted for a period not to exceed thirty (30) consecutive days after which the signs shall be removed and not be replaced for a period of six (6) months. Banners having a width and length of more than three (3) feet require a permit. Banners having a width and length of three (3) feet or less do not require a permit.

- B) Construction sign:** may be erected no more than thirty (30) days prior to construction

and shall comply with section 106-62 (D)(1).

- 1.) Minimum setback: five (5) feet from any property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: ten (10) feet.

C) Home occupation sign:

- 1.) Minimum setback: shall be attached flush against the building.
- 2.) Maximum size: eighteen by twenty-four inches (18" x 24").
- 3.) Maximum height: eight (8) feet.

D) Portable sign:

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: ten (10) feet.

E) Real estate sign: shall comply with section 106-62(D)(5).

- 1.) Minimum setback: five (5) feet from any property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: ten (10) feet.

F) Trailer signs: Must be removed immediately following the event or election or it will be considered advertising.

- 1.) Minimum setback: five (5) feet from any property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: ten (10) feet.

4.) *Off-Premise signs:* Off-premise signs are prohibited in a residential district.

5.) Additional requirements.

- 1.) No sign shall have less than a minimum setback of five (5) feet from any property line, except as listed in this section.
- 2.) No permanent sign shall have a face larger than thirty-two (32) square feet, except as listed in this section.
- 3.) No sign shall exceed thirty (30) feet in height, except as listed in this section.
- 4.) When computing the face area of an on-premises sign, the measurement thereof shall be as outlined in section 106-88(4).

Sec. 106-142. Residential districts

This section specifies which signs are permitted in residential zoned areas as classified by the city. They are as follows: R-1: Single Family Residential, R-1A: Single Family Residential for Small Lots, R-1E: Single Family Residential Estate R-TH: Townhouse Residential, R-MF: Multi-Family, R-MFHD: Multi-Family High Density Residential, R-MH: Mobile Home Residential and R-HCMH: HUD-Code manufactured Mobile Home.

- 1.) *Generally.* All signs defined in section 106-31 and section 106-62(B); and all signs listed in this section, as defined in section 106-61 and under the restriction as provided in this section.
- 2.) *On-Premise Signs:* The following on-premise signs shall be limited to one (1) permanent sign per site in a single-family residential zone as allowed by the City of Pharr zoning ordinance.

A) Ground/pole sign:

- 1.) Minimum setback: five (5) feet from any property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: fifteen (15) feet,

Wall signs: shall be limited to two (2) per premises and are restricted to entrances to subdivision only. Wall signs shall comply with the latest edition of the International Building Code.

- 1.) Maximum size: sixteen (16) square feet of wall or fences.
- 2.) Minimum setback: attached or painted to fence or wall.

- 3.) *Temporary Signs:* Temporary signs shall be permitted as allowed in this subsection. Such signs shall be limited to one (1) temporary sign per site and shall comply with section 106-62(D).

A) Banner Signs and Banner Flag Poles: shall be limited to one (1) temporary banner per lot and shall not exceed three (3) feet in width and length. Such signs may be displayed for a period of no more than sixty (60) consecutive days, after which the sign will be removed and may not be replaced for a period of six (6) months. No permit will be required.

B) Construction sign: may be erected no more than thirty (30) days prior to construction. Such signs shall comply with section 106- 62(D)(1).

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: sixteen (16) square feet.
- 3.) Maximum height: ten (10) feet.

C) Real estate sign: shall comply with section 106-62(D)(5).

- 1.) Minimum setback: inside property line.
- 2.) Maximum size: sixteen (16) square feet.

3.) Maximum height: ten (10) feet.

4.) *Home Occupation Signs*: Home occupation signs shall be permitted as allowed in this subsection.

- A) Minimum setback: sign shall be placed flush against a wall.
- B) Maximum size: eighteen inches by twenty-four inches (18"x24").
- C) Maximum height: eight (8) feet.

5.) *Off-Premise signs*: Off-premise signs are prohibited in a residential district.

6.) Additional requirements.

- A) No sign shall have less than a minimum setback of five (5) feet from any property line, except as listed in this section.
- B) No permanent sign shall have a face larger than thirty-two (32) square feet, except as listed in this section.
- C) No sign shall exceed fifteen (15) feet in height; except as listed in this section.
- D) No sign or part of any sign in the residential districts shall move, flash, rotate or change its illumination. Temporary holiday decorations are permitted.
- E) When computing the face area of an on-premises sign, it shall be computed as outlined in section 106-88(4).

Sec. 106-143. Neighborhood-Commercial District; Office-Professional District

This section specifies which signs are permitted in the N-C (Neighborhood Commercial) and O-P (Office Professional) districts as classified by the city, except for zoning areas located along the city's expressway corridors as outlined in section 106-145.

- 1.) *Generally*. All signs defined in section 106-31 and section 106-62(B); and all signs listed in this section, as defined in section 106-61 and under the restrictions as provided in this section.
- 2.) *On-premise signs*. The following on-premises signs shall be limited to a combination of any two (2) of the following permanent signs per business and/or site, unless otherwise specified.

Accessory Sign:

A) Accessory Sign:

- 1.) Minimum setback: five (5) feet from the property line.
- 2.) Maximum size: sixteen (16) square feet.

3.) Maximum height: ten (10) feet.

B) Canopy Sign: shall be limited to one (1) permanent sign per business and shall comply with the latest edition of the International Building Code.

C) Changeable Copy Sign:

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: fifteen (15) feet.

D) Directory Sign:

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: fifteen (15) feet.

E) Ground/Pole Sign: shall be limited to one (1) permanent sign per site. In the case of a multi-unit building, one (1) ground or pole sign will be allowed per site along with a wall sign, canopy or roof sign for each business as permitted in this subsection.

1.) Office Professional District

- A) Minimum setback: five (5) feet from property line.
- B) Maximum size: thirty-two (32) square feet.
- C) Maximum height: thirty (30) feet in the office and professional zone.

2.) Neighborhood Commercial

- A) Minimum setback: five (5) feet from property line.
- B) Maximum size: thirty two (32) square feet.
- C) Maximum height: fifteen (15) feet.

F) Subdivision sign:

- 1.) Minimum setback: attached to a fence or wall at the entrance of a subdivision.
- 2.) Maximum size: sixteen (16) square feet on each side of the entrance to the subdivision
- 3.) Maximum height: ten (10) feet.

G) Wall sign: shall be limited to two (2) per site, of which there shall be no more than one (1) facing in each direction. Wall signs shall comply with the latest edition of the International Building Code.

- 1.) Minimum setback: attached or painted on wall or fence.
- 2.) Maximum size: thirty two (32) square feet of wall or fence.

3.) *Temporary signs.* Temporary signs shall be permitted as allowed in this subsection. Such

signs shall be limited to one (1) temporary sign per site and shall comply with section 106-62 (D).

A) Banner sign and Banner Flag Poles: Shall be permitted for a period of thirty (30) days at one time after which such signs shall be removed and not replaced for a period of six (6) months. Banners three (3) feet or less in width and length do not require a permit.

B) Construction sign: shall be limited to one (1) temporary sign per site and shall comply with section 106-62(D)(1).

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: ten (10) feet.

C) Portable sign: shall comply with section 106-62(D)(6).

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: ten (10) feet.

D) Real estate sign: shall be limited to one (1) temporary, non- illuminated sign per site and shall comply with section 106-62(D)(5).

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: ten (10) feet.

E) Street banner sign: shall be allowed on special occasion with the permission of the city manager; such signs shall in no way affect the traffic flow visibility.

F) Trailer sign: must be removed seven (7) days following the event or election or it will be considered advertising.

- 1.) Minimum setbacks: five (5) feet from property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: ten (10) feet.

G) *Off-Premise signs:* Off-premise signs are prohibited in a residential district.

H) *Additional requirements.*

- 1.) No sign shall have less than a minimum setback of five (5) feet from any property line, except as listed in this section.
- 2.) No permanent sign shall have a face larger than sixty-four (64) square feet, except as listed in this section.

- 3.) No sign shall exceed thirty (30) feet in height, excepted as listed in this section.
- 4.) When computing the face of off-premises and on-premises sign(s), it shall be computed as outlined in section 106-88 (4).

Sec. 106-144 – Downtown District, Historic Main Street District

This section specifies which signs are permitted in the Downtown and Historic Main Street District. All signs within these districts shall be designed, constructed and affixed so as to promote and not visually obscure the significant architectural features of the district and its buildings.

- 1.) Special Restrictions – The following special restrictions shall apply in the Downtown and Historic Main Street District.
 - A) Exterior neon signs are prohibited.
 - B) No sign shall be displayed from the parapet or roof of any building.
 - C) No sign shall be erected, constructed, placed, attached, located, hand carried or displayed by any means unless the sign relates to or advertises a bona fide business conducted in or on the premises to which the sign adjoins.
 - D) Interior illuminated signs are prohibited on the exterior of a building.
 - E) The light source for exterior illumination shall be a steady light concealed by a hood or other acceptable method of indirect lighting.
 - F) Sandwich signs may be placed outside only when the business is open and must be properly anchored or weighted against the wind. The maximum height of any sandwich sign is 36 inches and a minimum clearance of six feet must be maintained on the sidewalk for pedestrian access. No other portable signs are permitted.
 - G) Awning and canopy signs must be painted or applied flat against the awning or canopy surface and may not use over 70 percent of the lineal footage of the awning or canopy.
 - H) Permanent signs painted on glass windows shall cover no more than 25 percent of the total glass area of the window upon which they are placed and may not contain words or characters greater than 12 inches in height. For purposes of this subsection, the area of any such sign shall be calculated as the area of an imaginary square or rectangle that encompasses the entire sign and its graphics.
 - I) Daylight fluorescence pigmented materials or paints are not allowed.
 - J) With the exception of donor plaques, advertising on planters, trash receptacles, park benches or other street amenities is not allowed.
 - K) No sign shall be displayed above the second level of any building.

- L)** No building may have signage on more than two facades.
 - M)** Permanent signs shall not be constructed of core-plast or banner material. Existing signs made from core-plast or banner material may remain but cannot be altered or replaced except by signs and materials meeting the requirements of this Code.
- 2.) On-Premise Signs – The following on-premise signs shall be permitted, limited to a combination of any two (2) of the following permanent signs per business and/or site, unless otherwise specified.

A) Monument Sign: allowed as required

- 1.) Minimum Setback: five (5) feet from property line
- 2.) Maximum Size: 60 square feet
- 3.) Maximum Height: 6 feet

Maximum allowable size of sign is calculated by 0.4 square feet multiplied by 1 linear foot of lot frontage (but not to exceed 60 square feet).

Example: 150 linear feet of lot frontage X 0.4 square feet of sign = 60 square feet of monument sign.

B) Wall Sign: shall be limited to one (1) per premise. Wall signs shall comply with the latest addition to the International Building Code.

- 1.) Maximum Setback: attached or painted to wall.
- 2.) Maximum Size: 32 square feet
- 3.) Maximum Size of Letters: 10 inches
- 4.) Maximum Height: 4 feet

C) Window Signs: allowed as required

- 1.) Maximum Setback: Can be painted or applied directly to glass.
- 2.) Maximum Size: Can cover up to 25% of glass area.
- 3.) Maximum Size of Letters: 10 Inches

D) Sidewalk Sandwich Signs: can only be placed on the sidewalk during business hours. Must be properly anchored or weighted against the wind.

- 1.) Maximum Setback: Must maintain 6 feet of sidewalk clearance for pedestrians.
- 2.) Maximum Height: 4 feet
- 3.) Maximum Width: 3 feet

E) Awning Signs: allowed as required

- 1.) Maximum Setback: Can be painted or applied flat on the canopy or awning surface.

- 2.) Maximum Size: Can use up to 70% of the lineal footage of the awning.

Sec. 106-145. Business districts; heavy commercial and industrial districts

This section specifies which signs are permitted in the business, heavy commercial and industrial zoned areas as classified in the city zoning ordinance, except for zoning areas located along the city's expressway corridors as outlined in section 106-145. Such districts are as follows: C (General Business), C-2 (Business District), H-C (Heavy Commercial), L-I (Limited Industrial) and H-I (Heavy Industrial) districts.

- 1.) *Generally.* All signs defined in section 106-31 and section 106-62(B); and all signs listed in this section, as defined in section 106-61 and under the restrictions as provided in this section.
- 2.) *On-premises signs.* The following on-premises signs shall be permitted, limited to a combination of any two (2) of the following permanent signs per business and/or site, unless otherwise specified.

A) Accessory sign: allowed as required.

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: sixteen (16) square feet.
- 3.) Maximum height: ten (10) feet.

B) Canopy sign: shall be limited to one (1) permanent sign per business and shall comply with the latest edition of the International Building Code.

C) Changeable copy sign:

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: twenty (20) feet.

D) Directory sign:

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: twenty (20) feet.

E) Ground or pole sign: In the case of a multi-unit building, one (1) ground pole or pole sign will be allowed per site, provided that an additional sign shall be permitted for each 300 feet of frontage for a premises, not to exceed 1.5 square feet in sign area for each linear foot of primary street frontage up to a maximum of 300 square feet. Such signs shall not exceed a height of 30 feet, except where such signs are within 300 feet of Expressway Corridors in which case they may have a maximum height of 60 feet and up to 800 square feet of sign area.

1.) Non-Expressway Corridor

A) Minimum setback: five (5) feet from property line.

- B) Maximum size: up to three hundred (300) square feet.
- C) Maximum height: thirty (30) feet.

2.) Expressway Corridor

- A) Minimum setback: ten (10) feet from property line.
- B) Maximum size: eight hundred (800) square feet.
- C) Maximum height: sixty (60) feet.

F) Marquee sign: shall be limited to one (1) permanent sign per site and shall comply with the latest edition of the International Building Code. Size of marquee cannot exceed eight (8) feet in width and thirty-two (32) feet in length,

G) Roof sign: shall be limited to one (1) permanent sign per site and shall comply with the latest edition of the International Building Code. Size of roof sign cannot exceed four (4) feet in height and sixteen (16) feet in length.

H) Subdivision sign:

- 1.) Minimum setback: attached to fence or wall at the entrance of a subdivision.
- 2.) Maximum size: sixteen (16) square feet on each side of the entrance to the subdivision.
- 3.) Maximum height: ten (10) feet.

I) Wall sign: shall be limited to four (4) per premises, of which there shall be no more than one (1) facing each direction. Wall signs shall comply with the latest edition of the International Building Code.

- 1.) Minimum size: sixty-four (64) square feet of wall.
- 2.) Maximum setback: attached or painted to wall.

3.) *Temporary signs:* Temporary signs shall be permitted as listed in this subsection. Such signs shall be limited to one (1) temporary sign per site and shall comply with section 106-62 (D).

A) Banner sign and Banner Flag Poles: shall be limited to two (2) temporary banner signs per business Banner shall be permitted for a period of thirty (30) consecutive days, after which they shall be removed and not be replaced for a period of six (6) months. Banners which are less than three (3) feet in width and height shall be not require a permit.

B) Construction sign: shall be limited to one (1) temporary construction sign for each project or development, and shall comply with section 106-62(D)(1).

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: ten (10) feet.

C) Portable sign: shall comply with section 106-62(D)(6).

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: ten (10) feet.

D) Real estate sign: shall be limited to one (1) temporary sign per approved site. Such signs may be erected no more than thirty (30) days prior to construction and shall comply with section 106-62(D)(5).

- 1.) Minimum setback: five (5) feet from property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: ten (10) feet.

E) Street banner sign: shall be allowed on special occasion with the permission of the city manager. Such signs shall in no way affect traffic flow or visibility.

F) Trailer sign: must be removed seven (7) days following the event or election and advertising.

- 1.) Minimum setback: five (5) feet from the property line.
- 2.) Maximum size: thirty-two (32) square feet.
- 3.) Maximum height: ten (10) feet.

4.) Off-Premise signs: Off-premise signs are prohibited in a residential district.

5.) Additional Requirements:

A) No sign shall have less than a minimum setback of five (5) feet from any property line, except as listed in this section.

B) No sign shall have a face larger than eight hundred (800) square feet, except as listed in this section.

- 1.) No sign shall exceed sixty (60) feet in height, except as listed in this section.
- 2.) When computing the face area of an on-premise sign, it shall be computed as outlined in section 106-88(4).
- 3.) Signs shall be designed, constructed and maintained according to the latest edition of the International Building Code for use of materials, loads and stresses.
- 4.) Signs exceeding fifteen (15) feet in height shall have plans sealed by professional engineer licensed to practice in the State of Texas.

Sec. 106-146. Planned Unit Developments

This section specifies which signs are permitted in a planned unit development.

- 1.) All signs defined in section 106-31 and section 106-62(B).
- 2.) All signs allowed in each zoning district which makes up the planned unit development according to the regulations of each district. Applicant's signs are to be approved as part of the required site plan.

Off-premises signs shall not be permitted in planned unit developments.

Sec. 106-147. Non-Applicability to Municipal Functions and Activities

- 1.) The City hereby orders that municipal ordinances shall not apply to restrict or otherwise prohibit the City of Pharr, its departments, divisions, and corporations, from performing in furtherance of municipal interests through its functions and activities including but not limited to property use and other regulations.
- 2.) This ordinance shall not alleviate the City of Pharr of any obligations, duties, and commitment required by Charter, and shall not alleviate the City of Pharr from ordinances stipulating budgetary and financial appropriations.

Sec. 106-148. Penalty

Any person, organization or entity that violates this ordinance shall have the following penalties imposed:

Upon conviction, a fine of not less ONE-HUNDRED DOLLARS (\$100.00) nor more than ONE-THOUSAND (\$1,000.00) per day per violation may be imposed. Each day will be a separate violation.

Sec. 106-149. Effective Date; Publication

The ordinance shall take effect and be in force from and after its passage and approval on three (3) separate readings in accordance with Section 8, Article 3 of the Charter of the City of Pharr, Texas. Publication, if necessary, may also be in caption form as allowed under Section 9 of the Pharr City Charter.

Sec. 106-150. Repealing Clause

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Sec. 106-151. Cumulative

This ordinance shall be cumulative of all ordinances of the City of Pharr, Texas, and of all laws of the State of Texas.

Sec. 106-152: Severability Clause

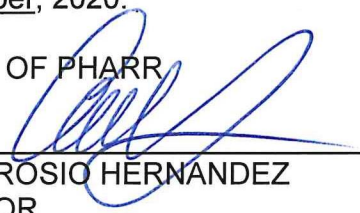
The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part thereof.

Sec. 106-153. Proper notice and meeting

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON THE FIRST READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 7th day of December, 2020.

CITY OF PHARR



AMBROSIO HERNANDEZ
MAYOR


ATTEST:



HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE SECOND READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 21st day of December, 2020.

CITY OF PHARR



AMBROSIO HERNANDEZ
MAYOR

ATTEST:



HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE THIRD READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 4th day of January, 2021.

CITY OF PHARR



AMBROSIO HERNANDEZ
MAYOR

ATTEST:



HILDA PEDRAZA, CITY CLERK

ORDINANCE NO. O-2020- 44

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PHARR, TEXAS
AMENDING ORDINANCE O-2020-37 REGULATING ELECTIONEERING IN PUBLIC
AND PRIVATE PROPERTY, CITY OWNED OR CITY CONTROLLED PROPERTY
USED AS POLLING PLACE; PROVIDING FOR COMPLIANCE; SETTING A FINE
FOR VIOLATION THEREOF; PROVIDING SEVERABILITY CLAUSE AND
PROVIDING AN EFFECTIVE DATE**

WHEREAS, the 83rd Texas Legislature passed House Bill 259 in 2013, modifying Texas Election Code Sections 61.003 and 85.036 and requiring an entity that controls or owns a public building used as a polling location to allow electioneering on the premises subject to reasonable regulations on time, place, and matter; and

WHEREAS, recent legislative changes prohibit cities which own buildings used as polling place from restricting electioneering during early voting and election day including the posting, use of distribution of political signs or literature on municipal premises outside the 100' foot statutory election limit; and

WHEREAS, the City of Pharr recognizes the importance of a citizen's right to vote as guaranteed by the First Amendment of the United States Constitution and the Constitution of the State of Texas; and

WHEREAS, presently, the polling locations in the City of Pharr include the Jose "Pepe" Salinas Recreation Center and Development and Research Center; however, these are subject to change and may include other City owned or City controlled properties and any other public or private property used as polling place in Pharr; and

WHEREAS, these facilities are simultaneously used for various other purposes and for which adequate and safe parking and access thereto must be maintained in order for those facilities to operate in a safe and effective manner; and

WHEREAS, electioneering includes the posting, use, or distribution of political signs or literature; and

WHEREAS, the City Commission of the City of Pharr, Texas hereby adopts the following electioneering regulations and finds that they are in the general public's best interests and promote public safety.

**THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
THE CITY OF PHARR, TEXAS, THAT:**

SECTION 1: DEFINITIONS

The following words, terms and phrases, when used in this Ordinance shall have the following meanings, except where the context clearly indicates a different meaning:

Electioneering shall mean the posting, use, or distribution of political signs or literature, including but not limited to the use of trailers, chairs, booths, tables, tents, and canopies or other furniture, structures, vehicles or devices to post, use or distribute political signs or literature.

Polling Place shall mean any property, building and grounds, wherein federal, state, or local election officials are conducting voting under the Texas Election Code and/or Home Rule Charter.

Private Property shall mean land not owned by the government or dedicated to public use. However, it does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.

Prohibited Area The area within which the Texas Election Code Section 85.036(a) prohibits electioneering during the time an early voting or voting place is open for the conduct of early voting or election day voting.

Public Property shall mean real property, streets, roadways, easements, alleys, parks, buildings and grounds owned or controlled by any public institution or taxing authority, including the City, School District, College Campus, Drainage or Irrigation District, or other governmental entity, or any property designed as a lawful polling place under the Texas Election Code.

Voting Period shall mean the advertised time certain when polls open until the polls close, or the last voter has voted, whichever is later, on Election Day, the Early Voting Period, and any Election Runoff period or day.

SECTION 2: PURPOSE

The purpose of this ordinance is to provide reasonable regulations for electioneering on public or private property, including, but not limited to, city owned or controlled public property when such property is used as a polling place. To protect the public health, safety, and welfare of the city and voters. The regulations herein are to mitigate against any safety concerns, prevent damage to public and private property, and ensure that the property is sufficiently available for its patrons who use the facilities for activities other than election purposes.

SECTION 3: REGULATIONS AND EXCEPTIONS

(a) The following regulations applies to electioneering on the premises of public or private property, including, but not limited to, City owned or City controlled property used as a polling place that occurs outside the prohibited area during the voting period:

1. It is an offense for any person to engage in electioneering on the driveways, parking areas, on medians within parking areas, or driveways on the premises of a polling place. This restriction shall not apply to electioneering signs that are attached to vehicles that are lawfully parked near the premises of a place.
2. It is an offense for any person engaged in electioneering to park within areas designated for voter parking. Parking at polling places during the voting period shall be reserved for individuals engaged in voting during the voting period.
3. It is an offense for any person to leave any electioneering sign or literature on property that is used as a polling place other than during the voting period. Signs may not be placed at any polling place prior to midnight the day of the voting period. Signs must be removed not later than the second day after the voting on such election or referendum occurs.
4. It is an offense for any person to attach, place or otherwise affix or erect any electioneering sign, literature or material in any area designated as a planting or landscaped area or to any tree, shrub, building, pole, or other improvement on public property used as a polling place. Unless otherwise allowed in accordance with Section 4.
5. It is an offense for any person to place any electioneering sign or literature within ten (10) feet of the public road way adjacent to the property where a polling place is located.
6. It is an offense for any person to place more than two (2) electioneering sign(s) on the premises of a polling place that exceeds nine (9) square feet.
7. All signs must also comply with the requirements set forth in Section 259.001 of the Texas Election Code. The following notice must be written, in a clearly visible and legible font of not less than 2" letters, on each political advertising sign:

"NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE), TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY."

8. The authority to conduct electioneering on public or private property under this Ordinance is limited to the property on the premises where the voting is conducted and only for the voting period.
9. It shall be unlawful for any person to engage in electioneering on a driveway of public or private property or city owned or controlled polling place or in any area that the Fire Chief, Police Chief, or his/her designee determines is unsafe for electioneering or interferes with patrons, traffic, or City employees and staff who use the areas.
10. It shall be unlawful to obstruct firefighting or police activities on public or private property and city owned or controlled property used as a polling place.
11. Tents, awnings, booths, shelters, BBQ pits, and tables are not permitted on any public or private property, city owned or controlled property that is used as a polling place during any voting period unless authorized and in the manner authorized by the City Manager in writing.

SECTION 4: The City Manager shall be authorized to identify and designate the areas to which these regulations apply during voting periods.

SECTION 5: PENALTIES

Any person, firm, corporation or entity violating this Ordinance shall be guilty of a Class C misdemeanor, and upon conviction, shall be punished by a fine not to exceed \$500.00 per occurrence. Each and every day such violation occurs or continues shall be deemed to constitute a separate offense.

In addition to imposing any criminal penalty, electioneering sign(s) located in violation of this Ordinance may be removed and disposed of by the entity in control of the public property.

SECTION 6: ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the City Manager, City Clerk, a designated election officer, a code enforcement official, or any law enforcement official.

SECTION 7: PUBLICATION

That this ordinance be published in a newspaper of general circulation that serves the City of Pharr, Texas and shall be enforceable 10 days after publication.

SECTION 8: SAVINGS CLAUSE

Except as hereby amended, any provision of the Code of Ordinances or directives of the City of Pharr, Texas, not in conflict with this ordinance shall remain in full force and effect, unimpaired hereby.

SECTION 9: SEVERABILITY CLAUSE

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part thereof. The effects of this Ordinance shall, at all times, be in compliance with state, federal, local and other guidelines as directed.

SECTION 10: EFFECTIVE DATE; PUBLICATION

The importance of the subject matter hereof creates and an imperative public necessity requiring suspension of the rule that ordinances be read on three separate days, and such rule is hereby suspended and said requirement is dispensed with by a vote of not less than a majority of all the members of the Board of Commissioners.

SECTION 11: PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON FIRST READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 16th day of November, 2020.

CITY OF PHARR


AMBROSIO HERNANDEZ, MAYOR

ATTEST:


HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON SECOND READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 7th day of December, 2020.

CITY OF PHARR


AMBROSIO HERNANDEZ, MAYOR

ATTEST:


HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THIRD READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 21st day of December, 2020.


CITY OF PHARR


AMBROSIO HERNANDEZ, MAYOR

ATTEST:


HILDA PEDRAZA, CITY CLERK

APPROVED AS TO FORM:



PATRICIA A. RIGNEY, CITY ATTORNEY

ELECTION CODE

TITLE 6. CONDUCT OF ELECTIONS

CHAPTER 61. CONDUCT OF VOTING GENERALLY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 61.001. BYSTANDERS EXCLUDED; UNLAWFUL PRESENCE OF CANDIDATE. (a) Except as permitted by this code and as described by Subsection (a-1), a person may not be in the polling place from the time the presiding judge arrives there on election day to make the preliminary arrangements until the precinct returns have been certified and the election records have been assembled for distribution following the election.

(a-1) Under this code, a person may be lawfully present in a polling place during the time described by Subsection (a) if the person is:

- (1) an election judge or clerk;
- (2) a watcher;
- (3) the secretary of state;
- (4) a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with this code;
- (5) an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
- (6) a state inspector;
- (7) a person admitted to vote;
- (8) a child under 18 years of age who is accompanying a parent who has been admitted to vote;
- (9) a person providing assistance to a voter under Section 61.032 or 64.032;
- (10) a person accompanying a voter who has a disability;
- (11) a special peace officer appointed by the presiding judge under Section 32.075;
- (12) the county chair of a political party conducting a primary election, as authorized by Section 172.1113;
- (13) a voting system technician, as authorized by

Section 125.010;

(14) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or

(15) a person whose presence has been authorized by the presiding judge in accordance with this code.

(b) A candidate in the election commits an offense if the candidate is in a polling place during the period described by Subsection (a) for a purpose other than:

(1) voting; or

(2) official business in the building in which the polling place is located.

(c) It is an exception to the application of Subsection (b) that the candidate:

(1) is not within plain view or hearing of the persons in the voting area or the area in which voters are being accepted for voting; and

(2) is not engaged in campaign activity.

(d) An offense under this section is a Class C misdemeanor. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 1350, Sec. 3, eff. Sept. 1, 1997. Amended by:

Acts 2021, 87th Leg., R.S., Ch. 454 (H.B. 1128), Sec. 1, eff. September 1, 2021.

Sec. 61.002. OPENING AND CLOSING POLLING PLACE FOR VOTING.

(a) Immediately before opening the polls for voting on the first day of early voting and on election day, the presiding election judge or alternate election judge shall confirm that each voting machine has any public counter reset to zero and shall print the tape that shows the counter was set to zero for each candidate or measure on the ballot.

(b) At the official time for opening the polls for voting, an election officer shall open the polling place entrance and admit the voters.

(c) Immediately after closing the polls for voting on election day, the presiding election judge or alternate election

judge shall print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine.

(d) Each election judge or alternate election judge present shall sign a tape printed under this section.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2021, 87th Leg., 2nd C.S., Ch. 1 (S.B. [1](#)), Sec. 3.06, eff. December 2, 2021.

Sec. 61.003. ELECTIONEERING AND LOITERING NEAR POLLING PLACE. (a) A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person:

(1) loiters; or

(2) electioneers for or against any candidate, measure, or political party.

(a-1) The entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building's premises outside of the area described in Subsection (a), but may enact reasonable regulations concerning the time, place, and manner of electioneering.

(b) In this section:

(1) "Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Section [172.1114](#).

(2) "Voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

(c) An offense under this section is a Class C misdemeanor. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 235 (H.B. [259](#)), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 235 (H.B. [259](#)), Sec. 2, eff.

June 14, 2013.

Acts 2017, 85th Leg., R.S., Ch. 828 (H.B. [1735](#)), Sec. 12, eff. September 1, 2017.

Sec. 61.004. UNLAWFUL OPERATION OF SOUND AMPLIFICATION DEVICE OR SOUND TRUCK. (a) A person commits an offense if, during the voting period and within 1,000 feet of a building in which a polling place is located, the person operates a sound amplification device or a vehicle with a loudspeaker while the device or loudspeaker is being used for the purpose of:

- (1) making a political speech; or
- (2) electioneering for or against any candidate, measure, or political party.

(b) For the purpose of Subsection (a), a person operates a vehicle with a loudspeaker if the person drives the vehicle, uses the loudspeaker, or operates sound equipment in connection with the loudspeaker.

(c) In this section, "voting period" means the period prescribed by Section [61.003](#)(b).

(d) An offense under this section is a Class C misdemeanor. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2005, 79th Leg., Ch. 497 (H.B. [535](#)), Sec. 1, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 497 (H.B. [535](#)), Sec. 2, eff. September 1, 2005.

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, AND ENVELOPES. (a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, and envelopes used for provisional ballots in a manner not authorized by law.

(b) The ballots, ballot boxes, and envelopes used for provisional ballots at a polling place shall be in plain view of at least one election officer from the time the polls open for voting

until the precinct returns have been certified.

(c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing a voter's provisional ballot in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 1078, Sec. 3, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 1315, Sec. 19, eff. Jan. 1, 2004.

Sec. 61.006. UNLAWFULLY DIVULGING VOTE. (a) A person commits an offense if the person was in a polling place for any purpose other than voting and knowingly communicates to another person information that the person obtained at the polling place about how a voter has voted.

(b) An offense under this section is a felony of the third degree.

(c) This section does not apply to information presented in an official investigation or other official proceeding in which the information is relevant.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 864, Sec. 53, eff. Sept. 1, 1997.

Sec. 61.007. UNLAWFULLY REVEALING INFORMATION BEFORE POLLS CLOSE. (a) An election officer, watcher, or other person serving at a polling place in an official capacity commits an offense if, before the polls close or the last voter has voted, whichever is later, the officer, watcher, or other person reveals:

(1) the number of votes that have been received for a candidate or for or against a measure;

(2) a candidate's position relative to other candidates in the tabulation of the votes;

(3) whether a measure is passing or failing; or

(4) the names of persons who have or have not voted in the election.

(b) An offense under this section is a Class A misdemeanor.

(c) Beginning at 9:30 a.m. and at each subsequent two-hour interval through 5:30 p.m., the presiding judge shall post written notice of the total number of voters who have voted in the precinct. The notice shall be posted at an outside door through which a voter may enter the building in which the polling place is located.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 440, Sec. 1, eff. Sept. 1, 1987; Acts 1987, 70th Leg., ch. 472, Sec. 16, eff. Sept. 1, 1987; Acts 1989, 71st Leg., ch. 2, Sec. 7.04, eff. Aug. 28, 1989; Acts 2003, 78th Leg., ch. 427, Sec. 1, eff. Sept. 1, 2003.

Sec. 61.008. UNLAWFULLY INFLUENCING VOTER. (a) A person commits an offense if the person indicates to a voter in a polling place by word, sign, or gesture how the person desires the voter to vote or not vote.

(b) An offense under this section is a Class B misdemeanor. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 61.009. INSTRUCTING VOTER ON CASTING BALLOT. On the request of a voter, an election officer shall instruct the voter on the proper procedure for casting a ballot. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 61.010. WEARING NAME TAG OR BADGE IN POLLING PLACE. (a) Except as provided by Subsection (b), a person may not wear a badge, insignia, emblem, or other similar communicative device relating to a candidate, measure, or political party appearing on the ballot, or to the conduct of the election, in the polling place or within 100 feet of any outside door through which a voter may enter the building in which the polling place is located.

(b) An election judge, an election clerk, a state or federal election inspector, a certified peace officer, or a special peace officer appointed for the polling place by the presiding judge shall wear while on duty in the area described by Subsection (a) a tag or official badge that indicates the person's name and title or position.

(c) A person commits an offense if the person violates

Subsection (a). An offense under this subsection is a Class C misdemeanor.

Added by Acts 1987, 70th Leg., ch. 472, Sec. 17, eff. Sept. 1, 1987.

Amended by Acts 1997, 75th Leg., ch. 1349, Sec. 24, 25, eff. Sept. 1, 1997.

Sec. 61.011. REMOVING WRITTEN COMMUNICATIONS FOUND IN POLLING PLACE. (a) An election officer shall periodically check each voting station and other areas of the polling place for sample ballots or other written communications used by voters that were left or discarded in the polling place.

(b) An election officer shall remove from the sight of the voters any written communication found under Subsection (a).

Added by Acts 1997, 75th Leg., ch. 112, Sec. 1, eff. Sept. 1, 1997.

Sec. 61.012. ACCESS BY PERSONS WITH DISABILITIES. (a) Except as provided by Section [61.013](#), each polling place must provide at least one voting station that:

(1) complies with:

(A) Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments;

(B) Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments; and

(C) the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) and its subsequent amendments; and

(2) provides a practical and effective means for voters with physical disabilities to cast a secret ballot.

(b) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1182, Sec. 4, eff. June 15, 2007.

Acts 2003, 78th Leg., ch. 1315, Sec. 20, eff. Jan. 1, 2004.

Amended by:

Acts 2006, 79th Leg., 3rd C.S., Ch. 5 (H.B. [1](#)), Sec. 11.02, eff. May 31, 2006.

Acts 2007, 80th Leg., R.S., Ch. 1182 (H.B. [556](#)), Sec. 2, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1182 (H.B. [556](#)), Sec. 4, eff.

June 15, 2007.

Sec. 61.013. ACCESS BY PERSONS WITH DISABILITIES: ELECTIONS OF CERTAIN POLITICAL SUBDIVISIONS. (a) For an election other than an election of a political subdivision that is held jointly with another election in which a federal office appears on the ballot, the political subdivision is not required to meet the requirements of Section 61.012(a)(1)(C) if the political subdivision:

(1) is a county with a population of less than 2,000;

(2) is a county with a population of 2,000 or more but less than 5,000, and the county provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) on election day;

(3) is a county with a population of 5,000 or more but less than 10,000, and the county provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) on election day and during the period for early voting by personal appearance;

(4) is a county with a population of 10,000 or more but less than 20,000, and the county:

(A) makes a showing in the manner provided by Subsection (c) that compliance with Section 61.012(a)(1)(C) constitutes an undue burden on the county;

(B) provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) on election day and during the period for early voting by personal appearance; and

(C) provides a mobile voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) that during the period for early voting by personal appearance is deployed at least once at each polling place used for early voting by personal appearance; or

(5) is located in a county described by Subdivisions (1)-(4) and meets the same requirements as the county in which the political subdivision is located.

(b) A voter with a disability that desires a reasonable

accommodation to vote in an election of a county described by Subsection (a)(1) or a political subdivision located in that county shall make a request for the accommodation with the early voting clerk of the county or political subdivision not later than the 21st day before the date of the election. On receipt of the request, the early voting clerk shall make a reasonable accommodation to allow the voter to cast a vote.

(c) A county or political subdivision may make a showing of undue burden under Subsection (a)(4)(A) by filing an application with the secretary of state not later than the 90th day before the date of the election that states the reasons that compliance would constitute an undue burden. A showing of an undue burden may be satisfied by proof that the election costs associated with compliance with Section 61.012(a)(1)(C) constitute a significant expense for the county or political subdivision and reflect an increase of at least 25 percent in the costs of holding an election as compared to the costs of the last general election held by the county or political subdivision before January 1, 2006. Not later than the 20th day after the date of receiving an application under this section, the secretary of state shall determine whether compliance with Section 61.012(a)(1)(C) is an undue burden for the county or political subdivision.

(d) A county or political subdivision that intends to use this section to provide fewer voting stations that meet the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) than required by Section 61.012(a)(1)(C) must:

(1) provide notice to the secretary of state of that intent not later than the 90th day before the date of the election; and

(2) for a county described by Subsection (a)(2), (3), or (4), or a political subdivision located in such a county, publish notice of the location of each voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) in a newspaper of general circulation in the county or political subdivision not later than the 15th day before the date of the start of the period of early voting by personal appearance.

(e) For purposes of this section, a political subdivision

located in more than one county may choose:

(1) to be considered located in the county that contains the greatest number of registered voters of the political subdivision; or

(2) for each portion of the political subdivision located in a different county, to be considered a separate political subdivision.

(f) The secretary of state shall prescribe procedures and adopt rules as necessary to implement this section.

Added by Acts 2007, 80th Leg., R.S., Ch. 1182 (H.B. 556), Sec. 3, eff. June 15, 2007.

Sec. 61.014. USE OF CERTAIN DEVICES. (a) A person may not use a wireless communication device within 100 feet of a voting station.

(b) A person may not use any mechanical or electronic means of recording images or sound within 100 feet of a voting station.

(c) The presiding judge may require a person who violates this section to turn off the device or to leave the polling place.

(d) This section does not apply to:

(1) an election officer in conducting the officer's official duties;

(2) the use of election equipment necessary for the conduct of the election; or

(3) a person who is employed at the location in which a polling place is located while the person is acting in the course of the person's employment.

Added by Acts 2007, 80th Leg., R.S., Ch. 697 (H.B. 1921), Sec. 1, eff. September 1, 2007.

Renumbered from Election Code, Section 61.013 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(12), eff. September 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 175 (H.B. 1493), Sec. 1, eff. May 27, 2009.

SUBCHAPTER B. INTERPRETER

Sec. 61.031. USE OF ENGLISH LANGUAGE. (a) Except as provided by Subsection (b), an election officer may not use a language other than English in performing an official duty in connection with the election.

(b) If a voter cannot communicate in English, an election officer may communicate with the voter in a language that the voter and the officer understand.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 61.032. INTERPRETER PERMITTED. If an election officer who attempts to communicate with a voter does not understand the language used by the voter, the voter may communicate through an interpreter selected by the voter or, if the voter has not selected an interpreter, any interpreter an election officer may appoint.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 556 (S.B. [331](#)), Sec. 1, eff. June 14, 2021.

Sec. 61.033. ELIGIBILITY TO SERVE AS INTERPRETER. To be eligible to serve as an interpreter, a person:

(1) may be any person other than the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs; and

(2) if appointed to serve as an interpreter by an election officer, must be a registered voter of the county in which the voter needing the interpreter resides or a registered voter of an adjacent county.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 556 (S.B. [331](#)), Sec. 2, eff. June 14, 2021.

Sec. 61.034. TRANSLATING BALLOT. If a voter cannot comprehend the language in which the ballot is printed, the voter may receive assistance in accordance with Subchapter [B](#), Chapter [64](#).

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 556 (S.B. 331), Sec. 3, eff. June 14, 2021.

Sec. 61.035. OATH. (a) Before serving as an interpreter, the person selected as interpreter must take the following oath administered by an election officer:

"I swear (or affirm) that, to the best of my ability, I will correctly interpret and translate each question, answer, or statement addressed either to the voter by any election officer or to an election officer by the voter."

(b) A person who will be providing ballot assistance under Section 61.034 must also take the oath required by Subchapter B, Chapter 64, and meet all other requirements of that subchapter.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 556 (S.B. 331), Sec. 4, eff. June 14, 2021.

Sec. 61.036. TRANSLATION REQUIRED. (a) If an election officer and a voter communicate in a language other than English, any other election officer or watcher may request an English translation of anything communicated in the other language.

(b) If a translation request is made, the election officer communicating with the voter shall make the translation.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

POLL WATCHER'S GUIDE



Issued by the

SECRETARY OF STATE ELECTIONS DIVISION

P.O. Box 12060
Austin, Texas 78711-2060
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Updated: January 2022

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INTRODUCTION

This “Poll Watcher’s Guide” has been designed to familiarize poll watchers with their basic rights and responsibilities. The integrity of elections is a concern of all citizens, and although poll watchers may represent particular candidates, political parties, or specific-purpose political action committees, their main interest is in the conduct of a fair and honest election.

A poll watcher’s role in an election is established by Chapter 33 of the Texas Election Code and is defined as follows:

Poll Watcher – a person appointed to observe the conduct of an election on behalf of:

- a candidate,
- a political party, or
- the proponents or opponents of a measure (specific-purpose political action committees).

NEW LAW: SB 1 (2021, 2nd C.S.): Provides that it is the intent of the legislature that watchers duly accepted for service under Chapter 33 be allowed to observe and report on irregularities in the conduct of any election, but may not interfere in the orderly conduct of an election. A watcher appointed under Chapter 33 shall observe without obstructing the conduct of an election and call to the attention of an election officer any observed or suspected irregularity or violation of law in the conduct of the election. [Sec. 33.0015].

Throughout this guide, all references are made to appropriate sections in the Texas Election Code, unless otherwise noted.

QUICK POINTS TO REMEMBER

- In order to serve as a poll watcher, you must show up with a certificate of appointment that includes:
 - Name, residence address, and voter registration number of the poll watcher;
 - The signature of the person(s) making the appointment;
 - The election and the number of the precinct where the poll watcher is to serve;
 - An indication of the capacity in which the appointing authority is acting;
 - In an election on a measure, an identification of the measure (if more than one is to be voted on) and a statement of which side the appointee represents;
 - An affidavit to be executed by the poll watcher stating that the poll watcher will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher unless the poll watcher disables or deactivates the device; and
 - The signature of the poll watcher.
- You must complete the poll watcher training administered by the SOS and present the certificate of completion to the presiding judge. (**NEW LAW:** SB 1 (2021, 2nd C.S.)).
- Be ready to counter-sign the certificate of appointment in front of the election judge. This serves not only to certify that the person presenting themselves as a poll watcher is

the person named on the appointment, but also as the execution of the affidavit that the watcher does not have possession of any prohibited recording devices.

- If you are serving on election day and want to vote in a different precinct (from the location of service), we recommend voting during the early voting period, before your service as a poll watcher.
- Take the oath administered by the election officer. (**NEW LAW**: SB 1 (2021, 2nd C.S.)).

QUALIFICATIONS OF WATCHER

Q. What are the qualifications of a watcher?

A. A watcher must:

1. be a registered voter of the territory (e.g., city, school district) covered by the election and of the county for November general elections for state and county officers (held on even-numbered years), primary elections, or other countywide elections; [Sec. 33.031]
2. NOT be a candidate for public office in an election held on the day the watcher seeks to serve; [Sec. 33.032]
3. NOT hold an elective public office; [Sec. 33.034]
4. NOT be an employee of an election judge or clerk serving at the same polling place; [Sec. 33.033]
5. NOT have been finally convicted of an offense in connection with conduct directly attributable to an election; [Sec. 33.035] and
6. NOT be related within the second degree of consanguinity or affinity (as determined by Tex. Gov't Code, Secs. 573.022-573.025) to an election judge or clerk serving at that polling place. These include spouses, siblings, grandparents, and grandchildren. A watcher may be related to the candidate the watcher is representing. [Sec. 33.033].

Q: Can a person who has been finally convicted of an election offense serve as a watcher?

A: No. A person convicted of any election offense cannot serve as a watcher. [Sec. 33.035].

Q. Does a poll watcher need to live within the election precinct in which the watcher is serving?

A. No.

Q. Can a person serve as a watcher in an election if they are a candidate running for a public office?

A. No. A person is ineligible to serve as a watcher in an election if the person is a candidate for public office in an election to be held on the same day. [Sec. 33.032].

Q. Are elected public officials allowed to serve as watchers in any election?

A. No. A person who holds an elective public office is ineligible to serve as a watcher. [Sec. 33.034].

Q. Can officers of a political party serve as watchers?

A. Yes. They may serve because they are not elected public officers. [Sec. 33.034].

Q. Can a watcher work for, or be related to, any of the election officials?

A. No. The watcher cannot be an employer or employee of, or related within the second degree by consanguinity or affinity to, an election judge, election clerk, early voting clerk, or deputy clerk serving at the same location. [Sec. 33.033].

Q. Can a candidate's spouse or child serve as a watcher?

A. Yes.

APPOINTMENT OF WATCHER

APPOINTMENT OF WATCHER BY POLITICAL PARTIES:

Q. Who appoints a watcher on behalf of political parties?

- A. 1. The county chair of each political party that has a nominee(s) on the official ballot may appoint watchers. [Sec. 33.003(a)].
2. Any three members of the county executive committee may appoint watchers, if the county chair fails to act. [Sec. 33.003(b)].

APPOINTMENT OF WATCHER BY A CANDIDATE:

Q. Who appoints a watcher on behalf of candidates?

- A. 1. A candidate whose name appears on the official ballot or on the list of declared write-in candidates in an election for any office (other than the office of Vice President of the United States) may appoint a watcher. In other words, watchers may be appointed by any candidate whose name appears on the ballot other than the candidate for Vice President. For a state office that is filled by voters of more than one county, the candidate's campaign treasurer also may appoint a watcher. [Sec. 33.002(a) & (b)].
2. For a federal office that is filled by voters of more than one county, the chair or treasurer of the candidate's principal campaign committee or a designated agent of the campaign chair or treasurer may appoint a watcher. [Sec. 33.002(c)].
3. A group of registered voters may appoint watchers on behalf of a write-in candidate in an election in which declarations of write-in candidacy are not required to be filed. The minimum number of voters required to make an appointment under this section is the lesser of 15 or five percent of the registered voters of the appropriate territory as determined from the list of registered voters to be used for the election. [Sec. 33.004].
- To be eligible to sign an appointment of a watcher to a precinct polling place, a person must be a registered voter of the precinct.
NOTE: To be eligible to sign an appointment of a watcher to a countywide polling place, a person must be a registered voter of the entity ordering the election.
 - To be eligible to appoint a watcher to an early voting polling place, early ballot board meeting, or a central counting station, a person must be a registered voter of the county, city, school district, or other political subdivision conducting the election. [Sec. 33.004].

APPOINTMENT OF WATCHER FOR ELECTIONS ON MEASURES:

Q. Who appoints a watcher for elections on measures?

- A. The campaign treasurer or an assistant campaign treasurer of a **specific**-purpose political action committee that supports or opposes a measure may appoint watchers. [Sec. 33.005(a)]. For information on establishing a specific-purpose political action committee, please contact the Texas Ethics Commission at 512-463-5800 or www.ethics.state.tx.us.

NOTE: Section 33.005 does not apply to a referendum measure submitted at a primary election. [Sec. 33.005(b)].

MAXIMUM NUMBER OF WATCHERS:

Q. What is the maximum number of watchers that can be appointed by each appointing authority?

- A. 1. A maximum of seven (7) watchers may be appointed for each early voting polling place (no more than two may be on duty at the same location and at the same time); and
2. A maximum of two (2) watchers may be appointed for each precinct polling place, meeting place for an early voting ballot board (and signature verification committee, if one is appointed), or central counting station involved in the election. [Sec. 33.007].

ACTIVITIES A POLL WATCHER MAY OBSERVE:

A poll watcher is entitled to observe the following activities at early voting by personal appearance locations and election day locations:

1. Early voting by personal appearance polling place activities, including time before and after the polls close. [Secs. 33.052 and 81.002].

NOTE: If present, a poll watcher should sign the record of early voting ballot box seals or other specific chain of custody forms, if applicable.

2. Election day polling place activities, including time before and after the polls close. [Sec. 33.052].

NOTE: If present, a poll watcher should sign zero tapes before the polls open and after the polls close pursuant to Section 61.002 of the Election Code. *See* Tex. Sec'y of State [Election Advisory No. 2019-23](#).

3. Any activity related to curbside voting, except as provided by Section 33.057. (**NEW LAW:** SB 1 (2021, 2nd C.S.)). [Sec. 64.009(e)].
4. Early voting ballot board meeting activities.
5. Central counting station activities.
6. Central accumulation station activities.
7. Signature verification committee activities.
8. Voter being assisted by an election official.

NOTE: A watcher may not be present at the voting station when a voter is preparing the voter's ballot or is being assisted by a person of the voter's choice, including by a person also serving as an interpreter at the voting station. [Sec. 33.057(b)].

9. Inspecting and securing the voting equipment. (Must present certificate of appointment; certificate must be returned to the watcher.) [Sec. 33.059].

10. Delivery of election results from polling place. [Sec. 33.060].
11. All election activities relating to closing the polling place, including the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed for use with voting system equipment. (**NEW LAW:** SB 1 (2021, 2nd C.S.)). [Sec. 33.0605(a)].
12. Follow the transfer of election materials from the polling place to the regional tabulating center, central counting station, or other location designated to process election materials. (**NEW LAW:** SB 1 (2021, 2nd C.S.)). [Sec. 33.0605(b)].

TRAINING PROGRAM

NEW LAW: SB 1 (2021, 2nd C.S.): To be eligible to serve as a watcher, a person must complete the training program developed by the Secretary of State's office. [Secs. 33.008, 33.031(b)]. The training program can be found on VoteTexas.Gov

CERTIFICATE OF COMPLETION

NEW LAW: SB 1 (2021, 2nd C.S.): The watcher must deliver a certificate of completion from training to the presiding judge at the time the watcher reports for service. [Sec. 33.051].

A person appointed to serve as a watcher must complete watcher training prior to every election for which the person is appointed to serve as a watcher. A person is not required to complete training for a resulting runoff election, or a second election to resolve a tie, if the watcher completed training for the initial election.

A separate certificate of completion must be delivered at each place the watcher is appointed to serve. The certificate of completion and the certificate of appointment must be delivered to the presiding judge at the time the watcher presents to serve. The presiding judge shall retain the certificate of completion and certificate of appointment with the election records. If a watcher intends to serve at multiple locations, the watcher should make multiple copies of their certificate of completion to present at each location the watcher is appointed to serve. [Sec. 33.051].

NOTE: A watcher **may** complete additional training; however, a watcher **must** complete the prescribed SOS training and present the certificate of completion to the presiding judge at the time the watcher reports for service.

ACCEPTANCE OF WATCHER

NEW LAW: SB 1 (2021, 2nd C.S.): A watcher appointed to serve at a polling place, meeting of the early voting ballot board, or central counting station must deliver 1) their certificate of appointment; and 2) their certificate of completion from SOS training to the presiding judge at the time the watcher reports for service. Before being accepted for service, a watcher must take an oath administered by the election officer. [Sec. 33.051(a), (h)].

It is a Class A misdemeanor for an election officer to intentionally or knowingly refuse to accept a watcher for service when acceptance of the watcher is required. [Sec. 33.051(g)].

TIME FOR REPORTING TO THE POLLING PLACE:

Q. At what time do watchers need to report to the polling place, and how long do they need to stay at that polling place?

- A. 1. At the polling place on **Election Day**, a poll watcher:
- may begin service at any time after the presiding judge arrives and may stay at the polling place until election officials complete their duties; and

- may come and go after the watcher has served 5 consecutive hours. [Sec. 33.052].

NOTE: If a watcher leaves the polling area temporarily to use a cell phone or other wireless device, this temporary absence does not affect his 5 hours of continuous service. [Sec. 33.052(b)].

2. At an **early voting** polling place, a poll watcher:

- may be present at the polling place at any time it is open and until voting equipment is secured on the close of voting each day; and
- may serve during the hours the watcher chooses. [Sec. 33.053].

NOTE: A poll watcher may be appointed to observe early voting by personal appearance only; a poll watcher is not entitled to observe the procedures related to early voting by mail.

NOTE: The information placed on the early voting roster of people who voted by personal appearance, and those for whom an early voting ballot by mail has been received, is not available for public inspection by anyone until 11 a.m. on the first business day following the day the voter voted in person or the voter's ballot is received by the early voting clerk. [Sec. 87.121].

A poll watcher cannot obtain a copy of an application for a ballot to be voted by mail from the early voting clerk until the first business day after the election day of the earliest election for which the application is valid. Therefore, an Annual ABBM will not be available for public inspection or copying until the first business day after the election day of the earliest election held each calendar year for which the application is valid, except to the voter seeking to verify that the information is accurate. [Sec. 86.014].

3. At an **early voting ballot board meeting** (including the signature verification committee), a poll watcher:

- may be present at any time the board is processing or counting ballots and until the board completes its duties; and
- may not leave during voting hours on election day without the early voting ballot board judge's permission once the board has begun counting the ballots. [Sec. 33.054].

4. At the **central counting station**, a poll watcher:

- may be present at any time the central counting station is open and has convened for the purpose of processing or preparing to process election results and until the election officers complete their duties at the station; and
- may not leave during voting hours without the presiding judge's permission if the counting of ballots at the central counting station has begun. [Sec. 33.055].

NOTE: The presiding judge of the central counting station, in cooperation with the county clerk/elections administrator, may choose to withhold the release of vote totals until the last voter has voted. [Sec. 127.1311].

CERTIFICATE OF APPOINTMENT

ISSUANCE OF CERTIFICATE:

The appointing authority must issue a certificate of appointment to the watcher. [Sec. 33.006(a)].

Q. What information needs to be on the certificate?

- A. The certificate of appointment must be in writing and must include the following:
1. Name, residence address, voter registration number, and signature of the watcher;
 2. The election and the number of the precinct (or other location, for example, early voting ballot board meeting) at which the watcher is appointed to serve;
 3. The signature of the person(s) making the appointment;
 4. An indication of the capacity in which the appointing authority is acting (example: as a candidate, a campaign treasurer or assistant campaign treasurer of a specific-purpose political action committee);
 5. In an election on a measure, an identification of the measure (if more than one is to be voted on) and a statement identifying which side the appointee represents; and
 6. An affidavit executed by the poll watcher stating that the poll watcher will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher unless the poll watcher disables or deactivates the device. (This affidavit is signed in the presence of the presiding judge; that signature also serves as the countersignature, which is discussed below.) [Sec. 33.006(b)].

NOTE: Officially-prescribed poll watcher appointment forms may be found on our website at <https://www.sos.texas.gov/elections/forms/pol-sub/index.shtml>.

Q. What are the requirements for a certificate of a watcher appointed on behalf of a non-declared write-in candidate?

- A. Additional requirements necessary for a certificate of appointment of a watcher for a non-declared write-in candidate include:
1. the residence address and voter registration number of the lesser of 15 voters or 5 percent of the registered voters in the precinct or political subdivision, as applicable;
 2. the signed statement of the candidate, or a person who would be authorized to make appointments on the candidate's behalf if the candidate's name appeared on the ballot, that the appointment is made with the signer's consent; and
 3. the residence or office address of the write-in candidate or the person who would be authorized to make appointments on the candidate's behalf if the candidate's name appeared on the ballot. If the candidate does not sign, the signer must indicate his or her relationship to the candidate. [Sec. 33.006(c)].

Q. How does one deliver a certificate of appointment?

- A. 1. A watcher must deliver a certificate of appointment and certificate of completion to the presiding judge at the time the watcher reports for service. [Sec. 33.051(a)].
2. The officer presented with a watcher's certificates must require the watcher to countersign the certificate of appointment in the officer's presence to verify that the watcher is the same person who originally signed the certificate. The watcher's signature is in the portion of the

certificate containing the affidavit that the watcher does not have possession of any prohibited recording devices; this serves as the acknowledgement of the affidavit, acknowledgement of the required training, and the countersignature. [Sec. 33.051(b)].

3. A watcher may not be accepted for service unless he or she provides an affidavit executed by the poll watcher stating that the poll watcher will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher unless the poll watcher disables or deactivates the device.
4. The judge must keep the certificate of appointment and certificate of completion in envelope no. 2 (or other designated container), which is returned to the custodian of election records after the election. [Sec. 66.023(7)].
5. The certificates of a watcher serving at an early voting polling place must be retained at the polling place until the voting period has concluded at the polling place. At each subsequent time that the watcher reports for service at that location, the watcher shall inform the clerk or deputy in charge. The officer may require the watcher to sign the watcher's name in the officer's presence, for comparison with the signature on the certificate of appointment, if the officer is uncertain of the watcher's identity. [Sec. 33.051(d)].
6. If the watcher is rejected, the certificates should be returned to the watcher with a signed statement of the reason for the rejection. [Sec. 33.051(e)].
7. Before accepting a watcher, the officer presented with a watcher's certificate of appointment shall require the watcher to take the following oath, administered by the officer:

"I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties." (NEWLAW: SB 1 (2021, 2nd C.S.)). [Sec. 33.051(h)].

DUTIES AND PRIVILEGES OF A WATCHER

NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 33.056 to provide that a watcher is entitled to sit or stand near enough to see and hear the election officers conducting the observed activity, except as otherwise prohibited by Chapter 33. A watcher **may not** be denied free movement where election activity is occurring within the location at which the watcher is serving. A watcher who is entitled to "observe" an election activity under the Election Code is entitled to sit or stand near enough to see and hear the activity.

Additionally, under Section 33.061, it is an offense if a person serving in an official capacity takes any action to obstruct the view of a watcher or distance the watcher from the activity or procedure to be observed in a manner that would make observation not reasonably effective. Under Section 33.063, the appointing authority for a watcher who believes that the watcher was unlawfully prevented or obstructed from the performance of the watcher's duties may seek:

- 1) injunctive relief under Section 273.081, including issuance of temporary orders;
- 2) a writ of mandamus under Section 161.009 or 273.061; and
- 3) any other remedy available under law.

Q. What are a watcher's duties?

- A. The primary duty of a watcher is to observe the conduct of the election at the location where the watcher has been appointed. A watcher is entitled to sit or stand near enough to see and hear the election officers conducting the observed activity except as prohibited by law. (**NEW LAW:** SB 1 (2021, 2nd C.S.)). [Sec. 33.056(a)]. A watcher may point out to an election judge or clerk any observed irregularity or violation of law. However, if the clerk refers the watcher

to the judge, the watcher may not discuss the matter further with the clerk unless the presiding judge invites the discussion. [Sec. 33.058(b)].

Q: May watchers wear name tags?

A: In fact, they must. A poll watcher **MUST** wear a form of identification prescribed by the Secretary of State and provided by the presiding judge or other election officer (such as the deputy early voting clerk). [Sec. 33.051(f)].

Q. What are watchers NOT allowed to do while on duty?

- A. 1. Talk with an election worker regarding the election except to call attention to an irregularity or violation of law. [Sec. 33.058(a)(1)].
2. Converse with a voter. [Sec. 33.058(a)(2)].
3. Communicate in any manner with a voter regarding the election. [Sec. 33.058(a)(3)].
4. Use certain devices in the polling place. A watcher may not have possession of a device capable of recording images or sound. If the watcher does have such a device, the watcher must disable or deactivate the device while serving as a watcher. [Sec. 33.006(b)(6)].
5. Leave during voting hours **on election day** without the presiding judge's permission unless the watcher has completed 5 consecutive hours of service at the polling place. If the watcher leaves without permission prior to completing the 5 hours of service, the presiding judge may refuse to readmit the watcher. [Sec. 33.052].

NOTE: The watcher must be allowed to leave to use a wireless communication device and be readmitted to the polling place, if the watcher returns promptly. This does not constitute an interruption in the watcher's 5 hours of consecutive service. [Sec. 33.052(b)].

6. Observe a voter voting independently or a voter being assisted by a person of the voter's choice. A watcher may not be present at the voting station when a voter is preparing the voter's ballot or being assisted by a person of his choice. [Sec. 33.057(b)].
7. **Cause a disruption or breach of the peace or harass voters.** A watcher **may not violate** the Election Code either in the polling area or within 100 feet of the entrance to the building where the polling place is located; otherwise, the watcher may be subject to removal. [Sec. 32.075].
8. Reveal the following information before the polls close:
- How a voter has voted; this offense is a third-degree felony. [Sec. 61.006(b)].
 - The number of votes that have been received for a candidate or for or against a measure; this offense is a Class A misdemeanor. [Sec. 61.007(a)(1)].
 - A candidate's position relative to other candidates in the tabulation of the votes; this offense is a Class A misdemeanor. [Sec. 61.007(a)(2)].
 - Whether a measure is passing or failing; this offense is a Class A misdemeanor. [Sec. 61.007(a)(3)].
 - The names of persons who have or have not voted in the election; this offense is a Class A misdemeanor. [Sec. 61.007(a)(4)].

Q. What is a watcher permitted to do while on duty?

A. A watcher must be permitted, but is not required, to:

1. Witness the installation of voting system equipment at the polling place. [Sec. 33.059].
2. Observe the securing of voting system equipment before the election. [Sec. 33.059].
3. Leave the polling place temporarily in order to use a cell phone or other wireless communication device. If the poll watcher promptly returns, he or she is considered to have served continuously. [Sec. 33.052(b)].
4. Observe any activity conducted at the location at which the watcher is serving, and sit or stand near enough to see and hear the election officials to observe the activities of the election. [Sec. 33.056(a)].
5. Observe any activity related to curbside voting, except as provided by Section 33.057. (**NEW LAW**: SB 1 (2021, 2nd C.S.)). [Sec. 64.009(e)].
6. Make written notes while on duty. However, if the watcher is permitted to leave the polling place while the polls are open, the watcher may be required to leave his or her written notes with another person selected by the watcher who is on duty at the polling place. [Sec. 33.056(d)].
7. Observe assistance given to voters by election officials and inspect the ballot before it is deposited in the ballot box to determine if it was prepared in accordance with the voter's wishes. [Sec. 33.057(a)].

NOTE: A watcher may not be present at the voting station when a voter is preparing the voter's ballot or is being assisted by a person of the voter's choice, including by a person also serving as an interpreter at the voting station. [Sec. 33.057(b)].

8. Inspect the returns and other records prepared by the election officers. [Sec. 33.056(c)].
9. Observe, but not participate in, the tallying and counting of the votes to verify that the votes are tallied and read correctly. [Sec. 33.056(b)].
10. Observe all election activities relating to closing the polling place, including the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed for use with voting system equipment. (**NEW LAW**: SB 1 (2021, 2nd C.S.)). [Sec. 33.0605(a)].
11. Accompany authorized election officials in delivering election records from a precinct polling place, an early voting polling place, a meeting place for an early voting ballot board, or a central counting station. [Sec. 33.060(a)].

NOTE: Poll watcher and election officials do not need to ride in the same vehicle. [Sec. 33.060(b)].

12. Witness the securing of the voting system equipment at the time the polls close. [Sec. 125.063].
13. Follow the transfer of election materials from the polling place to the regional tabulating center, central counting station, or other location designated to process election materials. (**NEW LAW**: SB 1 (2021, 2nd C.S.)). [Sec. 33.0605(b)].
14. Receive an English translation of any language spoken other than English between an election official and a voter. [Sec. 61.036].

Q. Can a watcher leave the election day polling place temporarily during the time the polls are open?

- A. Yes. Once a watcher has served more than 5 continuous hours at the polling place, the watcher gains the privilege to leave the polling place and return at the hours he or she chooses, except that if the watcher is present when ballots are being counted, the watcher may not leave until the counting is complete. Additionally, the watcher may briefly leave the polling place to use his or her cell phone or other wireless device, and this does not interrupt the watcher's 5 hours of continuous service, if the watcher returns promptly. [Sec. 33.052].

Q. Can a watcher leave in order to vote at another polling place?

- A. The watcher may leave to vote and return if the watcher has served more than 5 continuous hours at the polling place. If the watcher has not yet served 5 continuous hours, whether he or she will be allowed back into the polling place is at the judge's discretion. [Sec. 33.052(a)]. We recommend voting during the early voting period, before your service as a poll watcher.

Q. Can a watcher leave the polling place after the time for closing the polls without obtaining permission from the presiding judge?

- A. The watcher may leave without permission from the judge; however, if the watcher wishes to return to the polling place, the watcher must have served at least 5 continuous hours at the polling place. If not, once the watcher leaves, he or she may return only at the discretion of the judge. Additionally, if the watcher is present at the polling place when ballots are being counted, the watcher may not leave until the counting is complete. [Sec. 33.052(a)].

MISCELLANEOUS

REMOVAL OF A POLL WATCHER

NEW LAW: SB 1 (2021, 2nd C.S.) amended Section 32.075 to provide that a presiding judge may not have a watcher removed from the polling place for violating a provision of the Election Code or any other provision of law relating to the conduct of elections unless the violation was observed by an election judge or clerk. However, a presiding judge may remove a poll watcher for a violation of the Penal Code, regardless of whether the election judge or clerk observed the violation. Additionally, a presiding judge may call a law enforcement officer to request a poll watcher be removed if the poll watcher commits a breach of the peace or a violation of law.

POSSIBLE ILLEGAL ACTIVITIES:

Q. What illegal activities should a watcher look for?

- A. The election judge may be notified of any activity that appears to be prohibited by law.

If any of the following activities occur, bring it to the election judge's attention and note the individual(s) involved, including time and place of occurrence:

1. Election workers allowing voters to vote a regular ballot who do not (1) present an acceptable form of photo identification; (2) present a supporting form of ID and execute a Reasonable Impediment Declaration, if a voter does not possess and cannot reasonably obtain an acceptable form of photo identification; or (3) present a Voter Registration Certificate with an "E" notation on it. [Sec. 63.001].

Please see Page 15 for a list of acceptable forms of photo ID and a list of supporting forms of ID.

2. Electioneering and loitering within 100 feet of the entrance of the building in which a polling place is located. [Secs. 61.003 and 85.036]. Examples of electioneering include, but are not limited to, the following:

- a. wearing or exhibiting a badge, insignia, emblem, or other similar communicative device item relating to a candidate, measure, or political party appearing on the ballot in the current election. [Sec. 61.010].

NOTE: An election judge, an election clerk, a state or federal election inspector, a certified peace officer, or a special peace officer appointed for the polling place by the presiding judge shall wear while on duty a tag or official badge that indicates their name and title or position. [Sec. 61.010]. **A poll watcher must also wear a badge indicating the person is a poll watcher.** The badge will be issued to the poll watcher by the election judge.

- b. unauthorized posting of signs, posters, or other similar items. [Sec. 62.013]

3. A candidate in an election commits a Class C misdemeanor if he or she is in the polling place for a purpose other than (1) voting or (2) official business in the building in which the polling place is located. However, a candidate may assist a voter without violating this section. [Sec. 61.001(b)].

EXCEPTION: It is a defense to prosecution under Section 61.001(b) if the candidate is (1) not in plain view or hearing of persons in the voting area or the area where voters are being qualified and (2) not engaged in campaign activity. [Sec. 61.001(c)].

4. Unlawful operation of a sound amplification device or sound truck used for campaigning purposes within 1,000 feet of a building in which a polling place is located [Sec. 61.004];
5. Bribing voters [Sec. 36.02, Penal Code];
6. Tampering with a direct recording electronic voting machine [Sec. 33.05, Penal Code];
7. Unlawfully influencing voters [Sec. 61.008];
8. Coercing voters [Sec. 36.03, Penal Code];
9. Unlawfully telling another person information that was obtained at the polling place about how a voter has voted [Sec. 61.006];
10. Unlawfully giving information about the status of the vote count or the names of people who have voted before the polls close [Sec. 61.007];
11. Tampering with voting equipment [Sec. 127.127];
12. Voting illegally [Sec. 64.012];
13. Unlawfully removing ballots from ballot box [Sec. 276.003];
14. Violation of the Election Code observed by an election judge or clerk. (**NEW LAW:** SB 1 (2021, 2nd C.S.)). [Sec. 32.075];
15. Unlawfully assisting voters [Sec. 64.036];
16. Unlawfully accepting or refusing to accept voters [Sec. 63.012];
17. Using a wireless communication device within 100 feet of a voting station [Secs. 33.052(b) and 61.014];
18. Interfering with the voting process; and/or

19. Violating any other Texas election laws.

PERSONS ALLOWED IN LOCATIONS RELATED TO ELECTIONS:

Q. Who is allowed inside certain locations related to elections?

A. **NEW LAW:** HB 1128 (2021, R.S.) provides a list of individuals who are permitted to be lawfully present in certain locations related to elections. [Secs. 61.001, 87.026, 127.008].

- **Polling Place/Early Voting Locations:** The following individuals may be lawfully present in a polling place from the time the presiding judge arrives until the precinct returns have been certified and the election records have been assembled for distribution following the election:
 - an election judge or clerk;
 - a watcher;
 - the Secretary of State;
 - a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with the Election Code;
 - an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
 - a state inspector;
 - a person admitted to vote;
 - a child under 18 years of age who is accompanying a parent who has been admitted to vote;
 - a person providing assistance to a voter under Section 61.032 or 64.032;
 - a person accompanying a voter who has a disability;
 - a special peace officer appointed by the presiding judge under Section 32.075;
 - the county chair of a political party conducting a primary election, as authorized by Section 172.1113;
 - a voting system technician, as authorized by Section 125.010;
 - the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
 - a person whose presence has been authorized by the presiding judge in accordance with the Election Code.
- **Early Voting Ballot Board:** A person may be lawfully present in the meeting place of an early voting ballot board during the time of the board's operations if the person is:
 - a presiding judge or member of the board;
 - a watcher;
 - a state inspector;
 - a voting system technician, as authorized by Section 125.010;
 - the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
 - a person whose presence has been authorized by the presiding judge in accordance with the Election Code.
- **Central Counting Station:** A person may be lawfully present in the central counting station while ballots are being counted if the person is:
 - a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk;
 - a watcher;
 - a state inspector;
 - a voting system technician, as authorized by Section 125.010;

- the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
- a person whose presence has been authorized by the counting station manager in accordance with the Election Code.

VOTER ID PROCEDURES

A voter who possesses an acceptable form of photo ID listed below and in Section 63.0101(a) of the Texas Election Code must present such acceptable form of photo ID. Voters who do not possess one of the forms of acceptable photo identification listed below, and cannot reasonably obtain one of these forms of acceptable photo identification listed below, may present a supporting form of identification of the voter and execute a Reasonable Impediment Declaration, noting the voter's reasonable impediment to obtaining an acceptable form of photo identification, stating that the information contained in the declaration is true, that the voter is the same person appearing at the polling place to sign the declaration, and that the voter faces a reasonable impediment to procuring an acceptable form of photo identification.

List of Acceptable Forms of Photo ID ("List A"):

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

With the exception of the U.S. Citizenship Certificate, which does not expire, the identification must be current or, for voters aged 18-69, have expired no more than 4 years before being presented for voter qualification at the polling place. A person 70 years of age or older may use a form of photo identification listed above that has expired for any length of time if the identification is otherwise valid.

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

List of Supporting Forms of ID ("List B"):

- copy or original of a government document that shows the voter's name and an address, including the voter's voter registration certificate;
- copy of or original current utility bill;
- copy of or original bank statement;
- copy of or original government check;
- copy of or original paycheck; or
- copy of or original of (a) a certified domestic (from a U.S. state or territory) birth certificate or (b) a document confirming birth admissible in a court of law which establishes the voter's identity (which may include a foreign birth document).

The voter must execute a Reasonable Impediment Declaration and present a supporting form of identification to complete the procedure. **The election judge, election clerk, or poll watcher cannot question the reasonableness of the impediment claimed by the voter. The poll watcher is not permitted to converse with any voter or communicate in any manner with any voter regarding the election, including, but not necessarily limited to, the Reasonable Impediment Declaration procedures or the presentation of voter identification.**

On the Reasonable Impediment Declaration, the voter must enter their name, indicate the voter's reasonable impediment to obtaining one of the seven forms of acceptable photo ID, and then sign and date the form in the presence of the election judge. The election judge must then indicate that the form was signed and sworn before the judge by also signing and dating the form. Either the poll worker or the election judge should also check the box listing the form of supporting documentation the voter presented, fill in the Date of Election and Location fields, and fill in the voter's Voter Unique Identification Number ("VUID") in the appropriate box or affix a sticker that contains that information across the box, and note on the Combination Form that the declaration was used by the voter.

NOTE: The address on either an acceptable form of photo identification or, if applicable, a supporting form of identification does not need to match the address on the list of registered voters.

If the voter's name on the list of registered voters does not match exactly to the ID presented (either an acceptable form of photo ID or, if applicable, a supporting form of identification), the voter must complete the "Substantially Similar Name Affidavit" on the Combination Form. [Sec. 63.001(c)].

PROVISIONAL VOTING:

Provisional voting is helpful in multiple scenarios, and provisional ballots must be offered to voters when required by the situations described below. However, a voter CANNOT be denied a provisional ballot in any circumstance.

NEW LAW: SB 1 (2021, 2nd C.S.) added Section 63.0111 to provide that an election judge commits an offense if the judge knowingly provides a voter with a form for an affidavit if the form contains information that the judge entered on the form knowing it was false.

If a voter (a) does not possess one of the seven (7) acceptable forms of photo identification, which, for voters aged 18-69, is not expired for more than four years, or, for voters aged 70 and older, may be expired for any length of time but is otherwise valid, and the voter can reasonably obtain one of these forms of identification; or (b) possesses, but did not bring to the polling place, one of the seven forms of acceptable photo identification; or (c) does not possess one of the seven forms of acceptable photo identification, could otherwise not reasonably obtain one, but did not bring a supporting form of identification to the polling place; and the voter does not have a permanent disability exemption indicated on their voter registration certificate, the voter may cast a provisional ballot at the polls.

However, in order to have the provisional ballot counted, the voter will be required to visit the voter registrar's office within six calendar days of the date of the election to (1) present one of the seven (7) acceptable forms of photo identification; (2) present one of the supporting forms of ID

and execute a Reasonable Impediment Declaration, if the voter does not possess and cannot reasonably obtain one of the acceptable forms of photo identification; (3) if applicable, submit one of the temporary forms (e.g., religious objection or natural disaster) in the presence of the county voter registrar; OR (4) if applicable, qualify for the disability exemption to presenting an acceptable form of photo identification or following the Reasonable Impediment Declaration procedure at the polls. Specifically, forms are available for voters who have a consistent religious objection to being photographed and for voters who do not present a form of acceptable photo identification or follow the Reasonable Impediment Declaration procedure because of certain natural disasters as declared by the President of the United States or the Texas Governor within 45 days of the day the ballot was cast. In addition, voters with a disability may apply with the county voter registrar for a permanent exemption to presenting an acceptable form of photo identification or following the Reasonable Impediment Declaration procedure at the polls. The application must contain written documentation from the U.S. Social Security Administration evidencing the applicant's disability or from the U.S. Department of Veterans Affairs evidencing a disability rating of at least 50 percent. In addition, the applicant must state that he or she has no valid form of photo identification prescribed by Section 63.0101 of the Texas Election Code.

NOTE: If a voter has continued access to their acceptable form of photo ID, but, for example, forgets to bring their acceptable form of photo ID to the polling place and/or left it, for example, at home or in their car, the voter still possesses the acceptable photo ID and must use it to vote. Accordingly, if a voter possesses an acceptable form of photo ID but does not have it with them at the polling place and there is enough time left when polls are open, the voter may choose to return at a later time with an acceptable form of photo ID, or the voter may vote provisionally. A voter who does not possess an acceptable form of photo ID, and could not otherwise reasonably obtain one, but just did not bring a form of supporting ID to the polling place, may also opt to leave the polling place, and return at a later time with their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration, or the voter may vote provisionally. Provisional ballots are not counted until the voter registrar and early voting ballot board verify the voter's eligibility. The affidavit that provisional voters must sign also acts as a voter registration application, ensuring that those individuals who are not registered voters will be registered for future elections for which they are eligible.

Q. When would an individual need to cast a provisional ballot?

A. The following individuals may cast a provisional ballot:

- A voter who states they do not possess an acceptable form of photo ID, and that they can reasonably obtain an acceptable form of photo ID.
- A voter who states that they do not possess an acceptable form of photo ID, and that they cannot otherwise reasonably obtain an acceptable form of photo ID, but they did not bring their form of supporting ID to the polling place.
 - **NOTE:** A voter who does not possess and could otherwise not reasonably obtain an acceptable form of photo ID but just did not bring a form of supporting ID to the polling place may opt to leave the polling place and return at a later time with

their acceptable form of supporting ID and vote a regular ballot after executing a Reasonable Impediment Declaration.

- A voter who states they possess an acceptable form of photo ID, but do not have it with them to present at the polling place.
 - **NOTE:** If a voter has continued access to their acceptable form of photo ID but, for example, forgets to bring their acceptable form of approved photo ID to the polling place and/or left it at home or in their car, the voter still possesses the acceptable photo ID and must use it to vote. This voter may opt to leave the polling place and return at a later time with their acceptable form of photo ID and vote a regular ballot.
- A voter who does not present an acceptable form of photo ID or follow the Reasonable Impediment Declaration procedure and has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief. [Sec. 65.054(b)(2)(B)].
- A voter who does not present an acceptable form of photo ID or follow the Reasonable Impediment Declaration procedure because of a natural disaster that was declared by the President of the United States or the Texas Governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification. [Sec. 65.054(b)(2)(C)].
- A voter whose name on the form of identification presented (either an acceptable form of photo identification or, if applicable, a supporting form of identification with a Reasonable Impediment Declaration) is determined by the election officer not to exactly match or be substantially similar to the name as it appears on the list of registered voters.
 - **NOTE:** A voter's name as listed on the identification presented (either an acceptable form of photo ID or, if applicable, a supporting form of ID with a Reasonable Impediment Declaration) for voting is considered **substantially similar** to the form of the name as listed on the list of registered voters if one or more of the following circumstances applies: 1) The name on the presented ID is slightly different from one or more of the name fields on the official list of registered voters; 2) The name on the presented ID or on the list of registered voters is a customary variation of the voter's formal name (for example, Bill for William); 3) the voter's name contains an initial, middle name, or former name that is either not on the official list of registered voters or on the presented ID; 4) a first name, middle name, former name, or initial of the voter's name occupies a different field on the presented ID than it does on the list of registered votes. In considering whether a name is substantially similar, election officials will also look at whether information on the presented ID matches elements of the voter's information on the official list of registered voters such as the residence address or date of birth.
- A voter who presented a form of identification (either an acceptable form of photo identification or, if applicable, a supporting form of identification with a Reasonable Impediment Declaration) but whose identity cannot be verified by the identification presented, as determined by the polling place official per Section 63.001(d) of the Code.

- A voter who has received a disability exemption under Section 13.002(i) of the Code, but does not have or otherwise fails to present the voter's voter registration certificate at the polling place indicating such exemption, or a voter who is eligible for a disability exemption under Section 13.002(i) of the Code but has not yet submitted the documentation required to receive such exemption.
- A voter who claims to be properly registered and eligible to vote at the election precinct where the voter presents himself or herself to vote, but the voter's name does not appear on the precinct list of registered voters and the voter does not present a voter registration certificate indicating that the voter is currently registered as described in Section 63.006 of the Code.
 - **NOTE:** If the provisional voter indicates he or she is registered, the election officer must ask the person if they registered at DPS. If the person states they registered at DPS, the election officer must ask the person if he or she knows the approximate date that the person went to DPS. The election officer must then note that the voter went to DPS and, if the person knows, the approximate date of the DPS visit, on the Provisional Ballot Affidavit Envelope in the "Other" line.
- A voter who has applied for a ballot by mail, but does not have any of the following:
 - The mail ballot to surrender;
 - Notice of Improper Delivery; or
 - Notice of Surrendered Ballot
- A voter who votes during the polling hours that are extended by a state or federal court.
- A voter who is registered to vote but attempting to vote in a precinct other than the one in which the voter is registered.
- A voter who is on the election precinct list of registered voters, but whose registered residence address is outside the political subdivision in which the voter is presenting himself or herself to vote.
- Other: _____ (with an explanation). [*See, e.g.,* Sec. 63.011; 1 T.A.C. §§ 81.172—81.176; Tex. Water Code § 49.1025].

Q. Who makes the determination if an individual is qualified to vote provisionally?

- A. A worker CANNOT deny a voter the right to vote a provisional ballot. However, an election judge may determine that a voter is eligible to cast a provisional ballot, and immediately inform the voter of that right.

NEW LAW: SB 1 (2021, 2nd C.S.) added Section 63.0111 to provide that an election judge commits an offense if the judge knowingly provides a voter with a form for an affidavit if the form contains information that the judge entered on the form knowing it was false.

In order to vote provisionally, the voter must complete and sign an “Affidavit of Provisional Voter,” a form which will also serve as a voter registration application in the event the voter is not registered or as an update to the voter's registration record if the information is different.

Q. Are there cases when a provisional ballot will not be counted? When is a voter notified?

A. While a provisional voter may be allowed to vote at the polling place, there are certain circumstances in which they will immediately be informed that their ballot will not be counted. For example, the election judge will notify the voter that their ballot will not be counted if:

- The voter does not present an acceptable form of photo identification, or, if the voter does not possess and cannot reasonably obtain an acceptable form of photo identification, the voter does not execute a Reasonable Impediment Declaration and present one of the acceptable forms of supporting identification, or submit one of the temporary forms (religious objection or natural disaster exemption), or submit the paperwork required to obtain a permanent disability exemption, to the county voter registrar within 6 calendar days from election day, or
- the ballot is cast at a precinct in which the voter is not registered (regardless of whether the voter is registered in another precinct in the same political subdivision).

Q. If a voter applied for a ballot by mail, may the voter vote provisionally at the election day precinct polling place without returning the mail ballot to the election judge?

A. Yes. A voter who appears on the list of registered voters as having applied for and/or received a ballot by mail may go to the polling place and vote. If the voter does not have the ballot to return to the judge, he will have to vote a provisional ballot. If the mail ballot does not arrive at the ballot board before the provisional ballot, the provisional ballot will be counted. If the mail ballot arrives at the ballot board before the provisional ballot, the mail ballot will be counted. [Sec. 63.011].

Q. How are provisional ballots reviewed and handled?

A. At the polling place, the election judge provides the provisional voter written notice informing the voter that they will be notified within 10 days after the local canvass as to whether or not their ballot was counted and, if not, why it was not counted. The notice also includes instructions and additional details regarding the provisional voting process.

The voter's eligibility to vote is reviewed by the voter registrar and the early voting ballot board must complete the processing and counting, where applicable, of the provisional ballots. Notice must be delivered to provisional voters regarding whether their ballot was counted and noting a reason if their ballot was not counted.

Q. How is the secrecy of the ballot preserved?

A. The voter places the voted provisional ballot in a plain white ballot secrecy envelope, which is placed inside the Provisional Affidavit Ballot Envelope. Provisional ballots are placed either in a designated, secure container or Ballot Box No. 4 until the voter registrar and early voting ballot board complete their review. The transfer and tabulation of these ballots are handled

with the same care, secrecy, and security as other ballots and voting system equipment. Note: If the voter is casting an electronic provisional ballot, the voter completes the affidavit on the provisional envelope but does not include a ballot.

Q. What is the deadline for reviewing provisional affidavits?

- A. The early voting ballot board must complete the processing and counting, where applicable, of the provisional ballots by the ninth day after the election (13th day after election day in the general election for state and county officers). Notice must be delivered to provisional voters regarding whether their ballot was counted and noting a reason if their ballot was not counted. This notice must be delivered no later than the 10th day after the local canvass. [Sec. 65.051; 1 T.A.C. §§ 81.172-81.174, 81.176].

USING ENGLISH AND INTERPRETERS:

All election officials, while performing their duties at the polling place, must use English, except when helping a voter who does not understand English. [Sec. 61.031(a)].

Q. What is an interpreter and when is one used?

- A. 1. If a voter cannot communicate in English, an election official may communicate with the voter in a language both the election official and the voter (or the voter's interpreter) understand. [Sec. 61.031(b)].
2. The voter may also select an interpreter to communicate with the election officer(s) attending to the voter in a language that is not English, regardless of whether the election officer who attempts to communicate with the voter understands or does not understand the language used by the voter, as long as the interpreter meets the qualifications in paragraphs 3 and 4 below. [Sec. 61.032].
3. Upon taking the oath of interpreter, any person selected by the voter other than the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's labor union, may act as an interpreter for one or more voters. [Secs. 61.033(1), 61.035].
4. The interpreter may be a person provided by the authority conducting the election. If the interpreter is appointed to serve as an interpreter by an election official, the person must be a registered voter of the county in which the voter needing the interpreter resides or a registered voter of an adjacent county. However, even if an interpreter is provided, a voter may use his own interpreter. [Secs. 61.032, 61.033(2)].
5. If the voter cannot comprehend the language in which the ballot is printed, the voter may receive assistance in accordance with Subchapter B, Chapter 64. [Sec. 61.034].
6. A watcher may request and receive an English translation of a language spoken other than English between an election official and a voter. [Sec. 61.036].

CASTING THE BALLOT:

Q. If voters make a mistake marking their ballot, can they start over?

- A. Yes, but there is a limit to how many times a voter may attempt to cast a ballot. Voters who make mistakes while marking their paper or optical scan ballots may take the spoiled ballot to an election official and exchange it for a new ballot. A voter may only receive up to two

replacement ballots (the original ballot, plus two replacement ballots yields a total of **three possible ballots per voter**). [Sec. 64.007(a) & (b)].

Q: If a voter is voting provisionally on paper or optical scan ballot, does he or she use the same type of ballot as a regular voter?

A: Yes, but the election officials may have a few ballots pre-stamped “provisional” in a separate stack from regular ballots. The following steps must occur:

- (1) the voter votes the ballot;
- (2) the voter seals the ballot in the ballot secrecy envelope;
- (3) the voter seals the privacy envelope in the provisional ballot affidavit envelope; and
- (4) the voter casts the ballot in the regular ballot box or other designated secured container as directed by the election officials.

NOTE: Some electronic voting systems allow the voter to cast a provisional ballot directly on the machine.

Q. If a voter leaves a voted ballot in the voting station or elsewhere in the polling place rather than putting it in the ballot box, or if a voter voting on an electronic voting system leaves without finally casting his or her ballot, is the ballot counted?

A. No. A ballot that has not been deposited in the ballot box used for the deposit of marked ballots may not be counted. The judge should treat it as a cancelled ballot. [Sec. 65.010(a)(4)]. On an electronic voting system, the ballot must be cancelled using the procedures for cancellation on the system particular to the entity holding the election. The ballot left uncast by a “fleeing” voter may not be counted.

RECOUNT WATCHER

Similar to a poll watcher, a recount watcher (formerly termed a representative) is a person appointed to observe the conduct of the recount on behalf of:

- a candidate,
 - a political party, or
 - the proponents or opponents of a measure (specific-purpose political action committee).
- [Sec. 213.013].

RECOUNT WATCHER QUALIFICATIONS

Unlike a poll watcher, a recount watcher is not required to meet any particular qualifications to serve. A recount watcher is NOT required to complete the training under Section 33.008. The recount watcher is not required to be a registered voter of the territory in which the election was held. The recount watcher does not have to satisfy any age or citizenship requirements. Public officials are not prohibited from serving as recount watchers; nor is the recount watcher’s eligibility affected by the familial relationship of a watcher to a person serving on the recount committee. For more information on recount procedures, please see the SOS’s [Recount Outline](#).

PERMITTED NUMBER OF RECOUNT WATCHERS

As the recount is conducted, each authority eligible to appoint a recount watcher is permitted to have watchers present in a number corresponding to the number of counting teams designated for the recount; however, if there is a single counting team, two recount watchers may be present. [Sec. 213.013(b)].

RECOUNT WATCHER APPOINTMENT

The watcher must deliver a certificate of appointment to the recount chair at the time the watcher reports for service. The certificate must be in writing and must contain:

- (1) the printed name and the signature of the recount watcher;
- (2) the election subject to the recount;
- (3) the time and place of the recount;
- (4) the measure, candidate, or political party being represented;
- (5) the signature and the printed name of the person making the appointment; and
- (6) an indication of the capacity in which the appointing authority is acting.

[Sec. 213.013(f)].

NOTE: No one entitled to be present at a recount may be in possession of a device capable of recording images or sound, unless the person agrees to disable or deactivate the device while present at the recount. [Sec. 213.013(i)].

The officially prescribed recount watcher appointment form may be found on our website at <http://www.sos.state.tx.us/elections/forms/pol-sub/14-2f.pdf>.

A recount watcher who submits a valid appointment form to the recount chair must be admitted to the recount unless the specific authority's maximum number of watchers have already been accepted. [Sec. 213.013(e)].

RECOUNT WATCHER'S DUTIES

Similar to a poll watcher, a recount watcher is entitled to observe any activity conducted in connection with the recount. Watchers are entitled to stand or sit conveniently near the officers engaged in the observed activity or near the officers counting or processing the ballots to verify that they are being counted correctly. Rules on the watcher's rights, duties, and privileges are otherwise the same as for a poll watcher to the extent applicable. [Sec. 213.013(h)].

Recount watchers may also be present in the same numbers prescribed under Section 213.013(b) to observe the printing of ballot images cast on direct recording electronic voting systems prior to the recount. [Sec. 213.016].

CONCLUSION

As a poll watcher or a recount watcher, you are entitled to observe the conduct of the election at the location to which you are assigned or the activities at a recount. You must keep in mind your responsibility to ensure the fair conduct of elections. Please remember, however, that the presiding officers are responsible for maintaining control and order. You should establish a cooperative

relationship with these presiding officers and work with them to ensure that the voting process works smoothly. **Remember that you are not allowed to address voters directly.**

If any questions arise during your service that the presiding officer cannot answer or you question the accuracy of the information provided, you may call the Elections Division at our toll-free number, 1-800-252-VOTE(8683). The Elections Division is open Monday through Friday from 8:00 a.m. to 5:00 p.m., and during all uniform election dates from before the polls open until after they close. If you desire to learn more about the election process, please call our office to request one of our handbooks for election day officials and the early voting ballot board or our detailed recount procedures. You may also wish to review our online poll worker training at <https://pollworkertraining.sos.texas.gov>.

Thank you for your participation in the election process!



TEXAS ETHICS COMMISSION
2023 FILING SCHEDULE FOR REPORTS DUE IN CONNECTION WITH
ELECTIONS HELD ON UNIFORM ELECTION DATES

This is a filing schedule for reports to be filed in connection with elections held on uniform election dates in May and November. Examples of elections held on uniform election dates are elections for school board positions and city offices. The uniform election dates in 2023 are May 6 and November 7.

Candidates and officeholders must file semiannual reports (due on January 17, 2023, and July 17, 2023). In addition, a candidate who has an opponent on the ballot in an election held on a uniform election date must file two pre-election reports (unless the candidate has elected modified reporting).

The campaign treasurer of a political committee that is involved in an election held on a uniform election date must also file pre-election reports (unless the committee is a general-purpose political committee that files monthly or a specific-purpose political committee that files on the modified reporting schedule). This schedule sets out the due dates for pre-election reports in connection with elections on uniform election dates. Please consult the 2023 REGULAR FILING SCHEDULE FOR GENERAL-PURPOSE POLITICAL COMMITTEES (GPAC), COUNTY EXECUTIVE COMMITTEES (CEC), AND SPECIFIC-PURPOSE POLITICAL COMMITTEES (SPAC) for a complete listing of political committee deadlines.

Candidates for and officeholders in local offices regularly filled at the general election for state and county officers (the November election in even-numbered years) should use the 2023 FILING SCHEDULE FOR CANDIDATES AND OFFICEHOLDERS FILING WITH THE COUNTY CLERK OR ELECTIONS ADMINISTRATOR.

EXPLANATION OF THE FILING SCHEDULE CHART

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

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

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

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

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

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
Tuesday, January 17, 2023 <i>Deadline is extended because of weekend and holiday.</i>	January semiannual [FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$940 in contributions or expenditures for the reporting period) [FORM GPAC] (all GPACs) [FORM SPAC] (all SPACs)	July 1, 2022, <u>or</u> the date of campaign treasurer appointment, <u>or</u> the day after the date the last report ended.	December 31, 2022
Tuesday, January 17, 2023 <i>Deadline is extended because of weekend and holiday.</i>	Annual report of unexpended contributions [FORM C/OH-UC] (former candidates and former officeholders who have filed a final report and who retained unexpended contributions or assets purchased with contributions)	January 1, 2022, <u>or</u> the day after the date the final report was filed.	December 31, 2022

REPORTS DUE BEFORE THE MAY 6, 2023, UNIFORM ELECTION

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

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

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

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

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

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

<u>COLUMN I</u> DUE DATE	<u>COLUMN II</u> TYPE OF REPORT (WHO FILES)	<u>COLUMN III</u> BEGINNING DATE OF PERIOD COVERED	<u>COLUMN IV</u> ENDING DATE OF PERIOD COVERED
Tuesday, January 16, 2024 <i>Deadline is extended because of holiday.</i>	January semiannual [FORM C/OH] (all local candidates and officeholders, except for officeholders who do not have a campaign treasurer appointment on file and who do not exceed \$1,010 in contributions or expenditures for the reporting period) [FORM GPAC] (all GPACs) [FORM SPAC] (all SPACs)	July 1, 2023, <i>or</i> the date of campaign treasurer appointment, <i>or</i> the day after the date the last report ended.	December 31, 2023
Tuesday, January 16, 2024 <i>Deadline is extended because of holiday.</i>	Annual report of unexpended contributions [FORM C/OH-UC] (former candidates and former officeholders who have filed a final report and who retained unexpended contributions or assets purchased with contributions)	January 1, 2023, <i>or</i> the day after the date the final report was filed.	December 31, 2023

POLITICAL ADVERTISING

What You Need to Know



The Texas Election Code requires certain disclosures and notices on political advertising. The law also prohibits certain types of misrepresentation in political advertising and campaign communications. This brochure explains what you need to know to insure that your political advertising and campaign communications comply with the law.

If you are not sure what the law requires, do the cautious thing. Use the political advertising disclosure statement whenever you think it might be necessary, and do not use any possibly misleading information in political advertising or a campaign communication. If you are using political advertising or campaign communications from a prior campaign, you should check to see if the law has changed since that campaign.

Candidates for federal office should check with the Federal Election Commission at (800) 424-9530 for information on federal political advertising laws.

NOTICE: This guide is intended only as a general overview of the disclosure statements that must appear on political advertising as required under [Chapter 255 of the Election Code](#), which is distinct from political reporting requirements under [Chapter 254 of the Election Code](#).

Texas Ethics Commission
P.O. Box 12070
Austin, Texas 78711-2070

(512) 463-5800

TDD (800) 735-2989

Visit us at www.ethics.state.tx.us.

Revised July 16, 2019

REQUIRED DISCLOSURE ON POLITICAL ADVERTISING

I. What Is Political Advertising?

The disclosure statement and notice requirements discussed in this section apply to “political advertising.” In the law, “political advertising” is a specifically defined term. Do not confuse this special term with your own common-sense understanding of advertising.

To figure out if a communication is political advertising, you must look at what it says and where it appears. If a communication fits in one of the categories listed in Part A (below) and if it fits in one of the categories listed in Part B (below), it is political advertising.

Part A. What Does It Say?

1. Political advertising includes communications supporting or opposing a candidate for nomination or election to either a public office or an office of a political party (including county and precinct chairs).
2. Political advertising includes communications supporting or opposing an officeholder, a political party, or a measure (a ballot proposition).

Part B. Where Does It Appear?

1. Political advertising includes communications that appear in pamphlets, circulars, fliers, billboards or other signs, bumper stickers, or similar forms of written communication.
2. Political advertising includes communications that are published in newspapers, magazines, or other periodicals in return for consideration.
3. Political advertising includes communications that are broadcast by radio or television in return for consideration.
4. Political advertising includes communications that appear on an Internet website.

II. When Is a Disclosure Statement Required?

The law provides that political advertising that contains express advocacy is required to include a disclosure statement. The person who causes the political advertising to be published, distributed, or broadcast is responsible for including the disclosure statement.

The law does not define the term “express advocacy.” However, the law does provide that political advertising is deemed to contain express advocacy if it is authorized by a candidate, an agent of a candidate, or a political committee filing campaign finance reports. Therefore, a disclosure statement is required any time a candidate, a candidate’s agent, or a political committee authorizes political advertising.

The precise language of political advertising authorized by someone other than a candidate, the candidate's agent, or a political committee will determine if the advertising contains express advocacy and is therefore required to include a disclosure statement. Generally, the question is whether the communication expressly advocates the election or defeat of an identified candidate, or expressly advocates the passage or defeat of a measure, such as a bond election. The inclusion of words such as "vote for," "elect," "support," "defeat," "reject," or "Smith for Senate" would clearly constitute express advocacy, but express advocacy is not limited to communications that use those words. Similar phrases, such as "Cast your ballot for X," would also constitute express advocacy. Additionally, in 2007, the United States Supreme Court held that an advertisement included express advocacy or its functional equivalent "if the ad is susceptible to no reasonable interpretation other than as an appeal to vote for or against a specific candidate." *FEC v. Wis. Right to Life, Inc.*, 551 U.S. 449 (2007). It is a question of fact whether a particular communication constitutes express advocacy. If you are not sure whether political advertising contains express advocacy, do the cautious thing and include the disclosure statement. That way, there is no need to worry about whether you have violated the law.

Remember: The concept of "express advocacy" is relevant in determining whether political advertising is required to include a disclosure statement. However, the political advertising laws governing the right-of-way notice, misrepresentation, and use of public funds by political subdivisions will apply to political advertising regardless of whether the advertising contains express advocacy.

III. What Should the Disclosure Statement Say?

A disclosure statement must include the following:

1. the words "political advertising" or a recognizable abbreviation such as "pol. adv."; and
2. the full name of one of the following: (a) the person who paid for the political advertising; (b) the political committee authorizing the political advertising; or (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

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

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

IV. Are There Any Exceptions to the Disclosure Statement Requirement?

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

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

3. an envelope that is used to transmit political advertising, provided that the political advertising in the envelope includes the disclosure statement;
4. circulars or fliers that cost in the aggregate less than \$500 to publish and distribute;
5. political advertising printed on letterhead stationery, if the letterhead includes the name of one of the following: (a) the person who paid for the advertising, (b) the political committee authorizing the advertising, or, (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. (Note: There is also an exception for holiday greeting cards sent by an officeholder, provided that the officeholder's name and address appear on the card or the envelope.)
6. postings or re-postings on an Internet website if the person posting or re-posting is not an officeholder, candidate, or political committee and did not make an expenditure exceeding \$100 in a reporting period for political advertising beyond the basic cost of hardware messaging software and bandwidth;
7. an Internet social media profile webpage of a candidate or officeholder, if the webpage clearly and conspicuously displays the full name of the candidate or officeholder; and
8. postings or re-postings on an Internet website if the advertising is posted with a link to a publicly viewable Internet webpage that either contains the disclosure statement or is an Internet social media profile webpage of a candidate or officeholder that clearly and conspicuously displays the candidate's or officeholder's full name.

V. What Should I Do If I Discover That My Political Advertising Does Not Contain a Disclosure Statement?

The law prohibits a person from using, causing or permitting to be used, or continuing to use political advertising containing express advocacy if the person knows it does not include the disclosure statement. A person is presumed to know that the use is prohibited if the Texas Ethics Commission notifies the person in writing that the use is prohibited. If you receive notice from the Texas Ethics Commission that your political advertising does not comply with the law, you should stop using it immediately.

If you learn that a political advertising sign designed to be seen from the road does not contain a disclosure statement or contains an inaccurate disclosure statement, you should make a good faith attempt to remove or correct those signs that have been distributed. You are not required to attempt to recover other types of political advertising that have been distributed with a missing or inaccurate disclosure statement.

VI. The Fair Campaign Practices Act.

The [Fair Campaign Practices Act](#) sets out basic rules of decency, honesty, and fair play to be followed by candidates and political committees during a campaign. A candidate or political committee may choose to subscribe to the voluntary code by signing a copy of the code and filing it with the authority with whom the candidate or committee is required to file its campaign

treasurer appointment. A person subscribing to the code may indicate that fact on political advertising by including the following or a substantially similar statement:

(Name of the candidate or political committee, as appropriate) subscribes to the Code of Fair Campaign Practices.

VII. Special Notice to Political Subdivisions and School Districts.

You may not use public funds or resources for political advertising. Please see our “Publications and Guides” section of our website for more information.

ROAD SIGNS

I. When Is the “Right-Of-Way” Notice Required?

All written political advertising that is meant to be seen from a road must carry a “right-of-way” notice. It is a criminal offense to omit the “right-of-way” notice in the following circumstances:

1. if you enter into a contract or agreement to print or make written political advertising meant to be seen from a road; or
2. if you instruct another person to place the written political advertising meant to be seen from a road.

II. What Should the “Right-Of-Way” Notice Say?

Section 259.001 of the Texas Election Code prescribes the exact language of the notice:

NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE) TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY.

III. Do Yard Signs Have to Have the “Right-Of-Way” Notice?

Yes. The “right-of-way” notice requirement applies to signs meant to be seen from any road. The notice requirement assures that a person responsible for placing signs is aware of the restriction on placing the sign in the right-of-way of a highway.

IV. What About Bumper Stickers?

Bumper stickers do not need the “right-of-way” notice. They do, however, need a political advertising disclosure statement.

V. Where May I Place My Signs and How Long May Signs Be Posted?

For information about exactly where you may or may not place signs, or for information regarding the length of time your signs may be posted, check with your city or county government or your homeowner’s association. The Texas Ethics Commission does not have

jurisdiction over matters involving the location of signs, and the length of time that they may be posted.

MISREPRESENTATION

I. Are There Restrictions on the Contents of Political Advertising?

Political advertising and campaign communications may not misrepresent a person's identity or official title, nor may they misrepresent the true source of the advertising or communication. The election law does not address other types of misrepresentation in political advertising or campaign communications.

Note that the misrepresentation rules apply to both political advertising and campaign communications. "Campaign communication" is a broader term than "political advertising."

A "campaign communication" means "a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure."

II. Misrepresentation of Office Title.

A candidate may not represent that he or she holds an office that he or she does not hold at the time of the representation. **If you are not the incumbent in the office you are seeking, you must make it clear that you are seeking election rather than reelection by using the word "for" to clarify that you don't hold that office.** The word "for" must be at least one-half the type size as the name of the office and should appear immediately before the name of the office. For example, a non-incumbent may use the following formats:

**Vote John Doe
for Attorney General**

**John Doe
For
Attorney General**

A non-incumbent may not be allowed to use the following verbiage:

**Elect John Doe
Attorney General**

**John Doe
Attorney General**

III. Misrepresentation of Identity or Source.

A person violates the law if, with intent to injure a candidate or influence the result of an election, the person misrepresents the source of political advertising or a campaign communication or if the person misrepresents his or her own identity or the identity of his or her agent in political advertising or in a campaign communication. (If someone else is doing something for you, that person is your agent.) For example, you may not take out an ad in favor of your opponent that purports to be sponsored by a notoriously unpopular group.

IV. Use of State Seal.

Only current officeholders may use the state seal in political advertising.

V. Criminal Offenses.

Be aware that many violations of the Election Code are criminal offenses. For example, unlawfully using public funds for political advertising can be a Class A misdemeanor. So can misrepresenting one's identity or office title in political advertising. For more details on these offenses and political advertising in general, see [Chapter 255 of the Election Code](#).

CODE OF FAIR CAMPAIGN PRACTICES

FORM CFCP COVER SHEET

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

Subscription to the Code of Fair Campaign Practices is voluntary.

OFFICE USE ONLY

Date Received

Date Hand-delivered or Postmarked

Date Processed

Date Imaged

1 ACCOUNT NUMBER
(Ethics Commission Filers)

2 TYPE OF FILER

CANDIDATE ☐

POLITICAL COMMITTEE ☐

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

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

3 NAME OF CANDIDATE
(PLEASE TYPE OR PRINT)

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

FIRST

MI

NICKNAME

LAST

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

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

AREA CODE

PHONE NUMBER

EXTENSION

()

5 ADDRESS OF CANDIDATE
(PLEASE TYPE OR PRINT)

STREET / PO BOX;

APT / SUITE #;

CITY;

STATE;

ZIP CODE

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

7 NAME OF COMMITTEE
(PLEASE TYPE OR PRINT)

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

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

FIRST

MI

NICKNAME

LAST

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

GO TO PAGE 2

CODE OF FAIR CAMPAIGN PRACTICES

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

THEREFORE:

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

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

Signature

Date