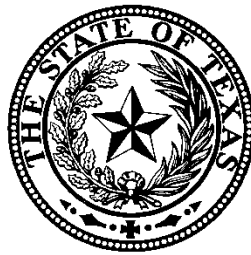


# TEXAS ETHICS COMMISSION

## APPOINTMENT OF A CAMPAIGN TREASURER BY A JUDICIAL CANDIDATE

### FORM JCTA–INSTRUCTION GUIDE



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

[www.ethics.state.tx.us](http://www.ethics.state.tx.us)

(512) 463-5800 • TDD (800) 735-2989

*Promoting Public Confidence in Government*

**FORM JCTA–INSTRUCTION GUIDE**

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## **APPOINTMENT OF A CAMPAIGN TREASURER BY A JUDICIAL CANDIDATE**

### **GENERAL INSTRUCTIONS**

*These instructions are for the APPOINTMENT OF A CAMPAIGN TREASURER BY A JUDICIAL CANDIDATE (Form JCTA). Use the AMENDMENT (Form AJCTA) for changing information previously reported on Form JCTA or for renewing your choice to report under the modified schedule.*

### **WHO SHOULD USE FORM JCTA**

Candidates for the following offices should use FORM JCTA to appoint a campaign treasurer:

- chief justice or justice of the Supreme Court;
- presiding judge or judge of the Court of Criminal Appeals;
- chief justice or justice of a court of appeals;
- district judge;
- judge of a statutory county court; and
- judge of a statutory probate court.

Candidates for other offices, including justice of the peace, should use FORM CTA.

### **JUDICIAL CAMPAIGN FAIRNESS ACT**

The judicial candidates and officeholders listed above are subject to a number of campaign finance restrictions that do not apply to candidates for and holders of other offices. The Texas Ethics Commission's (Commission's) *Campaign Finance Guide for Judicial Candidates and Officeholders* contains detailed information about these restrictions. The guide is available from the Commission and on our website at <http://www.ethics.state.tx.us>.

### **DUTIES OF A CANDIDATE**

As a candidate, you alone are responsible for filing this form and all candidate/officeholder reports of contributions and expenditures. 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.

### **DUTIES OF A CAMPAIGN TREASURER**

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

### **WHEN TO FILE THIS FORM**

If you plan to run for a public judicial office in Texas (except for a federal office), you must file this form with the proper filing authority when you become a judicial 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, a judicial candidate may not accept a campaign contribution or make a campaign expenditure (including a campaign expenditure from personal funds) without first filing a campaign treasurer appointment. 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. (Also, a judicial candidate or officeholder may not accept any campaign or officeholder contributions outside of the period set out in Election Code section 253.153.)

If you are an officeholder, you may make officeholder expenditures and accept officeholder contributions without having a campaign treasurer appointment on file. (Remember, a judicial officeholder may not accept officeholder contributions outside of the period set out in Election Code section 253.153.) 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.

<b>Office Held or Sought</b>	<b>Filing Authority</b>
Supreme Court Justice	Texas Ethics Commission
Judge of the Court of Criminal Appeals	Texas Ethics Commission
Justice of a court of appeals	Texas Ethics Commission
Multi-county district court judge	Texas Ethics Commission
Single-county district court judge	Texas Ethics Commission
Statutory county court judge	County Filing Authority
Statutory probate court judge	County Filing Authority

A specific-purpose political committee supporting or opposing a judicial candidate or officeholder files with the same filing authority as the candidate or officeholder. If a specific-purpose political committee supports more than one candidate or officeholder and would be required to file with more than one local authority, the committee may file with the Ethics Commission and not with any other filing authority.

In most counties, the county clerk is the county filing authority. In some counties there is a county elections administrator, and in those counties the county election administrator is the county filing authority for campaign finance documents. In a few counties, the county tax assessor-collector is the county filing authority for campaign finance documents.

## EFFECTIVE DATE

A campaign treasurer appointment takes effect on the date it is filed. A hand-delivered document takes effect on the date of delivery. A document that is mailed or sent by common carrier takes effect on the date of the post office cancellation mark or common carrier receipt mark.

## **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.

## **POLITICAL COMMITTEES**

As a judicial candidate, you must file an APPOINTMENT OF A CAMPAIGN TREASURER BY A JUDICIAL CANDIDATE (FORM JCTA). You may also form a specific-purpose political 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 JCTA) and the related reports.

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

## **CHANGING A CAMPAIGN TREASURER**

If you wish to change your campaign treasurer, simply file an amended campaign treasurer appointment (FORM AJCTA). 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 JCTA) changes, file an AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A JUDICIAL CANDIDATE (FORM AJCTA) 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.

## **PERIODIC REPORTS**

As long as you have a campaign treasurer appointment on file you must file periodic reports of contributions and expenditures. The instructions for FORM JC/OH (the reporting form) explain the filing deadlines. Officeholders who do not have a campaign treasurer on file are also subject to reporting requirements.

## **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 JUDICIAL CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT (FORM JC/OH), check the “final” box on Page 1, Section 9, and complete and attach the DESIGNATION OF FINAL REPORT (FORM C/OH-FR).

## **ELECTRONIC FILING**

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

## 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. **JUDICIAL CANDIDATE NAME:** Enter your full name, including nicknames and suffixes (eg., Sr., Jr., III), if applicable. Enter your name in the same way on Page 2, Section 11, of this form.
3. **JUDICIAL 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. **JUDICIAL CANDIDATE PHONE:** Enter your phone number, including the area code and extension, if applicable.
5. **OFFICE HELD:** If you are an officeholder, please enter the office you currently hold. Include the district, precinct, or other designation for the office, if applicable.
6. **OFFICE SOUGHT:** If you are a candidate, please enter the office you seek, if known. Include the district, precinct, or other designation for the office, if applicable.
7. **CAMPAIGN TREASURER NAME:** Enter the full name of your campaign treasurer, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.
8. **CAMPAIGN TREASURER STREET ADDRESS:** Enter the complete street address of your campaign treasurer, including the zip code. You may enter either the treasurer’s business or residential street address. If you are your own treasurer, you may enter either your business or residential street address. Please do not enter a P.O. Box.
9. **CAMPAIGN TREASURER PHONE:** Enter the phone number of your campaign treasurer, including the area code and extension, if applicable.
10. **JUDICIAL CANDIDATE SIGNATURE:** Enter your signature after reading the following summary. Your signature here indicates that you are aware of your responsibility to file timely reports, that you have read the following summary of the nepotism law, 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. JUDICIAL 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. 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. 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 \$1,010 in political contributions or make more than \$1,010 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 \$1,010 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 \$1,010 maximums apply to each election within the cycle. In other words, you are limited to \$1,010 in contributions and expenditures in connection with the primary, an

additional \$1,010 in contributions and expenditures in connection with the general election, and an additional \$1,010 in contributions and expenditures in connection with a runoff.

**EXCEEDING \$1,010 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 \$1,010 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 AJCTA) to renew your option to file under the modified schedule for a different election year or election cycle.

*For more information, see the Ethics Commission's Campaign Finance Filing Guide For Judicial Candidates and Officeholders.*