

# TEXAS ETHICS COMMISSION

## APPOINTMENT OF A CAMPAIGN TREASURER BY A SPECIFIC-PURPOSE COMMITTEE

### FORM STA – INSTRUCTION GUIDE



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# FORM STA – INSTRUCTION GUIDE

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## **APPOINTMENT OF A CAMPAIGN TREASURER BY A SPECIFIC-PURPOSE COMMITTEE**

### **GENERAL INSTRUCTIONS**

*These instructions are for the APPOINTMENT OF A CAMPAIGN TREASURER BY A SPECIFIC-PURPOSE COMMITTEE (Form STA). Use Form STA only for appointing the specific-purpose committee's campaign treasurer. Use the AMENDMENT form (Form ASTA) for changing information previously reported on Form STA and for renewing the committee's choice to report under the modified schedule.*

### **TYPES OF POLITICAL COMMITTEES**

A political committee is a group of two or more people that accepts political contributions or makes political expenditures. There are two types of political committees: general-purpose committees and specific-purpose committees. Please consult the Texas Ethics Commission's Campaign Finance Guide for Political Committees for an explanation of the difference.

### **WHEN TO FILE A CAMPAIGN TREASURER APPOINTMENT**

A specific-purpose committee must file a campaign treasurer appointment before it may accept more than \$1,080 in political contributions or make more than \$1,080 in political expenditures.

A specific-purpose committee that has not exceeded \$1,080 in contributions or expenditures may file a campaign treasurer appointment. Once a specific-purpose committee files a campaign treasurer appointment, however, the committee must begin filing reports of contributions, expenditures, and loans.

In addition, a specific-purpose committee may not make over \$1,080 in campaign contributions or \$1,080 in campaign expenditures to support or oppose candidates in a primary or general election for the following offices unless the committee's campaign treasurer appointment is on file by the 30th day before the appropriate election day:

- Governor, Lieutenant Governor, Attorney General, Comptroller, 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
- multi-county district judge or district attorney
- single-county district judge

## 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 contributions made in violation of this provision.

## DUTIES OF A CAMPAIGN TREASURER

The campaign treasurer is responsible for filing all reports of the committee, except for the campaign treasurer appointment form (STA) that designates him or her as the committee's campaign treasurer. Therefore, the person appointed should be capable of fulfilling those duties. Failing to file a report on time or filing an incomplete report may subject the campaign treasurer to criminal or civil penalties.

## WHERE TO FILE A CAMPAIGN TREASURER APPOINTMENT

The appropriate filing authority depends on the nature of the specific-purpose committee's activities.

### a. Texas Ethics Commission.

- The Texas Ethics Commission (Commission) is the appropriate filing authority for a political committee that supports, opposes, or assists candidates or officeholders who are required to file with the commission. Candidates for and officeholders of the offices listed in the "When to File a Campaign Treasurer Appointment" section are required to file with the commission.
- A specific-purpose political committee files with the Commission if it supports, opposes, or assists a candidate for or holder of 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 specific-purpose committee files with the Commission if it supports or opposes a measure to be submitted to the voters of the entire state.
- A specific-purpose committee files with the Commission if it supports or opposes a measure that concerns 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.

**b. County Clerk.** The county clerk (or the county elections administrator or tax assessor, as applicable) is the appropriate local filing authority for a specific-purpose committee that supports, opposes, or assists a candidate for or holder of the following offices:

- A county office

- A precinct office
- A district office other than the office of single-county district judge
- 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
- A specific-purpose committee files with the court clerk if it supports or opposes a candidate for an elected position on the board of directors of an appraisal district
- A specific-purpose committee files with the county clerk if it supports or opposes a measure to be submitted to the voters of a single county in an election ordered by a county authority
- A specific-purpose committee files with the county clerk if it supports or opposes a measure that concerns a political subdivision other than a county if no boundary of the political subdivision crosses a boundary of the county and if the governing body of the political subdivision has not been formed.

**c. Other Local Filing Authority.** Except for certain specific-purpose committees described in the next paragraph below, a specific-purpose committee that supports, opposes, or assists a candidate for or holder of an office of a political subdivision other than a county or that supports or opposes a measure to be submitted at an election ordered by an authority of a political subdivision other than a county, must file with 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 and municipal utility districts.

*Specific-Purpose Committees Involved in School District Bond Elections:* New filing requirements apply to any specific-purpose committee created to support or oppose a measure on the issuance of bonds by a school district. A school district includes a junior college district or community college district.

- Campaign Treasurer Appointment (Form STA, Form ASTA): The committee must file its campaign treasurer appointment with the secretary of the school district's governing body. The campaign treasurer of the committee should also file with the Ethics Commission a file-stamped copy of any campaign treasurer appointment that it filed with the school district.
- Campaign Finance Reports (Form SPAC): The committee must file its campaign finance reports with the Ethics Commission.

### **FILING OPTION FOR CERTAIN SPECIFIC-PURPOSE COMMITTEES**

A specific-purpose committee required to file with more than one authority may instead choose to file with the Texas Ethics Commission only and with no other authority.

## **SPECIFIC-PURPOSE COMMITTEE SUPPORTING A CANDIDATE**

Before a specific-purpose committee has exceeded \$1,080 in contributions or expenditures to support a candidate, the committee must file a specific-purpose committee campaign treasurer appointment (Form STA). The candidate must file a candidate's campaign treasurer appointment (Form CTA). Remember that the specific-purpose committee's campaign treasurer must file reports for the committee. However, this does not eliminate the requirement that the candidate also file a candidate's campaign treasurer appointment and periodic reports.

## **JUDICIAL SPECIFIC-PURPOSE COMMITTEE**

A specific-purpose committee that supports or opposes a judicial candidate or assists a judicial officer should review the Commission's Campaign Finance Guide for Political Committees, which is available on the Commission's website at <http://www.ethics.state.tx.us>.

## **CHANGING THE CAMPAIGN TREASURER**

If the committee wishes to change its campaign treasurer, the committee simply files an amended appointment form (ASTA). This will automatically terminate the previous campaign treasurer appointment. Within 10 days of the termination, the outgoing treasurer must file a SPECIFIC-PURPOSE COMMITTEE CAMPAIGN FINANCE REPORT (Form SPAC) designated as the "10th day after campaign treasurer termination" report. If the committee changes treasurers on the last day of a reporting period, no separate termination report is required. However, if the committee changes treasurers on the day it files a report, the outgoing treasurer must file a separate termination report.

## **AMENDING A CAMPAIGN TREASURER APPOINTMENT**

The committee's campaign treasurer must file an AMENDMENT form (Form ASTA) within 24 hours of a change or addition to candidates or measures the committee supports or opposes or officeholders the committee assists.

If any of the other information reported on the specific-purpose committee's campaign treasurer appointment form (Form STA) changes, such as an address or phone number, the campaign treasurer must file an AMENDMENT form (Form ASTA) within 10 days of the change.

An AMENDMENT form (Form ASTA) must also be filed to renew the committee's choice to select the modified reporting schedule.

## **APPOINTING AN ASSISTANT CAMPAIGN TREASURER**

A specific-purpose committee formed to support or oppose a candidate or candidates for the following offices may appoint an assistant campaign treasurer:

- 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 district attorney
- single-county district judge

A specific-purpose committee formed to support or oppose a statewide or district measure may appoint an assistant campaign treasurer. Specific-purpose committees that support or oppose candidates or measures who file only with a local authority may *not* appoint an assistant campaign treasurer.

The assistant campaign treasurer may sign reports if the campaign treasurer is not available. However, if the campaign treasurer appointment is terminated, the assistant campaign treasurer does not have authority to sign the committee's reports or otherwise act as the committee's campaign treasurer. Also, the campaign treasurer, not the assistant campaign treasurer, is responsible for any penalties imposed for failure to file a report on time or for filing an incomplete report.

### **USING CERTAIN POLITICAL CONTRIBUTIONS FOR DIRECT CAMPAIGN EXPENDITURES**

A specific-purpose political committee must file an affidavit containing specific language before it can use corporation or labor organization political contributions to make a direct campaign expenditure in connection with a campaign for an elective office. The affidavit must state that the committee is not established or controlled by a candidate or an officeholder, and that the committee will not use any political contribution from a corporation or labor organization to make a political contribution to a candidate for elective office, an officeholder, or a political committee that has not filed such an affidavit with its campaign treasurer appointment. The Commission provides a form affidavit containing the required language. This affidavit can be found on Page 3 of Form STA or Form ASTA.

This requirement also applies to direct campaign expenditure-only committees. Thus, if a direct campaign expenditure-only committee wishes to use a political contribution that it accepted from a corporation or labor organization to make a direct campaign expenditure in connection with a campaign for elective office, it must also file the "Statement Authorizing Direct Campaign Expenditures from Corporation or Labor Organization Political Contributions" before making the expenditure.

### **TERMINATING A CAMPAIGN TREASURER APPOINTMENT**

A specific-purpose committee may terminate its campaign treasurer appointment at any time by:

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

*Remember* that once a committee's campaign treasurer appointment is terminated, the committee may not accept any political contributions or make any political expenditures until a new campaign treasurer appointment is filed.

A committee's campaign treasurer may resign by notifying both the appointing authority and the filing authority in writing. If the campaign treasurer resigns or otherwise leaves the position, the termination is effective on the date the committee actually receives the notice or on the date the filing authority actually receives the notice, whichever is later (except for purposes of calculating the period covered by the outgoing campaign treasurer's termination report, see "Termination Report" below.)

## **TERMINATION REPORT**

No later than 10 days after the campaign treasurer files the termination, the outgoing treasurer must file a SPECIFIC-PURPOSE COMMITTEE CAMPAIGN FINANCE REPORT (Form SPAC) designated as the "10th day after campaign treasurer termination" report. (The 10-day period is calculated beginning with the day the treasurer files the termination, not the day the committee receives it.) If the termination occurs on the last day of a reporting period, no separate termination report is required.

Filing a termination of a specific-purpose committee's campaign treasurer appointment and a termination report does not dissolve the specific-purpose committee. A specific-purpose committee may dissolve only by filing a dissolution report. A specific-purpose committee that does not have a campaign treasurer appointment on file may not accept political contributions or make political expenditures.

## **DISSOLVING THE COMMITTEE**

The campaign treasurer of a specific-purpose committee may file a dissolution report at any time that the committee expects no further reportable activity to occur. Filing a dissolution report terminates the specific-purpose committee's campaign treasurer appointment and relieves the campaign treasurer of the obligation of filing additional reports, including a termination report. A specific-purpose committee must file a new campaign treasurer appointment form (STA) if it intends to accept political contributions or make political expenditures.

To dissolve the specific-purpose committee, the campaign treasurer must complete the SPECIFIC-PURPOSE COMMITTEE CAMPAIGN FINANCE REPORT (Form SPAC), check the "Dissolution report" box on Page 1, Section 9, and complete and attach the POLITICAL COMMITTEE AFFIDAVIT OF DISSOLUTION (Form PAC-DR).

## **ELECTRONIC FILING**

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

## GUIDES

The Ethics Commission's Campaign Finance Guide For Political Committees is available on the commissions 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 completing the form, enter the total number of pages you are filing 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. COMMITTEE NAME:** Enter the committee's full name here and on Page 2, Section 13, of this form. The committee's name must include the candidate's name if the committee was formed to support a candidate for one 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
- multi-county district judge or district attorney
- single-county district judge

**3. COMMITTEE ADDRESS:** Enter the committee's complete mailing address (street address or P.O. Box, apartment or suite number, city, state, and zip code). **We recommend using a PO Box or other address where your committee receives mail, rather than a home address. This will be public information.**

**4. CAMPAIGN TREASURER NAME:** Enter the full name of the committee's campaign treasurer.

**5. CAMPAIGN TREASURER STREET ADDRESS:** Enter the complete business or residential street address of the committee's campaign treasurer.

**6. MAILING ADDRESS:** If the campaign treasurer's mailing address is the same as the address entered in Section 5, check the “SAME AS ABOVE” box. If the campaign treasurer's mailing address is different from the street address entered in Section 5, enter the mailing address in this Section (street address or P.O. Box, apartment or suite number, city, state, and zip code).

**7. CAMPAIGN TREASURER PHONE:** Enter the phone number of the committee’s campaign treasurer, including the area code and extension, if applicable.

**8. PERSON APPOINTING TREASURER:** Enter the full name of the person who is appointing the committee’s campaign treasurer.

**9. SIGNATURE:** The person appointed campaign treasurer must enter his or her signature in this Section.

*Sections 10 - 12 pertain to the assistant campaign treasurer. If the committee is authorized to appoint an assistant campaign treasurer and chooses to do so, continue with Section 10. If the committee is not appointing an assistant campaign treasurer, skip these Sections. See the “Appointing an Assistant Campaign Treasurer” section in the General Instructions for this form to determine which types of specific-purpose committees may appoint an assistant campaign treasurer.*

**10. ASSISTANT CAMPAIGN TREASURER:** Enter the full name of the committee’s assistant campaign treasurer.

**11. ASSISTANT CAMPAIGN TREASURER ADDRESS:** Enter the assistant campaign treasurer’s complete mailing address (street address or P.O. Box, apartment or suite number, city, state, and zip code).

**12. ASSISTANT CAMPAIGN TREASURER PHONE:** Enter the phone number of the assistant campaign treasurer, including the area code and extension, if applicable.

## **PAGE 2**

**13. COMMITTEE NAME:** Enter the committee name as you did on Page 1, Section 2.

**14. COMMITTEE PURPOSE:** A specific-purpose political committee must report certain information for each candidate or measure that the committee supports or opposes and each officeholder that the committee assists. Changes in this information must be reported within 24 hours of the change by filing an AMENDMENT form (Form ASTA). Please attach additional copies of Form STA, Page 2, if the committee is required to make multiple entries.

## **CANDIDATE/OFFICEHOLDER INFORMATION**

**“Support Candidate” Box:** Check this box if the committee accepts political contributions or makes political expenditures to support a candidate.

**“Oppose Candidate” Box:** Check this box if the committee accepts political contributions or makes political expenditures to oppose a candidate.

**“Assist Officeholder” Box:** Check this box if the committee accepts political contributions or makes political expenditures to assist an officeholder.

**Note:** If the committee supports a candidate who is an officeholder, you may check two boxes.

**Candidate/Officeholder Name:** Enter the full name of the candidate or officeholder, if applicable.

**Office Sought/Office Held:** For a candidate, enter the office the candidate is seeking. For an officeholder, enter the office held. Include the district, precinct, or other designation for the office, if applicable.

## MEASURE INFORMATION

**“Support Measure” Box:** Check this box if the committee accepts contributions or makes expenditures to support a measure.

**“Oppose Measure” Box:** Check this box if the committee accepts contributions or makes expenditures to oppose a measure.

**Ballot Identification/#:** Enter the ballot or proposition number of the measure, if known.

**Election Date:** Enter the date of the election in which the measure will be put to a vote, if known.

**Description:** Enter a description of the measure.

**15. MODIFIED REPORTING DECLARATION:** Sign this option if the specific-purpose committee wishes to report under the modified reporting schedule. To the left of the signature, enter the year of the election or election cycle to which the selection of modified reporting applies.

The committee’s selection of modified reporting is valid for an entire election cycle. For example, if the committee chooses modified reporting before a primary election, the selection remains in effect for any runoff and for the general election and any related runoff. The committee must make this selection at least 30 days before the first election to which the selection applies.

A specific-purpose committee that supports or opposes an opposed candidate or a measure in an election is eligible to report under the modified reporting schedule if the committee does not intend to accept more than \$1,110 in political contributions or make more than \$1,110 in political expenditures in connection with an election. A specific-purpose committee that reports under the modified reporting 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:* a specific-purpose committee that supports or opposes an *unopposed* candidate is not required to file pre-election reports in the first place.) The committee campaign treasurer’s obligation to file semi-annual reports, special pre-election reports, or special session reports, if applicable, is not affected by selecting the modified reporting schedule.

The \$1,110 maximums apply to each election within the cycle. In other words, the committee is limited to \$1,110 in contributions and expenditures in connection with the primary, an additional \$1,110 in contributions and expenditures in connection with the general election, and an additional \$1,110 in contributions and expenditures in connection with a runoff.

**Exceeding \$1,110 in contributions or expenditures.** If the committee exceeds \$1,110 in contributions or expenditures in connection with an election, the campaign treasurer must file according to the regular filing schedule. In other words, the committee's campaign treasurer must file pre-election reports and a runoff report, if applicable.

If the committee exceeds either of the \$1,110 limits *after the 30th day before the election*, the campaign treasurer must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, the campaign treasurer must file any pre-election reports or runoff reports that are due under the regular filing schedule.

The selection is not valid for other elections or election cycles. Use the AMENDMENT form (ASTA) to renew the option to file under the modified reporting schedule for a different election year or election cycle.

**PAGE 3:**

**NOTE: Complete this page ONLY if it applies to the political committee.** This page is used for specific-purpose committees that intend to use corporation or labor organization political contributions to make a direct campaign expenditure in connection with a campaign for an elective office. This page is NOT REQUIRED for all political committees. If a political committee does not accept political contributions from any corporations or labor organizations, this affidavit is not required.

**16. COMMITTEE NAME:** Enter the committee name as you did on Page 1, Section 2.

**17. AFFIRMATION:** If the political committee wishes to use a political contribution from a corporation or labor organization to make a direct campaign expenditure in connection with a campaign for an elective office, check the box beside the statement and complete one of the jurats in the bottom half of this page. If the political committee has previously filed this affirmation and the first statement no longer applies to the committee, use form ASTA instead to amend the campaign treasurer appointment.

The affirmation must include EITHER: 1) a completed Affidavit Jurat, or 2) a completed Unsworn Declaration Jurat. If you use the Affidavit Jurat, the affirmation must be signed and notarized or sworn before an officer administering an oath. If you use the Unsworn Declaration Jurat, the affirmation must be signed and must include your name, date of birth, and address, and the county, state, and date of your signature.

**SIGNATURE OF COMMITTEE REPRESENTATIVE:** A person representing the committee must enter his or her signature for the corresponding jurat used.

*For more information, see the Commission's Campaign Finance Guide for Political Committees.*