

TEXAS ETHICS COMMISSION

AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A JUDICIAL CANDIDATE

FORM AJCTA–INSTRUCTION GUIDE



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Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711
(512) 463-5800 FAX (512) 463-5777 TDD 1-800-735-2989

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FORM AJCTA–AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A JUDICIAL CANDIDATE

GENERAL INSTRUCTIONS

These instructions are for the AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A JUDICIAL CANDIDATE form (AJCTA). Use this form for changing information previously reported on Form JCTA or 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 JUDICIAL CANDIDATE form (JCTA).

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

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 account number, if you file with the Ethics 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. 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. JUDICIAL CANDIDATE NAME:** Enter your name as it is on your current campaign treasurer appointment. Enter your name in the same way on Sections 13 and 15 of this form. If you are reporting a name change, enter your new name under Section 4.
- 2. ACCOUNT #:** If you are filing with the Ethics 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 “ACCOUNT #.” 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. JUDICIAL 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. **JUDICIAL 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. **JUDICIAL 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 Judicial Candidates and Officeholders” 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.

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. Please do not enter a P.O. Box.
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. **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

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

14. JUDICIAL DECLARATION OF INTENT REGARDING EXPENDITURE LIMITS: Complete this section if you have not filed a declaration of intent regarding expenditure limits or if you would like to change a previous declaration. You should also complete this section if you are amending the office sought in your campaign treasurer appointment.

Note: Changing the office you are seeking may require you to file your reports with a different filing authority. If you are required to file reports with a different filing authority, you must transfer your campaign treasurer appointment, including your declaration of intent regarding expenditure limits, to the new filing authority. See the “Campaign Finance Guide for Judicial Candidates and Officeholders” for further information on filing with a different authority.

60-Day Waiting Period After Changed Declaration. A candidate who files a declaration of an intent to comply with the expenditure limits and who later files a declaration of intent to exceed the expenditure limits must wait 60 days after filing the changed declaration before making an expenditure that exceeds the applicable limits. Elec. Code § 253.172.

Before a candidate for statewide judicial office, court of appeals, district court, statutory county court at law, or statutory probate court may accept political contributions or make political expenditures in connection with an election, the candidate must file either a sworn declaration of compliance with the expenditure limits of the Judicial Campaign Fairness Act or a declaration of intent to exceed those limits. Elec. Code § 253.164. The following expenditure limits are applicable for each election in which the candidate is involved. *Id.* § 253.168.

- | | |
|--|-------------|
| 1) Statewide Judicial Office | \$2 million |
| 2) Court of Appeals | |
| a) judicial district population over one million | \$500,000 |
| b) judicial district population one million or less | \$350,000 |
| 3) Other Judicial Office | |
| a) judicial district population over one million | \$350,000 |
| b) judicial district population 250,000 to one million | \$200,000 |
| c) judicial district population less than 250,000 | \$100,000 |

If a candidate files a declaration stating an intent to exceed the expenditure limits, or fails to file a declaration at all, the candidate is a “noncomplying” candidate. As a consequence, the Texas Ethics Commission must order the suspension of the limits on contributions, reimbursement of personal funds, and expenditures for all “complying” candidates for the office. Elec. Code § 253.165. Additionally, all political advertising by a candidate who files a declaration of intent to exceed the limits on expenditures or a specific-purpose political committee for supporting such a candidate must include this statement:

Political advertising paid for by [name of candidate or committee], [who or which]
has rejected the voluntary limits of the Judicial Campaign Fairness Act.

Elec. Code § 255.008.

PAGE 3

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

16. MODIFIED REPORTING: Sign here if you wish to report under the modified reporting schedule or if you wish to renew your previous selection 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 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 \$500 in political contributions or make more than \$500 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 \$500 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). (Remember: An *unopposed* candidate is not required to file pre-election reports or runoff reports in the first place.) The obligations to file semiannual reports, special pre-election reports (formerly known as telegram reports), or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$500 maximums apply to each election within the cycle. In other words, you are limited to \$500 in contributions and expenditures in connection with the primary, an additional \$500 in contributions and expenditures in connection with the general election, and an additional \$500 in contributions and expenditures in connection with a runoff.

Exceeding \$500 in Contributions or Expenditures. If you exceed \$500 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 \$500 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 AJCTA) to renew your option to file under the modified schedule.

For more information, see the Campaign Finance Guide for Judicial Candidates and Officeholders.