



CANDIDATE LETTER MAY 2, 2020 GENERAL ELECTION CITY COUNCIL MAYOR & PLACES 3 AND 4

January 2, 2020

This Candidate's Packet is prepared to acquaint candidates with applicable City regulations, as well as State and local legal requirements related to running for City Council. The packet contains much information, but is not all-inclusive of the laws governing elections. Therefore, we recommend you familiarize yourself with information provided in this packet and contact the noted authority should you have any questions. Contact information for those authorities listed is provided later in this letter.

ELECTION DAY, RESIDENCY AND QUALIFICATIONS

On Saturday, May 2, 2020, the citizens of Abilene will elect members to the Abilene City Council for Mayor and Places 3 and 4. While council members are elected at large, residency requirements for each Place are as noted below:

- Mayor candidates are not restricted to live in any specific section of the city;
- Place 3 candidates shall be residents of the City north of the Texas & Pacific Railroad Company main line; and
- Place 4 candidates shall be residents of the City south of the Texas & Pacific Railroad Company main line.

Additional qualifications are as follows:

- At least 21 years of age
- A citizen and qualified voter of the State of Texas and the City
 - Shall have resided within the City for at least 12 months preceding election day
 - Residence requirements shall be effective only as of the date of the election of each member of the Council, but a member of the Council or the Mayor ceasing to reside in the City shall immediately forfeit office
- Not hold any other office or employment under City Government while a member of the Council, nor hold any other paid employment under City Government within two (2) years thereafter, unless such employment be an elective office
- Have not been determined mentally incompetent by a final judgment of a court
- Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities

Article II (THE COUNCIL) of the Abilene City Charter (excerpt provided) contains information relative to City Council composition, roles and responsibilities. However, a full version can be found at <http://z2.franklinlegal.net/franklin/Z2Browser2.html?showset=abileneset>. (See Candidate Packet, Section 2)

Article II (ELECTIONS, INITIATIVES, REFERENDUM AND RECALL) of the Abilene City Charter (excerpt provided) covers the annual order/regulation of elections, application for candidacy and runoff elections. However, a full version can be found at <http://z2.franklinlegal.net/franklin/Z2Browser2.html?showset=abileneset>. (See Candidate Packet, Section 3)]

IMPORTANT DATES/CALENDAR

- **Candidate Election Calendar of Important Dates**
[Provides important dates for the May 2, 2020 General Election. (See Candidate Packet, Section 4)]
- **Drawing for Ballot Position**
[The Texas Election Code requires the order in which candidates are listed on the ballot be determined by a drawing. The drawing will be held at 10:00 a.m., Monday, February 24, 2020, at the Taylor County Election's Office, Taylor County Plaza, 400 Oak Street. The candidate or their representative may draw for the ballot position. If a candidate or representative is not at the drawing, the city secretary will draw on behalf of the candidate. An additional notification will be sent as the date draws nearer.]

CANDIDACY

- **Conduct of Voting Generally – Texas Election Code, Title 6, Chapter 61**
[Provides information on expected conduct during the election process. (See Candidate Packet, Section 5)]
- **APPLICATION FOR A PLACE ON THE CITY OF ABILENE GENERAL ELECTION BALLOT AND INSTRUCTIONS.)**
[Also included are Texas Government Code, Title 9, Chapter 143 (Candidate for City Office), Texas Government Code, Title 5, Chapter 573 (Degrees of Relationship; Nepotism Prohibition) and related Consanguinity and Affinity Relationship Chart. The Application references nepotism, and the chart will be useful and determining its applicability. The Application must be signed before a Notary Public and must be accurately completed in its entirety. Notary Public services are available from the City Secretary's Office at no cost. As the Application is a sworn document, it cannot be changed once filed. (See Candidate Packet, Sections 6 through 9)]
- **FILING PERIOD FOR APPLICATION FOR A PLACE ON THE GENERAL ELECTION BALLOT**
[The first day to file for office is 8 a.m., Wednesday, January 15, 2020. The last day to file for office is 5 p.m., Friday, February 14, 2020. Candidates are encouraged to apply well before the deadline in order to allow sufficient time to address any filing deficiencies identified during the formal review period. (See Candidate Packet, Section 10)]
- **CODE OF FAIR CAMPAIGN PRACTICES (FORM CFPC)**
[Also included is Texas Election Code, Title 15, Chapter 258 (Fair Campaign Practices). THIS FORM IS STRICTLY VOLUNTARY. The Texas Election Code encourages every candidate subscribe to the Code of Fair Campaign Practices. This form can be submitted simultaneously with Form CTA or the Application for a Place on the General Election Ballot. (See Candidate Packet, Sections 11 and 12)]
- **First Steps for Candidates Running for a City Office – Texas Ethics Commission**
[Provided by the Texas Ethics Commission, this is an at-a-glance guide on certain requirements of filing for candidacy and applicability of reporting requirements. See Candidate Packet, Section 13)]

CAMPAIGN TREASURER

- **APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM CTA) AND INSTRUCTION GUIDE**
[This form must be filed *BEFORE* any funds can be collected or expended for campaign purposes, or at the time of filing for candidacy, whichever comes first. Candidates may appoint themselves as their own campaign treasurer. (See Candidate Packet, Sections 14 through 16)]
- **AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM ACTA) AND INSTRUCTION GUIDE**

[Also includes Texas Election Code, Title 15 Chapter 252 (Campaign Treasurer). A campaign treasurer or information contained in the original form filed may be changed at any time. Changes can only be made by using this form. Only the information being changed from the original CTA or previously filed ACTA should be noted on this form. (See Candidate Packet, Sections 17 and 18)]

POLITICAL ACTIVITY/CAMPAIGN CONTRIBUTIONS

Article X (GENERAL PROVISIONS), Section 137 (Political activity), of the Abilene City Charter states, "No appointed or hired employee on the payroll of the city shall make a contribution to the campaign fund of any person seeking election to a city office or to any political party supporting a candidate for election to a city office, nor shall he be solicited for this purpose; nor shall he take active part in any political campaign relating to an election to a city office."

The Abilene City Code does not limit campaign contributions from other sources. . The Texas Election Code sets forth certain requirements for campaign contributions/expenditures. Important information is noted below.

CAMPAIGN FINANCE AND OTHER REPORTING REGULATIONS

- **"Guide to Local Filing Authority's Duties Under the Campaign Finance Law" – Texas Ethics Commission**
[Explains the responsibilities of the City Secretary's Office under the Texas campaign finance law. In summary, this office is required to make forms available, accept certain filings but does not regulate the content of those filings and is not required to remind filers of reporting deadlines. (See Candidate Packet, Section 19)]
- **"A Brief Overview of the Texas Ethics Commission and its Duties" – Texas Ethics Commission**
[Provides information on the forms mandated and administered by the Texas Ethics Commission and outlines their area of authority. (See Candidate Packet, Section 20)]
- **CAMPAIGN FINANCE GUIDE FOR CANDIDATES AND OFFICEHOLDERS WHO FILE WITH LOCAL FILING AUTHORITIES – TEXAS ETHICS COMMISSION**
[This guide helps candidates gain a better understanding as to the reporting requirements for campaign finance reports. (See Candidate Packet, Section 21)]
- **2020 FILING SCHEDULE FOR REPORTS DUE IN CONNECTION WITH ELECTIONS HELD ON UNIFORM ELECTION DATES – TEXAS ETHICS COMMISSION**
[This schedule outlines filing deadlines for campaign finance reporting as related to the May 2, 2020 General Election. It also notes deadlines for semi-annual reports required to be filed depending on when the original Campaign Treasurer Appointment form was filed. (See Candidate Packet, Section 22)]
- **REGULATING POLITICAL FUNDS AND CAMPAIGNS – TEXAS ELECTION CODE, TITLE 15, CHAPTER 251, GENERAL PROVISIONS**
[Reading material relative to political fund expenditures and submittal of campaign finance reports. (See Candidate Packet, Section 23)]
- **RESTRICTIONS ON CONTRIBUTIONS AND EXPENDITURES – TEXAS ELECTION CODE, TITLE 15, CHAPTER 253**
[Reading material relative to political fund expenditures and submittal of campaign finance reports. (See Candidate Packet, Section 24)]
- **POLITICAL REPORTING – TEXAS ELECTION CODE, TITLE 15, CHAPTER 254**
[Reading material relative to political fund expenditures and submittal of campaign finance reports and the contents of those reports. Most candidates will be required to file at least two Title 15 reports although those involved in a runoff

election will have to file an additional report. Candidates will be required to file semiannual report(s) until a **DESIGNATION OF FINAL REPORT** form is filed. However, filing of a Candidate/Officeholder Report of Unexpended Contributions may still be required.

- The **30TH DAY BEFORE GENERAL ELECTION (Thursday, April 2, 2020 due date before 5 p.m.)** report covers the period beginning on the day a campaign treasurer was appointed or the first day after the period covered by the last required report, as applicable, and continuing through the 40th day before the election (Monday, March 23, 2020).
- The **8TH DAY BEFORE GENERAL ELECTION (Friday, April 24, 2020 due date before 5 p.m.)** report covers the period beginning on the 39th day before the election (Tuesday, March 24, 2020) and continuing through the 10th day before the election (Wednesday, April 22, 2020).
- The **8TH DAY BEFORE RUNOFF ELECTION (Friday, June 5, 2020 due date before 5 p.m.)** report covers the period beginning the day after the last day covered in the 8th Day Before General Election report (Thursday, April 23, 2020) and continuing through the 10th day before runoff election day (Wednesday, June 3, 2020). This information is based on the expectation the runoff election will be held Saturday, June 13, 2020, which is subject to change at this point. NOTE: Candidates will be notified of the official date for the runoff election, if applicable.

Carefully read the Election Code requirements and the Texas Ethics Commissions' instructions included with report forms to ensure all required reports are timely/accurately filed. Submission deadlines and reporting periods applicable to each filing are further outlined in the Election Calendar provided in this packet. (See Candidate Packet, Section 25)]

- **CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT/FINAL REPORT (FORMS C/OH and C/OH-FR) AND INSTRUCTION GUIDE**
[These provide the schedules and instructions on applicable contributions and expenditures reported on running a campaign. All reports are filed with the City Secretary's Office. It is important candidates understand the importance of adhering to reporting requirements. Questions or complaints regarding filed reports must be directed to the Texas Ethics Commission.
 - This section includes Form C/OH-FR (last page). Filing this form terminates the campaign treasurer appointment, but will not necessarily end the requirement to file campaign finance reports.]

(See Candidate Packet, Sections 26 and 27)]

- **CORRECTION/AMENDMENT AFFIDAVIT FOR CANDIDATE/OFFICEHOLDER (FORM COR-C/OH) AND INSTRUCTION GUIDE**
[This form allows corrections to previously filed reports. The affidavit must identify the information being changed. (See Candidate Packet, Section 28)]
- **CANDIDATE/OFFICEHOLDER REPORT OF UNEXPENDED CONTRIBUTIONS (FORM C/OH-UC) AND INSTRUCTION GUIDE**
[If the candidate had unexpended political contributions, interest, assets, or other money earned from political contributions at the time a final report was filed, this report is required annually. This report is required until a report of the final disposition of unexpended contributions has been filed. (See Candidate Packet, Sections 29 and 3)]

PERSONAL FINANCIAL STATEMENT

Candidates are required to file a Personal Financial Statement (Form PFS). The form, instruction guide, hints and regulations are provided. Officeholders and candidates holding or running for an elected office in municipalities with populations of 100,000 or more are required to file this form. The **candidate's deadline** for filing the PFS is 5 p.m., Thursday, March 5, 2020. It is important you utilize the form provided with the candidate packet to ensure you use the most current form provided by the State. (See Candidate Packet, Sections 31 through 34)]

POLITICAL ADVERTISING

The City of Abilene's Ordinance [Section 23-147] provides that political signs in residential neighborhoods cannot exceed a size of 6 square feet. However, due to the recent US Supreme Court's ruling in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), which held that a municipality may not regulate signs based upon content, the City of Abilene is unable to enforce this provision regarding the "6 square feet" size restriction of political signs in residential neighborhoods. Additionally, Section 23-147 provides that political signs may not be posted or erected in residential areas more than 45-days prior to an election, nor remain more than 14-days after the election.

Again, the US Supreme Court held in *Reed v. Town of Gilbert* that a municipality may not regulate signs based upon content, and that such regulation is invalid. Because Section 23-147, Code of Ordinances, regulates political signs based upon content, the 45-day rule is not being enforced by the City of Abilene.

The City of Abilene still prohibits the placement of political signs in the City public right-of-way, as this is a public safety issue.

Further, as you know, the State of Texas/TXDOT regulates the placement of political signs on state highways. Below is additional reference information.

- *"A Short Guide to the Prohibition Against Using Political Subdivision Resources for Political Advertising in Connection with an Election"* – Texas Ethics Commission
[Provides information relative to the prohibition of using City resources for political advertising for the general/runoff elections. (See Candidate Packet, Section 35)]
- *"Political Advertising: What You Need To Know"* – Texas Ethics Commission
[Outlines state-mandated disclosures/notices on political advertising. (See Candidate Packet, Section 36)]
- *Regulating Political Advertising and Campaign Communications* – Texas Election Code, Title 15, Chapter 255
[Outlines legal requirements/restrictions on political advertising. **Section 255.007 of the Texas Election Code** requires the following notice be written 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"
(See Candidate Packet, Section 37)]
- *Regulation of Signs Along Interstate and Primary Highways* – Texas Administrative Code, Title 43, Part 1, Chapter 21, Subchapter I, Division 1, Rule §21.146
[The State has certain sign regulations. This section covers those signs exempt from regulation by the State, under certain circumstances. Reference specifically Subsection (a)(10)(A through E). (See Candidate Packet, Section 38)]
- *Campaign Signs* – Texas Department of Transportation (TxDOT)
[Addresses TxDOT's role and enforcement for wrongfully placing campaign signs on right of ways, trees, telephone poles, traffic signs and private property. (See Candidate Packet, Section 39)]

POLL WATCHERS AND INSPECTORS

- **APPOINTMENT OF POLL WATCHER BY CANDIDATE ON THE BALLOT OR DECLARED WRITE-IN CANDIDATE AND POLL WATCHER'S GUIDE PUBLISHED BY THE SECRETARY OF STATE AND INSTRUCTIONS**
[Also includes Texas Election Code, Title 3, Chapter 33 (Watchers). THIS IS STRICTLY OPTIONAL. However, should a poll watcher be appointed, they should be provide a copy of the Watcher's Guide to ensure an understanding of their responsibilities and limitations that apply to this appointment. (See Candidate Packet, Sections 40 through 42)]

- STATE INSPECTORS – TEXAS ELECTION CODE, TITLE 3, CHAPTER 34
[THIS IS STRICTLY OPTIONAL. A request may be submitted to the Secretary of State for state inspectors' observation of activities within polling locations. The request can be made on the form provided in this packet and must be fully executed before sending it to the Secretary of State. (See Candidate Packet, Sections 43 and 44)]

CANDIDATE INFORMATION IS PUBLIC INFORMATION

Please be aware all information a candidate files with the city secretary in relation to candidacy or election to public office becomes a public record and is provided in accordance with the Texas Public Information Act.

IMPORTANCE OF UPDATED CONTACT INFORMATION

The mailing address indicated on the Application for a Place on the General Election Ballot, Campaign Treasurer Appointment, or Amendment of Campaign Treasurer will be used to notify candidates about election related matters. It is important candidates notify this office of any contact information change(s).

CONTACT INFORMATION

- Texas Ethics Commission 512-463-5800
www.ethics.state.tx.us
- Secretary of State, Elections Division 800-252-8683
www.sos.state.tx.us
- U.S. Justice Department 202-514-2000
www.usdoj.gov
- Abilene County Elections Department 325-674-1216
www.taylorcountytexas.org/212/Elections
- Shawna Atkinson, City Secretary, City of Abilene 325-676-6202
shawna.atkinson@abilenetx.gov

This Candidate Packet may include revised forms from those provided in previous years. Therefore, please ensure the forms contained in this packet are used. While the majority of the forms listed in the electronic version of this packet have been linked to the appropriate source, hard copies of this information can be obtained from this office. This packet is designed to provide valuable information on responsibilities/requirements of filing for candidacy. Do not hesitate to contact the proper authority if you have questions.

Thank you for your interest in serving our community.

Respectfully,



Shawna Atkinson
City Secretary