

TEXAS ETHICS COMMISSION

APPOINTMENT OF A CAMPAIGN TREASURER BY A COUNTY EXECUTIVE COMMITTEE

FORM CECTA – INSTRUCTION GUIDE



Revised January 1, 2025

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Promoting Public Confidence in Government

FORM CECTA – INSTRUCTION GUIDE

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APPOINTMENT OF A CAMPAIGN TREASURER BY A COUNTY EXECUTIVE COMMITTEE

GENERAL INSTRUCTIONS

These instructions are for the APPOINTMENT OF A CAMPAIGN TREASURER BY A COUNTY EXECUTIVE COMMITTEE form (CECTA). Use form CECTA only for appointing the county executive committee's campaign treasurer. Use the AMENDMENT form (ACECTA) for changing information previously reported on form CECTA.

POLITICAL COMMITTEES

The county executive committee of a political party is a general-purpose political committee for purposes of the campaign finance law if it accepts political contributions or makes political expenditures. County executive committees are, however, subject to different rules from other political committees.

COUNTY CHAIR CANDIDATES

Candidates for county chair in certain counties are subject to filing requirements under title 15 of the Election Code. Those filing requirements are separate from the filing requirements applicable to the county executive committee itself.

CONTRIBUTIONS FROM CORPORATIONS AND LABOR ORGANIZATIONS

Although political contributions from corporations and labor organizations are generally prohibited, a county party may accept contributions from corporations and labor organizations for certain purposes. The county chair is required to file reports regarding contributions from corporations and labor organizations on Form PTY-CORP. Those reports are separate from the reports filed on Form CEC or Form MCEC by the campaign treasurer for the county executive committee.

WHEN TO FILE A CAMPAIGN TREASURER APPOINTMENT

A county executive committee that accepts political contributions *or* makes political expenditures that total more than \$40,300 in a calendar year must file an appointment of campaign treasurer with the Ethics Commission by the 15th day after exceeding either \$40,300 in total political contributions or \$40,300 in total political expenditures. Contributions from corporations or labor organizations do not count toward the \$40,300 contribution threshold; nor do expenditures from contributions from corporations and labor organizations count toward the \$40,300 expenditure threshold.

WHERE TO FILE A CAMPAIGN TREASURER APPOINTMENT

A county executive committee of a political party, like all general-purpose political committees, must file its campaign treasurer appointment and all other reports required by title 15 of the Election Code with the Texas Ethics Commission.

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

The campaign treasurer for a county executive committee is responsible for filing all reports of the committee, except for the campaign treasurer appointment form (CECTA). 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.

AMENDING A CAMPAIGN TREASURER APPOINTMENT

If the campaign treasurer's address changes, the campaign treasurer must file an AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A COUNTY EXECUTIVE COMMITTEE form (ACECTA) within 10 days of the change.

If any other information on the county executive committee's campaign treasurer appointment form (CECTA) changes, the committee's campaign treasurer must file an AMENDMENT form (ACECTA) within 30 days of the change.

An AMENDMENT form (ACECTA) is also used to change from regular filing to monthly filing or from monthly filing to regular filing. A county executive committee may change filing schedules by giving notice to the Ethics Commission *only during the period that begins on January 1 and ends on January 15.*

APPOINTING AN ASSISTANT CAMPAIGN TREASURER

A county executive committee may 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.

CHANGING THE CAMPAIGN TREASURER

If the committee wishes to change its campaign treasurer, the committee simply files an amended appointment form (ACECTA) to name a new campaign treasurer. This will automatically terminate the previous campaign treasurer appointment. No later than 10 days after the termination, the former treasurer must file a "10th day after campaign treasurer termination" report. If the committee changes treasurers on the last day of a reporting period, no termination report is required.

RESIGNATION OF A CAMPAIGN TREASURER

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). No later than 10 days after the resignation, the outgoing treasurer must file a "10th day after campaign treasurer termination" report. If the termination occurs on the last day of a reporting period, no termination report is required.

Note: Once the county executive 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.

REPORTING REQUIREMENTS

The committee's campaign treasurer is responsible for filing reports and for any late-filing penalties in connection with reports. The campaign treasurer may choose to file on the regular (semiannual) schedule or on the monthly schedule. See the instructions to Section 6 for more information about filing schedules.

FILING A FINAL REPORT

The filing thresholds for county executive committees are *annual* thresholds. Therefore, a county executive committee that is required to file a campaign treasurer in one year may terminate its appointment of campaign treasurer at the end of a calendar year. The committee will have to file a new appointment of campaign treasurer if it crosses one of the \$40,300 thresholds in the new calendar year.

A county executive committee filing under the regular filing schedule that wishes to terminate its campaign treasurer appointment at the end of a calendar year should check the "final report" box on its report due by January 15th. Doing so will terminate the county executive committee's appointment of campaign treasurer.

A county executive committee filing under the monthly schedule should check the "final report" box on its report due by January 5th. Doing so will terminate the county executive committee's appointment of campaign treasurer. The period covered by the report should end on December 31st, rather than December 25th.

A county executive committee that does not file a "final report" at the end of a calendar year must continue to file reports of contributions, expenditures, and loans.

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. Check the Ethics Commission's website at <http://www.ethics.state.tx.us> for more detailed information about electronic filing.

GUIDES

The campaign treasurer should review the Ethics Commission's Campaign Finance Guide for Political Committees and the Ethics Commission's Campaign Finance Guide for Political Parties. Both 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, 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.
- 2. COMMITTEE NAME:** Enter the committee's full name. Enter the committee name in the same way on Page 2, Section 13, of this form.
- 3. ACRONYM:** Enter any acronyms that are used by the committee, if applicable.
- 4. PRINCIPAL COMMITTEE:** Check the "YES" box to designate the county executive committee as the principal political committee for the party in your county. Otherwise, check the "NO" box.

One benefit of this designation is that the principal political committee of a county executive committee is not required to report direct expenditures made to benefit a candidate on its reports of contributions, expenditures, and loans. A direct expenditure is a political expenditure that the county executive committee makes on a candidate's or officeholder's behalf without the prior consent or approval of the candidate or officeholder.

Another benefit of this designation is that the committee is exempt from the requirement of giving notice to candidates and officeholders in regard to direct expenditures made by the committee on their behalf.

- 5. COMMITTEE ADDRESS:** Enter the committee's complete mailing address (street address or P.O. Box, apartment or suite number, city, state, and zip code).
- 6. REPORTING TYPE:** Check whether the committee will file according to the "REGULAR" filing schedule or the "MONTHLY" filing schedule.

If you choose to file on the regular (semiannual schedule), you will be required to file reports with the Ethics Commission not later than January 15 and July 15 of each year (regardless of whether there is activity to report). Other reports may be required in connection with elections.

If you choose to file on the monthly schedule, you will be required to file reports by the 5th day of each month. You may also be required to file special pre-election reports in connection with an election.

You should review the Ethics Commission's campaign finance guides for more detailed information about filing requirements.

Note: A county executive committee that does not choose monthly filing when it first appoints a campaign treasurer, may change to monthly by giving notice to the Ethics Commission **only during the period that begins on January 1 and ends on January 15.** A county executive committee that chooses monthly filing when it first appoints a campaign treasurer may revert to the regular filing schedule **only during the period that begins on January 1 and ends on January 15.**

7. **CAMPAIGN TREASURER NAME:** Enter the full name of the committee's campaign treasurer.
8. **CAMPAIGN TREASURER STREET ADDRESS:** Enter the complete business or residential street address of the committee's campaign treasurer.
9. **CAMPAIGN TREASURER MAILING ADDRESS:** If the campaign treasurer's mailing address is the same as the address entered in Section 8, check the "SAME AS ABOVE" box. If the campaign treasurer's mailing address is different from the street address entered in Section 8, enter the mailing address in this Section (street address or P.O. Box, apartment or suite number, city, state, and zip code).
10. **CAMPAIGN TREASURER PHONE:** Enter the phone number of the committee's campaign treasurer, including the area code and, if applicable, the extension.
11. **PERSON APPOINTING TREASURER:** Enter the full name of the person who is appointing the committee's campaign treasurer.
12. **SIGNATURE:** The person appointed campaign treasurer must enter his or her signature in this Section. The campaign treasurer's signature indicates that he or she is aware that the campaign treasurer must file the committee's reports and may be subject to possible penalties for failure to do so and also that the campaign treasurer is aware of the prohibitions against contributions from corporations and labor organizations.

PAGE 2:

13. **COMMITTEE NAME:** See instructions for Cover Sheet, page 1, section 2.

Sections 14 - 16 pertain to the assistant campaign treasurer. If the committee chooses to appoint an assistant campaign treasurer, continue with Section 14. If the committee is not appointing an assistant campaign treasurer, skip these Sections and continue with Section 17.

14. **ASSISTANT CAMPAIGN TREASURER:** Enter the full name of the committee's assistant campaign treasurer.
15. **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).

- 16. ASSISTANT CAMPAIGN TREASURER PHONE:** Enter the phone number of the assistant campaign treasurer, including the area code and, if applicable, the extension.
- 17. RECIPIENT COMMITTEE(S):** For each other general-purpose committee to which the county executive committee filing this report intends to make one or more political contributions, enter the following information.

Committee Name: Enter the full name, and acronym, if applicable, of the recipient committee. The name of the recipient committee must be included on a form CECTA before the contribution is made.

Committee Address: Enter the complete address (street address or P.O. Box, city, state, and zip code) of the recipient committee.

Note: A general-purpose political committee (including a state or county executive committee of a political party) may not make a political contribution to another general-purpose political committee (including a state or county executive committee of a political party) unless the recipient committee is listed on the campaign treasurer appointment for the contributor committee.