

INFORMATION REGARDING THE NOVEMBER 3, 2020 ELECTION

What is the Candidate Guide?

Under Section 2-2-6 of the City Code, the Office of the City Clerk is required to make available to the public a cost-free candidate guide in hard copy as well as online in an electronic format that is readily reproducible. This Candidate Guide includes information regarding campaign contribution and expenditure limits, campaign finance, campaign treasurer, copies of forms required by state law and the City Code, election calendar, miscellaneous information, and additional election resources. The first day this Candidate Guide will be available for the November 3, 2020 election is May 1, 2020.

What are the relevant dates associated with the November election?

The Election Calendar, found in the Candidate Guide and also on the website of the Office of the City Clerk, provides a detailed listing of dates related to election activities and requirements.

What are the eligibility requirements for council members?

A candidate for city council from a council district must meet all eligibility requirements of state law, and must have resided continuously in the state for 12 months and in the council district from which the member is seeking election for 6 months immediately preceding the 2020 regular filing deadline (for a council candidate's application for a place on the ballot). The regular filing deadline for a council candidate's application for a place on the ballot for the November 3, 2020 election is August 17, 2020. Residency deadlines are:

12 months in the state: August 17, 2019

6 months in the council district: February 17, 2020

In addition to the residency requirements described above, state law (Elec. Code Section 141.001) provides that a candidate for city council must:

- (1) be a United States citizen;
- (2) be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;
- (3) have not been determined by a final judgment of a court exercising probate jurisdiction to be:
 - (A) totally mentally incapacitated; or
 - (B) partially mentally incapacitated without the right to vote;
- (4) have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities; and
- (5) be registered to vote in the territory the candidate seeks to represent by the filing deadline.

Are residents within the City's Limited Purpose (LTD) and Extraterritorial Jurisdiction (ETJ) eligible to run for City Council?

The Local Government Code Sec 43.130(b) says "a resident of an area annexed for limited purposes is not eligible to be a candidate for or to be elected to a municipal office." Members of the ETJ are not eligible because they do not reside in the area from which the office is elected (See Elec Code 141.001 and City Charter Art II, Sec 2). In addition, City Charter, Art I, Section explicitly states that Limited Purpose and ETJ residents are not eligible to run for any office in the City of Austin.). Residents within the LTD are eligible to vote for City Council Members. Residents within the ETJ are not eligible to vote for City Council Members.

What is the deadline for filing an application for a place on the ballot? What is the first date an application for a place on the ballot may be filed?

Texas Election Code, Section 143.007(a) states that an application may not be filed earlier than the 30th day before the date of the filing deadline. Texas Election Code, Section 143.007(c) states that for an

election to be held on a uniform election date, the day of the filing deadline is the 78th day before Election Day.

The election date is November 3, 2020; the 78th day before the election date is Monday, August 17, 2020. Therefore, the first day for filing is the 30th day preceding, that being Saturday, July 18, 2020. ** Regular business hours for the Office of the City Clerk are Monday - Friday, 8 a.m. to 5 p.m. The filing location is the Office of the City Clerk located at 301 W. Second Street, Austin, Texas 78701; Fax number (512) 974-2374.

When can a candidate or committee accept political contributions?

Under City Code, Section 2-2-7, the campaign period for a general election begins the 365th day before the date of the general election. The first day an officeholder, candidate or candidate's committee may solicit or accept political contributions for the November 3, 2020 Election is November 4, 2019.

Prior to accepting political contributions or making campaign related expenditures, a Campaign Treasurer must be designated. The Campaign Treasurer Appointment forms must be completed in paper format and submitted to the Austin City Clerk's office. The form and instructions may be found at:

<https://www.ethics.state.tx.us/forms/local/localcohfrm.php>.

What is the filing fee for filing an application for a place on the ballot?

The filing fee for an application for a place on the ballot is \$500.00. Alternatively, a person may file a petition in lieu of the \$500.00 fee. Petitions filed in lieu of the filing fee must meet the following requirements:

- Must be signed by registered voters residing in the particular district.
- No signer can endorse more than one candidate running within a district.
- Must have a specific number of verified signatures and may not be supplemented.
- Affidavit of each circulator must be notarized.
- Number of signatures required on petitions in lieu of the filing fee for each district on the November 2020 Ballot are:
 - District 2: 96 signatures
 - District 4: 60 signatures
 - District 6: 137 signatures
 - District 7: 180 signatures
 - District 10: 195 signatures

In what order will names appear on the ballot?

The Council districts to be filled shall be placed on the ballot in numerical order. The order in which the candidates' names appear on the ballot is determined by a drawing conducted by the City Clerk at which each candidate or the candidate's named representative may be present. Please refer to the Election Calendar for the date, time, and location of such drawing.

What is the difference between council terms and tenure?

The council term is set by City Charter; tenure is based on the number of days in office and is based on the date a member is sworn in.

Pursuant to Article III, Section 2 (C) of the City Charter, the regular term of a council member begins on the date set by ordinance. Section 2-5-71 of the City Code establishes the start date of a council member's term as the sixth day of January following the City's general election. Therefore, the term for council members elected at the November 3, 2020 election will start January 6, 2021.

What are the yearly salaries of the mayor and council members?

As of May:

Mayor - \$93,870.40

Council Member - \$79,934.40

For information, please refer to Ordinance No. [20061116-081](#).

Note: Article V XI, Section 40(b) of the [Texas Constitution](#) prohibits a state employee from receiving a salary for serving on a local government body.

What are the campaign contribution limit amounts?

Article III, Section 8(A)(1) and 8(A)(3) of the City Charter require campaign finance limits to be modified annually with the adoption of the budget to increase or decrease in accordance with the most recently published U.S. Bureau of Labor Statistics Indicator, Consumer Price Index (CPI-W) U.S. City Average. Using the current CPI, the campaign contribution limit amount is \$400.00. Under the current CPI, the aggregate contribution limit for contributions from sources other than natural persons eligible to vote in a zip code completely or partially within the Austin city limits is modified to \$38,000.00 per regular election and \$25,000.00 per runoff election.

Do I need to appoint a campaign treasurer if I am not going to raise any money?

Yes. The law requires every candidate to file a campaign treasurer appointment, even if the candidate does not intend to raise or spend money. You are allowed to appoint yourself as your treasurer. A campaign treasurer appointment must be on file prior to the acceptance of contributions.

Do I still have to file reports if I chose modified reporting on my treasurer appointment?

By selecting the modified reporting schedule, you are indicating that you plan to stay under the \$500.00 threshold in either contributions or expenditures in connection with an election. The modified reporting schedule exempts you from filing 30-day and 8-day pre-election reports. If you have selected the modified reporting schedule, you must still report activity during the entire period you were a candidate, either on a semiannual report or on a final report. Please note that the payment of a filing fee is not considered when calculating whether a filer has exceeded \$500.00 in expenditures.

What happens if I select modified reporting and then exceed \$500?

If you select modified reporting and exceed \$500.00 (in either contributions or expenditures in connection with an election) before the 30-day pre-election report is due, you must file required 30-day and 8-day pre-election reports. Keep in mind that unopposed candidates are not required to file these reports regardless of their level of activity. If you exceed the \$500.00 threshold after the 30-day pre-election report is due, you must file an "exceeded \$500 report" within 48 hours of exceeding the threshold and, if the threshold is exceeded before the 8-day pre-election report is due, you must file the 8-day pre-election report.

What is the deadline for filing the voluntary Candidate Contract under City Code 2-2-11?

The deadline is not specifically tied to a date. The deadline for filing the voluntary "campaign contract" delineated in City Code 2-2-11 is the **earlier** of (1) 30 days after he or she becomes a candidate under the Texas Election Code; or (2) the date the candidate files for a place on the ballot. For additional information, please refer to the Texas Election Code and the City Clerk's document entitled "Candidate and Officeholder Brochure on Campaign Finance."

What are the reporting requirements for candidates?

Beginning with the July 31, 2020 C/OH Report all campaign finance reports will be filed electronically with the Austin City Clerk's Office. This includes all C/OH reports, City of Austin ATX Reports, City of Austin's Statement of Financial Information and the Personal Financial Statement.

The following reports must be submitted electronically as required by Title 15, Election Code or Chapter 2-2 of the City Code. Please refer to the Candidate Packet and to the Election Calendar for specific details and instructions or by visiting: <http://austintexas.gov/election2020>

- July 15th Semiannual Report of Campaign Contributions: Deadline is July 15, 2020 at 5:00 p.m.
- Public Statement of Financial Information: Deadline is August 24, 2020 at 11:59 p.m. (City of Austin Form)
- Personal Financial Statement Form: Deadline is September 8, 2020 at 5:00 p.m.
- Statement of Contributions and Expenditures (30th Day Before Election Report): Deadline is October 5, 2020 at 5:00 p.m. The deadline is extended because the 30th day before the election falls on a weekend.
- Statement of Contributions and Expenditures (8th Day Before Election Report): Deadline is October 26, 2020 at 5:00 p.m.
- City of Austin Pre-Election Reports: Must be filed each time a candidate accepts contributions that total more than \$10,000 during the period beginning the 9th day before the date of an election and ending at 5:00 p.m. on the day before the election. This report includes loans and/or expenditures from personal funds.
- ATX 5 Bundling Report filed as required with the appropriate Campaign Finance Report (C/OH). This report must be filed by a candidate for whom a bundler has bundled contributions. See below for more details and information on bundling.
- Statement of Campaign Contributions and Expenditures (Runoff Election): (Hard copy required to be filed, **along with the required structured data file**). Deadline is **December 3, 2020 at 5:00 p.m.** (Required only for candidates involved in a runoff election). **Runoff dates undecided.**
- January 15th Semiannual Report of Campaign Contributions and Expenditures: (Deadline is January 15, 2021 at 5:00 p.m.)

How do I file my reports electronically?

Beginning with the July 31, 2020 C/OH Report all campaign finance reports will be filed electronically with the Austin City Clerk's Office. In order to file electronically a candidates/filers will be assigned a "Filer ID" by the City Clerk's Office. The electronic filing system can be accessed at:

<https://austintexas.ethicsefile.com/EFLFilerWeb/pages/login/statewideLogin.jsf>

Any candidate needing access to a computer to file their reports electronically may schedule a time with the Clerk's Office, located at 301 W. 2nd Street to use a computer. To schedule a time, please call the Clerk's Office at 512-974-2210.

What is bundling?

"Bundling" is defined as an individual soliciting and obtaining contributions on a candidate's behalf and delivering the contributions to the candidate. Soliciting, obtaining, and delivering contributions by any means, including in person or via electronic transmission, constitutes bundling for the City's purposes. Note: City Code, Section 2-2-22 does not consider it as bundling for an individual to hold a fundraiser at his or her home if the event raises less than \$5,000.00.

How is bundling reported?

If an individual gathers \$200.00 or more per person from five or more persons on a city candidate's behalf, the candidate receiving the bundled funds completes an additional form with information provided by the bundler (Form ATX5: Bundling Report) and attaches it to the Candidate/Officeholder Campaign Finance Report (Form C/OH) that he or she files with the City Clerk. See below for limitations on bundling by city lobbyist. To report bundling of contributions, a candidate is required to file an ATX 5 Report as part of the appropriate Campaign Finance Report (C/OH). This report is filed electronically as part of the C/OH Report.

What are the limitations on bundling by city lobbyist?

In each campaign period, bundling by city lobbyists is limited to five times the individual contribution limit per candidate, and bundling by members of certain lobbying-related entities is limited to ten times the individual contribution limit per candidate. In 2020, the individual contribution limit is \$400.00; therefore, the city lobbyist bundling limit per candidate is \$2,000.00 and the lobbying-related entities bundling limit per candidate is \$4,000.00. See City Code, Section 2-2-22 for information. Note: city lobbyists and their spouses may not donate more than \$25.00 to a city candidate. See City Code, Section 2-2-53 for information.

Where can I find Council district maps and demographic information?
[City of Austin maps and demographics](#)

Where can I find voter information?

First day to submit an application for ballot by mail is January 1, 2020.

Last day for submitting a voter registration application to vote in the November 3, 2020 election is October 5, 2020.

First day of early voting by personal appearance is October 19, 2020.

Deadline for receiving applications for ballot by mail is October 23, 2020.

Last day for regular early voting by personal appearance is October 30, 2020.

Election Day is November 3, 2020.

For more information on voting, to register to vote, or to verify your voter registration status, please contact the appropriate county:

Hays County: <https://hayscountytexas.com/departments/elections/resources/voter-registration-and-ballot-by-mail/>

Travis County: <https://tax-office.traviscountytexas.gov/voters>

Williamson County: <http://www.wilco.org/Departments/Elections/Voter-Registration>

Bastrop County: <https://www.bastropvotes.org/voter-information-2/voter-registration-information/>

You can find additional information on the Texas Secretary of State's voter information page, here: <https://www.votetexas.gov/>