

## BILL ANALYSIS

Senate Research Center  
77R3989 ESH-D

S.B. 823  
By: West, Royce  
Jurisprudence  
3/15/2001  
As Filed

### DIGEST AND PURPOSE

Currently, there is no statutory provision prohibiting the aggregation of judicial campaign contributions by a judicial candidate who is running unopposed in an election period. As proposed, S.B. 823 prohibits a judicial candidate from knowingly accepting political contributions in connection with an election in which the candidate has no opposition. It also provides that an unopposed judicial candidate could begin accepting political contributions if another person filed a declaration of intent to run as an independent candidate or a declaration of write-in candidacy.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 253.153, Election Code, by amending Subsections (a), (c), and (d), and adding Subsections (e) and (f), as follows:

(a) Prohibits a judicial candidate or officeholder, a specific-purpose committee for supporting or opposing a judicial candidate, or a specific-purpose committee for assisting a judicial officeholder from knowingly accepting a political contribution except during a certain period ending on the 120th day after the date of:

(ii) except as provided by Subsection (c), the runoff primary election, if the candidate or officeholder is a candidate in the runoff primary election and will, rather than does, not have an opponent in the general election; or

(iii) except as provided by Subsection (d), the general primary election, if the candidate or officeholder has an opponent in the primary election or for nomination by convention, is not a candidate in the runoff primary election, and will, rather than does, not have an opponent in the general election; or

except as provided by Subsection (e), the date an application for a place on the ballot or for nomination by convention for the office is required to be filed, if the candidate or officeholder:

(i) does not have an opponent in the primary election or for nomination by convention; and

(ii) will not have an opponent in the general election.

(c) Provides that for the purposes of Subsection (a)(2), the determination of whether a judicial candidate will have an opponent in the general election is made on the day after the date an application for a place on the ballot or for nomination by convention for the office is required to be filed.

(d) Provides that, notwithstanding Subsection (a)(2)(A), rather than Subsection (a)(2), a judicial candidate to whom that subsection applies, rather than who does not have an opponent whose name will appear on the ballot, or a specific-purpose committee for supporting such a candidate is authorized to accept a political contribution during a certain period.

(e) Provides that a judicial candidate to whom Subsection (a)(2)(B) applies or a specific-purpose committee for supporting such a candidate is authorized to accept a political contribution if an independent or write-in candidate files a declaration of intent to run in opposition to the candidate.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.