

## **BILL ANALYSIS**

Senate Research Center  
78R2703 ESH-D

H.B. 2158  
By: Hartnett (West, Royce)  
State Affairs  
5/16/2003  
Engrossed

### **DIGEST AND PURPOSE**

Under current law, an unopposed candidate for a judicial election may raise campaign contributions for both the primary and general elections. Concerns have arisen that this allows unopposed judicial candidates to amass “war chests.” H.B. 2158 restricts the amount of funds a judicial candidate is allowed to raise by considering the primary and general elections to be a single election for the purpose of campaign contribution limits, and allows such a candidate to raise up to 25 percent more than the current contribution limits allow.

### **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 Subchapter F, Chapter 253, Election Code, by adding Section 253.1621, as follows:

Sec. 253.1621. APPLICATION OF CONTRIBUTION AND REIMBURSEMENT LIMITS TO CERTAIN CANDIDATES. (a) Provides that, for purposes of a contribution limit prescribed by Section 253.155, 253.157, or 253.160 and the limit on reimbursement of personal funds prescribed by Section 253.162, the general primary election and general election for state and county officers are considered to be a single election in which a judicial candidate is involved if the candidate is unopposed in the primary election, or does not have an opponent in the general election whose name is to appear on the ballot.

(b) Provides that for a candidate to whom Subsection (a) applies, each applicable contribution limit prescribed by Section 253.155, 253.157, or 253.160 is increased by 25 percent. Authorizes a candidate who accepts political contributions from a person that in the aggregate exceed the applicable contribution limit prescribed by Section 253.155, 253.157, or 253.160 but that do not exceed the adjusted limit as determined under this subsection, to use the amount of those contributions that exceeds the limit prescribed by Section 253.155, 253.157, or 253.160 only for making an officeholder expenditure.

SECTION 2. Amends Section 253.155(a), Election Code, to include a reference to Section 253.1621. Makes conforming changes.

SECTION 3. Amends Section 253.157(a), Election Code, to delete a reference to a specific-purpose committee for supporting or opposing a judicial candidate. Makes conforming changes.

SECTION 4. Amends Section 253.160(a), Election Code, to make conforming changes.

SECTION 5. Amends Section 253.162(a), Election Code, to make conforming changes.

SECTION 6. Makes application of Sections 253.155, 253.157, 253.160, and 253.162, Election Code, as amended by this Act, and Section 253.1621, Election Code, as added by this Act, prospective to September 1, 2003.

SECTION 7. Effective date: September 1, 2003.