

- SUBJECT:** Removing restrictions on political contributions by judges, candidates
- COMMITTEE:** General Investigating and Ethics — favorable, without amendment
- VOTE:** 7 ayes — S. Davis, Moody, Capriglione, Nevárez, Price, Shine, Turner
0 nays
- WITNESSES:** For — Eric Opiela, Republican Party of Texas; Glen Maxey, Texas Democratic Party; Susan Shelton, Texas Democratic Women; Bill Fairbrother, Texas Republican County Chairmen's Association;
(*Registered, but did not testify:* Karen Newton, Texas Federation of Republican Women)
- Against — (*Registered, but did not testify:* Joanne Richards, Common Ground for Texans; Carol Birch, Public Citizen Texas; Craig McDonald, Texans for Public Justice; Lon Burnam; Hamilton Richards)
- BACKGROUND:** Election Code, sec. 253.1611 governs how a judicial candidate or a specific-purpose committee supporting or opposing a judicial candidate or officeholder may use political contributions to make political contributions.
- DIGEST:** HB 3903 would repeal restrictions on the use of political contributions made to a judicial candidate or specific-purpose committee for making:
- contributions to a political committee in connection with a primary election;
 - contributions to a political committee that, when aggregated with each other political contribution in connection with a general election, exceeded \$500; and
 - contributions to a political committee in any calendar year in which the office held was not on the ballot that, when aggregated with each other political contribution in that calendar year, exceeded \$250.

The bill also would remove limits on how much a judge or judicial candidate could contribute to a state or county executive committee of a political party.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

HB 3903 would eliminate restrictions that prohibit judges and judicial candidates from making contributions to political committees and remove limits on how much they could contribute to county and state party coffers. The bill would bring judges and judicial candidates in line with how other candidates and elected officials are allowed to use their political funds.

It also would remove a gray area that can create confusion when a judge wishes to attend an event involving other political candidates. Both major political parties support the bill.

While some would argue that judges and judicial candidates should be kept separate from politics, the reality is that Texas judges are elected in partisan races. The bill would properly retain the \$100 annual limit on judges' use of political funds to support other candidates or officeholders.

**OPPONENTS
SAY:**

HB 3903 could create more partisanship within the judiciary by removing restrictions designed to limit judges' involvement in election politics. These laws, in place since the 1990s, have allowed judges to avoid situations where their appearance at an event or financial support of a political organization could raise concerns about their judicial independence.

NOTES:

A companion bill, SB 2151 by Huffman, was referred to the Senate State Affairs Committee on March 29.