

- SUBJECT:** Updating the Judicial Campaign Fairness Act
- COMMITTEE:** Elections — committee substitute recommended
- VOTE:** 9 ayes — Klick, Cortez, Bucy, Burrows, Cain, Fierro, Israel, Middleton, Swanson
- 0 nays
- WITNESSES:** For — Jim Grace, Texans for Lawsuit Reform; (*Registered, but did not testify*: Joanne Richards, Common Ground for Texans; Lee Parsley, Texans for Lawsuit Reform; Cary Roberts, U.S. Chamber Institute for Legal Reform; Russell Hayter; Ed Johnson; Bill Sargent; Trey Trainor)
- Against — None
- On — Alan Vera, Harris County Republican Party Ballot Security Committee
- BACKGROUND:** Some have noted the need to update judicial campaign laws contained in the Judicial Fairness Act.
- DIGEST:** CSHB 3233 would modify certain limits on contributions to judicial candidates and officeholders and remove voluntary expenditure limits for judicial candidates.
- General contribution limit provisions.** CSHB 3233 would specify that general, primary, and runoff elections were separate elections for the purposes of calculating contribution limits.
- The bill also would remove the distinction between officeholder contributions and political contributions.
- Contributions from family members.** CSHB 3233 would state that contributions from the spouse of an officeholder or candidate would not be considered contributions from the officeholder or candidate, but a

contribution by an officeholder or candidate's child would be.

Additionally, a judicial candidate or officeholder who accepted a political contribution in the form of a loan from certain other relatives could not repay those loans from political contributions in amounts that exceeded limits as specified in statute.

Contribution limits on law firm groups. The bill would clarify that judicial candidates and officeholders could not accept more than \$50 in political contributions from someone who was part of a law firm group if the contribution, when added to all the political contributions from the same law firm group in connection with the election, would exceed six times the applicable contribution limits.

A law firm group would be defined as a law firm, general-purpose committee established or controlled by the law firm or a member of the law firm, member of the law firm, and the spouse of a member of the law firm.

Contributions from political parties. A political expenditure made by the principal political committee of a state executive committee or county executive committee of a political party for generic get-out-the-vote campaigns or for the creation and distribution of written lists of two or more candidates would not be considered a contribution to a judicial candidate if the get-out-the-vote campaigns or written lists met certain requirements.

Campaign expenditures. CSHB 3233 would remove voluntary expenditure limits for judicial candidates and also the requirement of certain expenditure notices, expenditure limits, related civil penalties, and other requirements surrounding campaign expenditures.

Joint campaign activities. Judicial candidates could not be prohibited from or penalized for joint campaign activities conducted by two or more judicial candidates.

Texas Ethics Commission. CSHB 3233 would require the Texas Ethics Commission (TEC) to post certifications of the contribution limits applicable to various judicial offices on its website.

The bill also would specify that TEC could impose a penalty against a person under the Judicial Campaign Fairness Act only after a formal hearing.

Effective date. The 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, 2019.