

BILL ANALYSIS

Senate Research Center

C.S.S.B. 96
By: Ellis
State Affairs
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Committee Report (Substituted)

DIGEST

Currently, Texas law regulates political contributions, expenditures, and advertising in connection with certain judicial candidates and officeholders. These guidelines also govern personal financial statements filed by certain judicial officeholders and provide civil and criminal penalties. The Texas Ethics Commission has issued several advisory opinions in an effort to resolve certain issues that have arisen. This bill will provide regulations for contributions received by candidates in a runoff primary election and contributions received from law firms, and require the return of contributions which exceed contribution limits.

PURPOSE

As proposed, C.S.S.B. 96 provides regulations for political contributions and political expenditures in connection with certain judicial candidates and officeholders.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 253.152(4), Election Code, to redefine "noncomplying candidate" to include a judicial candidate who fails to file a declaration of compliance under Section 253.164(a)(1) or a declaration of intent under Section 253.165(a)(2).

SECTION 2. Amends Section 253.153(a), Election Code, to prohibit a judicial candidate or officeholder from knowingly accepting a political contribution after the 120th day following the date of the primary election, if the candidate or officeholder is a candidate in the runoff primary election and does not have an opponent in the general election, or the general primary election if the candidate or officeholder is not a candidate in the runoff primary election and does not have an opponent in the general election, except as provided by Subsection (c).

SECTION 3. Amends Section 253.155, Election Code, by amending Subsections (a) and (e), and adding Subsection (f), to prohibit an officeholder from knowingly accepting political contributions from a person that in the aggregate exceed the limits prescribed by Subsection (b), in connection with each election in which the person, rather than candidate, is involved. Requires a person who receives a political contribution that violates Subsection (a) to return the contribution to the contributor within a certain time period. Creates Subsection (f) from existing text.

SECTION 4. Amends Section 253.156, Election Code, to renumber it as Section 253.1601, and to provide that, for purposes of Sections 253.157 and 253.160, a contribution to a specific-purpose committee for the purpose of supporting a judicial candidate, opposing the candidate's opponent, or assisting the candidate as an officeholder is considered to be a contribution to the candidate.

SECTION 5. Amends Section 253.157, Election Code, as follows:

Sec. 253.157. New heading: **LIMIT ON CONTRIBUTION BY LAW FIRM OR MEMBER OR GENERAL-PURPOSE COMMITTEE OF LAW FIRM.** Makes conforming changes.

SECTION 6. Amends Section 253.160(b), Election Code, to make a nonsubstantive change.

SECTION 7. Amends Chapter 253F, Election Code, by adding Section 253.1611, as follows:

Sec. 253.1611. CERTAIN CONTRIBUTIONS BY JUDICIAL CANDIDATES, OFFICEHOLDERS, AND COMMITTEES RESTRICTED. Sets forth regulations regarding certain contributions by a judicial candidate, an officeholder, or a specific-purpose committee.

SECTION 8. Amends Section 253.165, Election Code, to require a county clerk who receives a campaign treasurer appointment in connection with a judicial office and does not receive a declaration of compliance or declaration of intent to exceed the limits on expenditures to deliver a copy of the campaign treasurer appointment and a written notice of the candidate's failure to file a declaration of compliance or a declaration of intent to the executive director of the Texas Ethics Commission. Makes conforming changes.

SECTION 9. Amends Section 253.168(b), Election Code, to make a conforming change.

SECTION 10. Amends Sections 253.169(b) and (c), Election Code, to make nonsubstantive changes.

SECTION 11. (a) Effective date: September 1, 1997.

(b) Makes application of Sections 253.157 and 253.169, Election Code, as amended by this Act, prospective.

(c) Makes application of Section 253.1611, Election Code, as amended by this Act, prospective.

SECTION 12. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 3.

Amends Section 253.155(a), Election Code, to prohibit an officeholder from accepting certain contributions in connection with each election in which the person, rather than candidate, is involved.

SECTION 4.

Amends Section 253.156, Election Code, to provide that for the purposes of Sections 253.157 and 253.160, certain contributions are considered to be contributions to a candidate.

SECTION 5.

Amends Section 253.157, Election Code, to make conforming changes.

SECTION 7.

Adds Section 253.1611, Election Code, to set forth regulations regarding certain contributions by judicial candidates, officeholders, and specific-purpose committees.

SECTION 9.

Amends Section 253.168(b), Election Code, to make a conforming change.

SECTION 10.

Amends Section 253.169(b), Election Code, to make a conforming change.

SECTION 11.

Makes application of Section 253.1611, Election Code, as added by this Act, prospective.