

BILL ANALYSIS

Senate Research Center
86R13346 JG-D

H.B. 3580
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been noted that the Citizens United ruling has rendered some aspects of state campaign finance law relating to political advocacy and engagement unconstitutional and therefore unenforceable. H.B. 3580 seeks to address this issue by revising certain restrictions on political advertising, political contributions, and political expenditures.

H.B. 3580 amends current law relating to the revision or repeal of certain obsolete provisions related to restrictions on political advertising, political contributions, and political expenditures.

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 D, Chapter 253, Election Code, by adding Section 253.105, as follows:

Sec. 253.105. CONTRIBUTIONS TO DIRECT EXPENDITURE ONLY COMMITTEES. (a) Authorizes a corporation or labor organization to make a political contribution from its own property to a political committee that:

- (1) is not established or controlled by a candidate or an officeholder;
- (2) makes or intends to make direct campaign expenditures;
- (3) does not make or intend to make political contributions to:
 - (A) a candidate;
 - (B) an officeholder;
 - (C) a specific-purpose committee established or controlled by a candidate or an officeholder; or
 - (D) a political committee that makes or intends to make political contributions to a candidate, an officeholder, or a specific-purpose committee established or controlled by a candidate or an officeholder; and
- (4) has filed an affidavit with the Texas Ethics Commission stating the committee's intention to operate as described by Subdivisions (2) and (3).

(b) Provides that a political contribution made by a corporation or labor organization under this section does not constitute a violation of Section 253.094(a) (relating to prohibiting a corporation or labor organization from making a political contribution that is not authorized by this subchapter

(Corporations and Labor Organizations)) and the acceptance of the political contribution does not constitute a violation of Section 253.003(b) (relating to prohibiting a person from knowingly accepting a political contribution the person knows to have been made in violation of this chapter (Restrictions on Contributions and Expenditures)).

SECTION 2. Amends Section 302.021(a), Government Code, to delete existing text providing that a speaker candidate or former speaker candidate commits an offense if the person knowingly accepts certain monies prohibited by Section 302.017 (Contributions and Loans From Organizations) from certain entities and to make nonsubstantive changes to this subsection.

SECTION 3. Amends Section 306.006(a), Government Code, as follows:

(a) Prohibits a person from using audio or visual materials produced by or under the direction of the legislature or of a house, committee, or agency of the legislature for a commercial purpose unless the legislative entity that produced the audio or visual materials or under whose direction the audio or visual materials were produced gives its permission for the person's commercial use and:

(1) the person uses the audio or visual materials only for educational or public affairs programming, including news programming, rather than the person uses the audio or visual materials only for educational or public affairs programming, including news programming, that does not also constitute a use prohibited under Section 306.005 (Use of Legislatively Produced Audio or Visual Materials in Political Advertising Prohibited); or

(2) makes no changes to this subdivision.

SECTION 4. Amends Section 306.006(g)(2), Government Code, to redefine "visual materials" to mean photographic, video, or other material containing a still or moving recorded image or images, rather than to have the meaning assigned by Section 306.005.

SECTION 5. Repealer: Section 253.037(a) (relating to prohibiting a general-purpose committee from knowingly making or authorizing a political contribution or political expenditure unless the committee has taken certain actions), Election Code.

Repealer: Section 253.037(c) (relating to providing an exception to Subsection (a) for certain entities, provided that the general-purpose committee is in compliance with Section 253.032 (Limitation on Contribution by Out-Of-State Committee)), Election Code.

Repealer Section 302.017 (Contributions and Loans From Organizations), Government Code.

Repealer Section 302.019 (Individual Contributions; Campaign Expenditures), Government Code.

Repealer Section 306.005 (Use of Legislatively Produced Audio or Visual Materials in Political Advertising Prohibited), Government Code.

SECTION 6. Effective date: September 1, 2019.