

## **BILL ANALYSIS**

C.S.H.B. 1583  
By: Gallego  
Judicial Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, an unopposed candidate for a judicial election may raise campaign contributions for a period beginning 210 days before the filing deadline and ending 120 days after the date of the primary election. Some believe that this allows unopposed judicial candidates to amass unneeded “war chests” and subjects such candidates to undue influence by their campaign contributors.

C.S.H.B. 1583 shortens the period during which an unopposed candidate may accept campaign contributions to 120 days after the filing deadline, rather than 120 days after the primary election. The bill also provides that unopposed judicial candidates can resume campaign fund-raising if confronted with an independent or write-in challenger.

### **RULEMAKING AUTHORITY**

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1583 amends the Election Code to provide that a judicial candidate may not knowingly accept a political contribution after 120 days after the filing deadline if that candidate does not have an opponent in the primary election or for nomination by convention and will not have an opponent in the general election. This prohibition applies as well to officeholders, specific-purpose committees supporting or opposing a judicial candidate, and specific-purpose committees assisting a judicial officeholder.

The bill provides that the determination of whether a judicial candidate will have an opponent in the general election is to be made on the day after the filing deadline for a place on the ballot or for nomination by convention.

The bill provides that notwithstanding other sections of the Election Code as amended by this bill, a judicial candidate previously barred from accepting campaign contributions due to lack of an opponent may accept such contributions beginning on the date another person files a declaration of intent to run as an independent candidate or a declaration of write-in candidacy.

### **EFFECTIVE DATE**

September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

In the original, a candidate is unopposed who does not have an opponent in the primary election or for nomination by convention, and does not have a major-party opponent in the general election. Under the substitute, a candidate is not unopposed simply because he or she does not have a major party opponent. The substitute also makes 120 days after the filing deadline the last day that an unopposed candidate can

accept a campaign contribution.

The substitute contains a provision for a previously unopposed candidate to accept contributions upon the filing of a declaration of intent by an independent candidate or a write-in candidate, a provision not contained in the original.