

BILL ANALYSIS

H.B. 2158
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Judicial Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, an unopposed candidate for a judicial election may raise campaign contributions for both the primary and general elections. Some parties believe that this allows unopposed judicial candidates to amass unneeded “war chests” and subjects such candidates to undue influence by their campaign contributors.

H.B. 2158 restricts amount of funds raised by unopposed judicial candidates by considering the primary and the general election to be a single “election” for the purpose of campaign contribution limits. Take for example a candidate who, if opposed, would raise \$10,000 in the primary and \$10,000 in the general election, for a total of \$20,000. If unopposed in either the primary or the general election, this candidate would be limited to collecting \$10,000.

To compensate for the lack of a second fund raising opportunity, H.B. 2158 provides that such unopposed candidates may raise an amount up to 25% more than the current contribution limits allow. In the example above, the candidate would be able to raise \$12,500. However, the bill provides that this extra money (\$2,500 in the example) can only be used for officeholder expenditures.

A similar bill, S.B. 822 (West, R.) passed the Senate in 2001 but was never heard by the House Committee on Judicial Affairs. In addition, H.B. 1583 (Gallego) has been filed to regulate the *timing* of campaign contributions to unopposed judicial candidates.

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

H.B. 2158 amends the Election Code to provide that the general primary election and the general election are deemed to be one a single election for the purposes of campaign contribution amount limits if the candidate is unopposed in the primary or does not have an opponent in the general election whose name is to appear on the ballot.

The bill raises the contribution limits for such unopposed candidates by 25%, but provides that this additional money may only be used for officeholder expenditure.

The bill also deletes provisions made redundant by other sections of the Election Code.

EFFECTIVE DATE

September 1, 2003.

