

By: Gallego

H.B. No. 1583

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of political contributions to certain unopposed judicial candidates; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 253, Election Code, is amended by adding Section 253.156 to read as follows:

Sec. 253.156. CONTRIBUTIONS TO UNOPPOSED CANDIDATE PROHIBITED. (a) In this section, "unopposed judicial candidate" means a judicial candidate who:

(1) does not have an opponent in the primary election or for nomination by convention; and

(2) will not have an opponent in the general election who is the nominee of a party that is required under Section 172.001 to nominate the party's candidates by primary election.

(b) For purposes of Subsection (a), the determination of whether a judicial candidate is an unopposed candidate is made on the day after the date an application for a place on the ballot or for nomination by convention for the office is required to be filed.

(c) An unopposed judicial candidate may not knowingly accept a political contribution.

(d) A person who violates this section is liable for a civil penalty not to exceed three times the amount of the political contributions accepted in violation of this section.

SECTION 2. Section 253.155(a), Election Code, is amended to

1 read as follows:

2 (a) Subject to Section 253.156 [~~Except as provided by~~
3 ~~Subsection (c)~~], a judicial candidate or officeholder may not,
4 except as provided by Subsection (c), knowingly accept political
5 contributions from a person that in the aggregate exceed the limits
6 prescribed by Subsection (b) in connection with each election in
7 which the person is involved.

8 SECTION 3. Sections 253.159 and 253.1601, Election Code,
9 are amended to read as follows:

10 Sec. 253.159. EXCEPTION TO CONTRIBUTION LIMITS AND
11 PROHIBITIONS. Sections 253.155, 253.156, and 253.157 do not apply
12 to an individual who is related to the candidate or officeholder
13 within the second degree by consanguinity, as determined under
14 Subchapter B, Chapter 573, Government Code.

15 Sec. 253.1601. CONTRIBUTION TO CERTAIN COMMITTEES
16 CONSIDERED CONTRIBUTION TO CANDIDATE. For purposes of Sections
17 253.155, 253.156, 253.157, and 253.160, a contribution to a
18 specific-purpose committee for the purpose of supporting a judicial
19 candidate, opposing the candidate's opponent, or assisting the
20 candidate as an officeholder is considered to be a contribution to
21 the candidate.

22 SECTION 4. Sections 253.155 and 253.1601, Election Code, as
23 amended by this Act, and Section 253.156, Election Code, as added by
24 this Act, apply only to a political contribution accepted on or
25 after September 1, 2003. A political contribution accepted before
26 that date is governed by the law in effect at the time the
27 contribution was accepted and is not aggregated with political

1 contributions accepted on or after that date.

2 SECTION 5. This Act takes effect September 1, 2003.