

By: Farabee

H.B. No. 2195

A BILL TO BE ENTITLED

AN ACT

relating to the regulation and reporting of certain political contributions, political expenditures, and political advertising.

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

SECTION 1. Section 251.001, Election Code, is amended by amending Subdivision (16) and adding Subdivision (21) to read as follows:

(16) "Political advertising" means a communication, including a communication that contains express advocacy, supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

(A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or

(B) appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication.

(21) "Express advocacy" means a communication, other than a communication appearing in a news story, commentary, or editorial distributed through the facilities of a broadcast station that is not owned or controlled by a political party, political committee, or candidate, that advocates the election or defeat of a candidate by:

1           (A) containing the name of the candidate or a  
2 word or phrase such as "vote for," "reelect," "support," "cast your  
3 ballot for," "(name of candidate) for (name of office)," "(name of  
4 candidate) in 2004," "vote against," "defeat," or "reject" or a  
5 campaign slogan or words that in context can have no reasonable  
6 meaning other than to advocate the election or defeat of one or more  
7 clearly identified candidates;

8           (B) referring to one or more clearly identified  
9 candidates or officeholders in a paid advertisement that:

10           (i) is distributed by broadcast, cable, or  
11 satellite television or radio, published in a newspaper, magazine,  
12 or other periodical, appears on a billboard or other sign, or is  
13 delivered through the mail;

14           (ii) is distributed, published, or  
15 delivered to an audience that includes persons residing in an area  
16 that is included in the territory from which the candidate or  
17 officeholder seeks to be or is elected; and

18           (iii) is distributed, published, or  
19 delivered at any time during the 60 days before the date of an  
20 election in which the person identified is a candidate; or

21           (C) expressing unmistakable and unambiguous  
22 support for or opposition to one or more clearly identified  
23 candidates or officeholders when taken as a whole and with limited  
24 reference to external events, such as proximity to an election.

25           SECTION 2. Section 254.151, Election Code, is amended to  
26 read as follows:

27           Sec. 254.151. ADDITIONAL CONTENTS OF REPORTS. In addition

1 to the contents required by Section 254.031, each report by a  
2 campaign treasurer of a general-purpose committee must include:

3 (1) the committee's full name and address;

4 (2) the full name, residence or business street  
5 address, and telephone number of the committee's campaign  
6 treasurer;

7 (3) the identity and date of the election for which the  
8 report is filed, if applicable;

9 (4) the name of each identified candidate or measure  
10 or classification by party of candidates supported or opposed by  
11 the committee and:

12 (A) the office sought by each listed candidate,  
13 and, if applicable, the district number of that office; and

14 (B) an indication of~~[, indicating]~~ whether the  
15 committee supports or opposes each listed candidate, measure, or  
16 classification by party of candidates;

17 (5) the name of each identified officeholder or  
18 classification by party of officeholders assisted by the committee  
19 and the office held by each listed officeholder, and, if  
20 applicable, the district number of that office;

21 (6) the principal occupation of each person from whom  
22 political contributions that in the aggregate exceed \$50 are  
23 accepted during the reporting period;

24 (7) the amount of each political expenditure in the  
25 form of a political contribution made to a candidate, officeholder,  
26 or another political committee that is returned to the committee  
27 during the reporting period, the name of the person to whom the

1 expenditure was originally made, and the date it is returned; and

2 (8) on a separate page or pages of the report, the  
3 identification of any contribution from a corporation or labor  
4 organization made and accepted under Subchapter D, Chapter 253.

5 SECTION 3. Section 254.151, Election Code, as amended by  
6 this Act, applies only to a report by a general-purpose committee  
7 under Chapter 254, Election Code, that is required to be filed on or  
8 after September 1, 2003. A report by a general-purpose committee  
9 that was required to be filed before September 1, 2003, is governed  
10 by the law in effect on the date the report was required to be filed,  
11 and the former law is continued in effect for that purpose.

12 SECTION 4. This Act takes effect September 1, 2003.