1-1 By: West S.B. No. 244

(In the Senate - Filed January 22, 2003; February 5, 2003, read first time and referred to Committee on State Affairs; March 19, 2003, reported adversely, with favorable Committee 1-2 1-3 1-4 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 19, 2003, 1-6 sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 244 1-7

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By: Nelson

## A BILL TO BE ENTITLED AN ACT

relating to the making of political contributions to or the acceptance of political contributions by statewide officeholders 1-10 1-11 1-12 and members of the legislature during the period in which the 1-13

governor may veto a bill.

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

Section 253.034, Election Code, is amended to SECTION 1. read as follows:

Sec. 253.034. RESTRICTIONS ON CONTRIBUTIONS DURING AND FOLLOWING REGULAR LEGISLATIVE SESSION. (a) During the period beginning on the 30th day before the date a regular legislative session convenes and continuing through the last day on which the governor may veto a bill enacted during the regular legislative session [day of final adjournment], a person may not knowingly make a political contribution to:

- (1)a statewide officeholder;
- (2) a member of the legislature; or(3) a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or member of the legislature.
- A statewide officeholder, a member of the legislature, or a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or member of the legislature may not knowingly accept a political contribution, and shall refuse a political contribution that is received, during the period prescribed by Subsection (a).
- (c) A political contribution that is received and refused during the [that] period prescribed by Subsection (a) shall be returned to the contributor not later than the 30th day after the date of receipt. A contribution made by mail is not considered received during  $\underline{\text{the}}$  [ $\underline{\text{that}}$ ] period  $\underline{\text{prescribed by Subsection (a)}}$  if it was placed with postage prepaid and properly addressed in the United States mail before the beginning of the period. The date indicated by the post office cancellation mark is considered to be the date the contribution was placed in the mail unless proven otherwise.
- (d) [<del>(c)</del>] This section does not apply to a political contribution that was made and accepted with the intent that it be used:
- (1) in an election held or ordered during the period prescribed by Subsection (a) in which the person on whose behalf [accepting] the contribution is accepted is a candidate if the contribution was made after the person appointed a campaign treasurer with the appropriate authority and before the person was sworn in for that office;
- (2) to defray expenses incurred in connection with an election contest; or
- by a person who holds a statewide [state] office or (3) a member of the legislature if the perso $\overline{\text{n or memb}}$ er was defeated at the general election held immediately before the session is convened or by a specific-purpose political committee that supports or assists only that person or member.
- (e)  $[\frac{d}{d}]$  This section does not apply to a political contribution made to or accepted by a holder of an office to which Subchapter F applies.

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 $\underline{\text{(f)}}$  [(e)] A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

SECTION 2. Section 253.034, Election Code, as amended by this Act, applies only to a political contribution made or accepted on or after the effective date of this Act. A political contribution made or accepted before the effective date of this Act is governed by the law in effect on the date the contribution is made or accepted, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

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