

## BILL ANALYSIS

Senate Research Center  
2005S0506-1

S.B. 1493  
By: Williams  
State Affairs  
3/24/2005  
As Filed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The state's election laws can be confusing for persons making a good faith effort to obey and may be overly permissive in other areas allowing some to circumvent the law.

As proposed, S.B. 1493 makes changes and clarifies existing law to assist volunteers and activists who want to lend their support and effort to candidates and campaigns while further restricting improper conduct and contributions by unscrupulous individuals.

The bill removes the requirement that volunteer service without compensation be reported as a political contribution; makes coercion to obtain a contribution a third degree felony offense; requires political committees formed within 30 days of an election to file finance reports not later than 48 hours after their initial filing; prohibits anonymous cash contributions over \$50; removes unreimbursed travel expenses by volunteers as a reportable contribution; prohibits transportation or lodging reimbursements to a candidate by a corporation or labor organization; requires specific purpose committees, not controlled by the candidate or officeholder, to report expenditures made on behalf of a candidate or officeholder as an in-kind contribution; and clarifies a political party's responsibilities when accepting and spending monies on behalf of a candidate.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends, Section 251.001 (2), Election Code, to redefine "contribution."

SECTION 2. Amends Section 252.003(a), Election Code, by deleting existing text requiring a campaign treasurer appointment by a general-purpose committee to include the full name and address of each general-purpose committee to which the committee intends to make political contributions.

SECTION 3. Amends Subchapter A, Chapter 253, Election Code, by adding Section 253.006, as follows:

Sec. 253.006. COERCION PROHIBITED. (a) Provides that a person, including a candidate, officeholder, or political committee, commits an offense if the person uses or threatens to use physical force, job discrimination, or financial reprisal to obtain a contribution or other thing of value to be used to influence the result of an election or to assist an officeholder.

(b) Provides that a person, including a candidate, officeholder, or political committee commits an offense if the person accepts or uses money or any other thing of value that is known by the candidate or officeholder or by an officer of the political committee, or an individual who causes the political committee to accept or use the money or other thing of value, to have been obtained in violation of this section.

(c) Provides that an offense under this section is a third degree felony.

SECTION 4. Amends Section 253.031(c), Election Code, as follows:

(c) Prohibits a political committee that files its campaign treasurer appointment later than the 30th day before the date of an election from knowingly making or authorizing a campaign contribution or campaign expenditure supporting or opposing a candidate for an office specified by Section 252.005(1) (Authority With Whom Appointment Filed), Election Code, in a primary or general election unless the committee files, not later than 48 hours after the appointment, a report that contains the information required by Chapter 254 covering the applicable reporting period through the date the committee's campaign treasurer appointment was filed. Deletes existing text relating to the timing of a campaign treasurer appointment.

SECTION 5. Amends Section 253.033, Election Code, as follows:

Sec. 253.033. New heading: CASH CONTRIBUTIONS EXCEEDING \$100 PROHIBITED; ANONYMOUS CONTRIBUTIONS. (a) Makes no changes to this subsection.

(b) Requires a candidate, officeholder, or political committee that receives an anonymous cash contribution in excess of \$50 to promptly disburse the amount over \$50 to one or more of the entities listed in Section 254.204(a)(1), (3), (5), or (6), Election Code. Authorizes anonymous cash contributions of \$50 or less to be used by the candidate, officeholder, or political committee for any lawful purpose.

(c) Redesignated from existing Subsection (b).

SECTION 6. Amends Section 253.063, Election Code, as follows:

Sec. 253.063. TRAVEL EXPENSE. Provides that unreimbursed travel expenses incurred by an individual are not a contribution or a direct campaign expenditure and are not reportable under this subchapter or Chapter 254, (Political Reporting), Election Code. Deletes existing text regarding personal travel expenses.

SECTION 7. Amends Section 253.098, Election Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Authorizes a corporation or labor organization to make one or more campaign expenditures from its own property for the purpose of permitting a candidate to appear and speak at a meeting of its directors, officers, stockholders, or members, as applicable, or their families. Prohibits a corporation or labor organization from making an expenditure under this subsection for transportation or lodging.

(c) Redesignated from existing Subsection (b).

SECTION 8. Amends Section 254.128, Election Code, as follows:

Sec. 254.128. New heading: NOTICE TO CANDIDATE AND OFFICEHOLDER OF IN-KIND CONTRIBUTIONS. (a) Requires the committee's campaign treasurer, if a specific-purpose committee, other than a special-purpose committee established, controlled, or authorized by the candidate or officeholder, makes political expenditures, rather than accepts political contributions or makes political expenditures, for a candidate or officeholder that constitute an in-kind contribution, to deliver written notice of that fact to the affected candidate or officeholder not later than the end of the period covered by the report in which the reportable activity occurs.

(b) Requires the amount and nature of the contribution to be included in the notice.

(c) Makes no changes to this subsection.

SECTION 9. Amends Section 254.161, Election Code, as follows:

Sec. 254.161. NOTICE TO CANDIDATE AND OFFICEHOLDER OF CONTRIBUTIONS AND EXPENDITURES. Requires notice be given to the affected candidate or officeholder as provide by Section 254.128, Election Code, for a specific-purpose committee if a general-purpose committee other than the principal political committee of a political party or a political committee established by a political party's county executive committee makes direct political expenditures, rather than accepts political contributions or makes political expenditures for a candidate or officeholder that constitute a contribution.

SECTION 10. Repealer: Section 253.037 (Restriction on Contribution or Expenditure by General-Purpose Committee), Election Code.

SECTION 11. Makes application of this Act prospective.

SECTION 12. Effective date: upon passage or September 1, 2005.