

By: Villarreal

H.B. No. 1104

A BILL TO BE ENTITLED

1 AN ACT

2 relating to limits on political contributions and direct campaign
3 expenditures by individuals; providing civil and criminal
4 penalties.

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

6 SECTION 1. Chapter 253, Election Code, is amended by adding
7 Subchapter G to read as follows:

8 SUBCHAPTER G. AGGREGATE LIMIT ON CONTRIBUTIONS

9 BY INDIVIDUAL

10 Sec. 253.201. APPLICABILITY OF SUBCHAPTER. This subchapter
11 applies only to:

12 (1) a political contribution to a political committee
13 established by a political party;

14 (2) a political contribution to a candidate for or
15 holder of one of the following offices:

16 (A) a statewide office;

17 (B) the office of state senator;

18 (C) the office of state representative;

19 (D) the office of member, State Board of
20 Education;

21 (E) the office of justice or chief justice, court
22 of appeals; or

23 (F) the office of district judge;

24 (3) a political contribution to a specific-purpose

1 committee for supporting or opposing a candidate for an office
2 described by Subdivision (2) or assisting a holder of such an
3 office; and

4 (4) a direct campaign expenditure in connection with
5 an office described by Subdivision (2).

6 Sec. 253.202. DEFINITION. In this subchapter, "election
7 cycle" means the period beginning on January 1 of an odd-numbered
8 year and ending on December 31 of the following even-numbered year.

9 Sec. 253.203. CONTRIBUTION LIMITS. (a) An individual may
10 not knowingly make or authorize political contributions to which
11 this subchapter applies that in the aggregate exceed \$100,000 in an
12 election cycle.

13 (b) Notwithstanding Subsection (a), an individual who is
14 younger than 18 years of age and who has not had the disabilities of
15 minority removed for general purposes may not knowingly make or
16 authorize political contributions to which this subchapter applies
17 that in the aggregate exceed \$5,000 in an election cycle.

18 (c) A candidate, officeholder, or political committee may
19 not knowingly accept a political contribution that the person knows
20 to have been made or authorized in violation of Subsection (a) or
21 (b). A candidate, officeholder, or political committee that
22 receives a political contribution made in violation of Subsection
23 (a) or (b) shall return the contribution to the individual making
24 the contribution not later than the 10th day after the date on which
25 the person determines the contribution has been made in violation
26 of Subsection (a) or (b).

27 (d) A person may not knowingly aid or abet the making of a

1 political contribution in violation of Subsection (a) or (b).

2 (e) A person who violates this section commits an offense.

3 An offense under this subsection is a felony of the third degree.

4 Sec. 253.204. RECEIPT OF CONTRIBUTION INTENDED FOR ANOTHER.

5 For purposes of Section 253.203, a political contribution is
6 considered to be a contribution to a candidate, officeholder, or
7 political committee if the person making the contribution in any
8 way indicates to the person receiving the contribution that the
9 contribution is intended for the candidate, officeholder, or
10 committee. A person that receives a political contribution to which
11 this section applies shall:

12 (1) report the contribution under Chapter 254 as if
13 the person were a general-purpose committee;

14 (2) notify in writing the candidate, officeholder, or
15 political committee for whom the contribution is intended of the
16 amount of the contribution, the date it was made, and the name and
17 address of the person making the contribution; and

18 (3) not later than the 14th business day after the date
19 on which the person receives the contribution, deliver the
20 contribution to the candidate, officeholder, or political
21 committee for whom the contribution is intended.

22 Sec. 253.205. CERTAIN DIRECT CAMPAIGN EXPENDITURES
23 CONSIDERED CONTRIBUTION TO CANDIDATE. For purposes of Section
24 253.203, a direct campaign expenditure is considered to be a
25 campaign contribution to a candidate if it is made with the
26 cooperation or prior consent of, in consultation with, or at the
27 suggestion of:

- 1 (1) the candidate;
2 (2) a specific-purpose committee for supporting the
3 candidate or opposing the candidate's opponent; or
4 (3) a person acting with the candidate's knowledge and
5 consent.

6 Sec. 253.206. REVIEW OF CONTRIBUTIONS BY COMMISSION. Not
7 later than March 1 of each odd-numbered year, the commission shall:

- 8 (1) conduct a comprehensive computer review of the
9 commission's records of political contributions made by
10 individuals during the preceding election cycle to determine if any
11 individual exceeded the limit prescribed by Section 253.203; and
12 (2) make the results of the review available to the
13 public.

14 SECTION 2. Section 254.034, Election Code, is amended by
15 adding Subsection (f) to read as follows:

16 (f) This section applies to a political contribution
17 covered by Subchapter G, Chapter 253, except as provided by Section
18 253.203.

19 SECTION 3. Subchapter G, Chapter 253, Election Code, as
20 added by this Act, applies only to a political contribution or
21 direct campaign expenditure made on or after September 1, 2005. A
22 political contribution or direct campaign expenditure made before
23 September 1, 2005, is governed by the law in effect at the time the
24 contribution or expenditure was made and is not aggregated with
25 political contributions or direct campaign expenditures made on or
26 after that date.

27 SECTION 4. This Act takes effect September 1, 2005.