

BILL ANALYSIS

C.S.H.B. 647
By: McCall
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently under state law, it is still legal for members to accept campaign contributions during a special session. To safeguard against any hints of impropriety or impressions of votes being purchased, it is important that the appropriation of political contributions be prohibited during a special session. C.S.H.B. 647 would prohibit appropriating political contributions from the time the special session has been called until the date of final adjournment.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Committee Substitute House Bill 647 amends the Election Code by stating that a person may not knowingly make a contribution to a statewide officeholder, member of the legislature, or a specific-purpose committee that supports or opposes an office holder during the period beginning on the date the governor signs the proclamation calling a special legislative session and continuing through the date of final adjournment. This bill states that a statewide officeholder, member of the legislature, or specific-purpose committee that supports or opposes an officeholder or member of the legislature may not knowingly accept and is required to refuse a political contribution made during the period of a special session.

The measure allows for contributions to be accepted during a legislative session if a contribution is made or accepted with the intent that it be used by a candidate in an election that takes place during a legislative session, to defray expenses incurred in connection with an election contest, or if a contribution has been mailed and is post marked before the beginning of a legislative session. C.S.H.B. 647 allows candidates defeated in the general election immediately before a regular session to accept political contributions. To reflect the changes made by this law the title regarding the restrictions on contributions in Section 253.034 of the Election Code will be changed.

C.S.H.B. 647 repeals Section 254.0391 (Report During Special Legislative Session) of the Election Code and removes any reference of this Section from Section 571.073 (Report) of the Government Code. This repeal applies only after the effective date of this bill.

Amendments made by the bill apply only to contributions made on or after the effective date. Contributions made prior to the effective date are governed by state law in effect when the contribution was made.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The difference between C.S.H.B. 647 and H.B. 647 lie within SECTION 1 of these bills. The substitute clarifies the beginning date of special session as the date the governor signs the proclamation calling the session. The substitute allows candidates defeated in the general election, immediately before a regular session, to accept political contributions during a special session.