

By: McCall, Strama, Gonzalez Toureilles,  
Berman, Bohac, et al.

H.B. No. 647

Substitute the following for H.B. No. 647:

By: Farias

C.S.H.B. No. 647

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the making of political contributions to and acceptance  
3 of political contributions by statewide officers and members of the  
4 legislature before and during a special session of the legislature;  
5 providing a criminal penalty.

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

7 SECTION 1. Section 253.034, Election Code, is amended by  
8 adding Subsections (a-1), (b-1), and (c-1) and amending Subsections  
9 (b) and (c) to read as follows:

10 (a-1) During the period beginning on the date the governor  
11 signs the proclamation calling a special legislative session and  
12 continuing through the date of final adjournment, a person may not  
13 knowingly make a political contribution to:

14 (1) a statewide officeholder;

15 (2) a member of the legislature; or

16 (3) a specific-purpose committee for supporting,  
17 opposing, or assisting a statewide officeholder or member of the  
18 legislature.

19 (b) A statewide officeholder, a member of the legislature,  
20 or a specific-purpose committee for supporting, opposing, or  
21 assisting a statewide officeholder or member of the legislature may  
22 not knowingly accept a political contribution, and shall refuse a  
23 political contribution that is received, during the period  
24 prescribed by Subsection (a) or (a-1). A political contribution

1 that is received and refused during that period shall be returned to  
2 the contributor not later than the 30th day after the date of  
3 receipt.

4 (b-1) A contribution made by mail is not considered received  
5 during the ~~[that]~~ period prescribed by Subsection (a) or (a-1) if it  
6 was placed with postage prepaid and properly addressed in the  
7 United States mail before the beginning of the period. The date  
8 indicated by the post office cancellation mark is considered to be  
9 the date the contribution was placed in the mail unless proven  
10 otherwise.

11 (c) Subsections (a) and (a-1) do ~~[This section does]~~ not  
12 apply to a political contribution that was made and accepted with  
13 the intent that it be used:

14 (1) in an election held or ordered during the period  
15 prescribed by Subsection (a) or (a-1) in which the person accepting  
16 the contribution is a candidate if the contribution was made after  
17 the person appointed a campaign treasurer with the appropriate  
18 authority and before the person was sworn in for that office; or

19 (2) to defray expenses incurred in connection with an  
20 election contest.

21 (c-1) Subsection (a) does not apply to a political  
22 contribution that was made and accepted with the intent that it be  
23 used ~~[, or~~

24 ~~(3)]~~ by a person who holds a state office or a member  
25 of the legislature if the person or member was defeated at the  
26 general election held immediately before the session is convened or  
27 by a specific-purpose political committee that supports or assists

1 only that person or member.

2 SECTION 2. The heading to Section 253.034, Election Code,  
3 is amended to read as follows:

4 Sec. 253.034. RESTRICTIONS ON CONTRIBUTIONS BEFORE,  
5 DURING, AND FOLLOWING [~~REGULAR~~] LEGISLATIVE SESSION.

6 SECTION 3. Section 571.073, Government Code, is amended to  
7 read as follows:

8 Sec. 571.073. REPORT. On or before December 31 of each  
9 even-numbered year, the commission shall report to the governor and  
10 legislature. The report must include:

11 (1) each advisory opinion issued by the commission  
12 under Subchapter D in the preceding two years;

13 (2) a summary of commission activities in the  
14 preceding two years, including:

15 (A) the number of sworn complaints filed with the  
16 commission;

17 (B) the number of sworn complaints dismissed for  
18 noncompliance with statutory form requirements;

19 (C) the number of sworn complaints dismissed for  
20 lack of jurisdiction;

21 (D) the number of sworn complaints dismissed  
22 after a finding of no credible evidence of a violation;

23 (E) the number of sworn complaints dismissed  
24 after a finding of a lack of sufficient evidence to determine  
25 whether a violation within the jurisdiction of the commission has  
26 occurred;

27 (F) the number of sworn complaints resolved by

1 the commission through an agreed order;

2 (G) the number of sworn complaints in which the  
3 commission issued an order finding a violation and the resulting  
4 penalties, if any; and

5 (H) the number and amount of civil penalties  
6 imposed for failure to timely file a statement or report, the number  
7 and amount of those civil penalties fully paid, the number and  
8 amount of those civil penalties partially paid, and the number and  
9 amount of those civil penalties no part of which has been paid, for  
10 each of the following category of statements and reports, listed  
11 separately:

12 (i) financial statements required to be  
13 filed under Chapter 572;

14 (ii) political contribution and  
15 expenditure reports required to be filed under Section 254.063,  
16 254.093, 254.123, 254.153, or 254.157, Election Code;

17 (iii) political contribution and  
18 expenditure reports required to be filed under Section 254.064(b),  
19 254.124(b), or 254.154(b), Election Code;

20 (iv) political contribution and  
21 expenditure reports required to be filed under Section 254.064(c),  
22 254.124(c), or 254.154(c), Election Code; and

23 (v) political contribution and expenditure  
24 reports required to be filed under Section 254.038 or 254.039,  
25 Election Code; and

26 [~~(vi) political contribution and~~  
27 ~~expenditure reports required to be filed under Section 254.0391,~~

1 ~~Election Code, and]~~

2 (3) recommendations for any necessary statutory  
3 changes.

4 SECTION 4. Section 254.0391, Election Code, is repealed.

5 SECTION 5. (a) Section 253.034, Election Code, as amended  
6 by this Act, applies only to a political contribution made on or  
7 after the effective date of this Act. A political contribution made  
8 before the effective date of this Act is governed by the law in  
9 effect on the date the contribution is made, and the former law is  
10 continued in effect for that purpose.

11 (b) The repeal of Section 254.0391, Election Code, by this  
12 Act, applies only to the reporting of a political contribution  
13 accepted on or after the effective date of this Act. The reporting  
14 of a political contribution accepted before the effective date of  
15 this Act is governed by the law in effect on the date the  
16 contribution is accepted, and the former law is continued in effect  
17 for that purpose.

18 SECTION 6. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2007.