

By: McCall

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), (a-2), (b-1), and (c-1) and amending
9 Subsections (b) and (c) to read as follows:

10 (a-1) During the period beginning on the date the governor
11 calls a special legislative session and continuing through the date
12 of final adjournment, a person may not knowingly make a political
13 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 (a-2) For purposes of Subsection (a-1), the date the
20 governor calls a special legislative session is the earlier of:

21 (1) the date the governor signs the proclamation
22 calling the special legislative session; or

23 (2) the date the governor publicly announces the date
24 on which the special legislative session will convene.

1 (b) A statewide officeholder, a member of the legislature,
2 or a specific-purpose committee for supporting, opposing, or
3 assisting a statewide officeholder or member of the legislature may
4 not knowingly accept a political contribution, and shall refuse a
5 political contribution that is received, during the period
6 prescribed by Subsection (a) or (a-1). A political contribution
7 that is received and refused during that period shall be returned to
8 the contributor not later than the 30th day after the date of
9 receipt.

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

17 (c) This section does not apply to a political contribution
18 that was made and accepted with the intent that it be used:

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

24 (2) to defray expenses incurred in connection with an
25 election contest.

26 (c-1) Unless the political contribution is made during the
27 period described by Subsection (a-1), this section does not apply

1 to a political contribution that was made and accepted with the
2 intent that it be used by:

3 (1) [~~+~~ ~~or~~
4 ~~(3) by~~] a person who holds a state office or a member
5 of the legislature if the person or member was defeated at the
6 general election held immediately before the session is convened;
7 or

8 (2) [~~by~~] a specific-purpose political committee that
9 supports or assists only a [~~that~~] person or member described by
10 Subdivision (1).

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

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

15 SECTION 3. Section 571.073, Government Code, is amended to
16 read as follows:

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

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

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

24 (A) the number of sworn complaints filed with the
25 commission;

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

1 (C) the number of sworn complaints dismissed for
2 lack of jurisdiction;

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

5 (E) the number of sworn complaints dismissed
6 after a finding of a lack of sufficient evidence to determine
7 whether a violation within the jurisdiction of the commission has
8 occurred;

9 (F) the number of sworn complaints resolved by
10 the commission through an agreed order;

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

14 (H) the number and amount of civil penalties
15 imposed for failure to timely file a statement or report, the number
16 and amount of those civil penalties fully paid, the number and
17 amount of those civil penalties partially paid, and the number and
18 amount of those civil penalties no part of which has been paid, for
19 each of the following category of statements and reports, listed
20 separately:

21 (i) financial statements required to be
22 filed under Chapter 572;

23 (ii) political contribution and
24 expenditure reports required to be filed under Section 254.063,
25 254.093, 254.123, 254.153, or 254.157, Election Code;

26 (iii) political contribution and
27 expenditure reports required to be filed under Section 254.064(b),

1 254.124(b), or 254.154(b), Election Code;

2 (iv) political contribution and
3 expenditure reports required to be filed under Section 254.064(c),
4 254.124(c), or 254.154(c), Election Code; and

5 (v) political contribution and expenditure
6 reports required to be filed under Section 254.038 or 254.039,
7 Election Code; and

8 ~~[(vi) political contribution and~~
9 ~~expenditure reports required to be filed under Section 254.0391,~~
10 ~~Election Code; and]~~

11 (3) recommendations for any necessary statutory
12 changes.

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

14 SECTION 5. (a) Section 253.034, Election Code, as amended
15 by this Act, applies only to a political contribution made on or
16 after the effective date of this Act. A political contribution made
17 before the effective date of this Act is governed by the law in
18 effect on the date the contribution is made, and the former law is
19 continued in effect for that purpose.

20 (b) The repeal of Section 254.0391, Election Code, by this
21 Act, applies only to the reporting of a political contribution
22 accepted on or after the effective date of this Act. The reporting
23 of a political contribution accepted before the effective date of
24 this Act is governed by the law in effect on the date the
25 contribution is accepted, and the former law is continued in effect
26 for that purpose.

27 SECTION 6. This Act takes effect immediately if it receives

H.B. No. 647

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2007.