

By: Menendez

H.B. No. 1643

A BILL TO BE ENTITLED

AN ACT

relating to the use of political contributions to make payments in connection with the rental of certain real property.

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

SECTION 1. Subchapter B, Chapter 253, Election Code, is amended by adding Section 253.0381 to read as follows:

Sec. 253.0381. PAYMENTS TO RENT CERTAIN REAL PROPERTY PROHIBITED. (a) A candidate or officeholder or a specific-purpose committee for supporting, opposing, or assisting the candidate or officeholder may not knowingly make or authorize a payment from a political contribution for:

(1) the rental of real property from a person related in the first degree of consanguinity or affinity, as determined under Chapter 573, Government Code, to the candidate or officeholder; or

(2) utility or other expenses incurred in using or maintaining real property described by Subdivision (1).

(b) A person who violates this section is civilly liable to the state for an amount equal to twice the amount of political contributions used in violation of this section plus reasonable court costs.

SECTION 2. Section 253.035(d), Election Code, is amended to read as follows:

(d) In this section, "personal use" means a use that

1 primarily furthers individual or family purposes not connected with  
2 the performance of duties or activities as a candidate for or holder  
3 of a public office. The term does not include:

4 (1) payments made to defray ordinary and necessary  
5 expenses incurred in connection with activities as a candidate or  
6 in connection with the performance of duties or activities as a  
7 public officeholder, including payment of rent, utility, and other  
8 reasonable housing or household expenses incurred in maintaining a  
9 residence in Travis County by members of the legislature who do not  
10 ordinarily reside in Travis County, but excluding payments  
11 prohibited under Section 253.038 or 253.0381; or

12 (2) payments of federal income taxes due on interest  
13 and other income earned on political contributions.

14 SECTION 3. Section 253.0381, Election Code, as added by  
15 this Act, applies to a payment made from political contributions on  
16 or after the effective date of this Act, without regard to whether  
17 the payment was made under a lease or other agreement entered into  
18 before the effective date of this Act. A payment made from political  
19 contributions before the effective date of this Act is governed by  
20 the law in effect on the date the payment was made, and the former  
21 law is continued in effect for that purpose.

22 SECTION 4. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2007.