

By: Ellis

S.B. No. 921

A BILL TO BE ENTITLED

AN ACT

relating to public financing of campaigns for legislative or executive office and to limits on political contributions to and direct campaign expenditures made on behalf of candidates, officeholders, and political committees in connection with legislative or executive offices; providing civil penalties.

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

SECTION 1. Title 15, Election Code, is amended by adding Chapter 259 to read as follows:

CHAPTER 259. PUBLIC FINANCING OF CAMPAIGNS FOR

LEGISLATIVE OR EXECUTIVE OFFICE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 259.001. APPLICABILITY OF CHAPTER. This chapter applies only to:

(1) a statewide office in the executive branch;

(2) the office of state senator;

(3) the office of state representative; or

(4) the office of member, State Board of Education.

Sec. 259.002. DEFINITIONS. In this chapter:

(1) "Election cycle" means:

(A) the general primary election, runoff primary election, if any, and general election for state and county officers; or

(B) a special election and runoff election, if

1 any.

2 (2) "Fund" means the campaign financing fund  
3 established under Subchapter C.

4 Sec. 259.003. EFFECT OF ACCEPTING PUBLIC MONEY. By  
5 accepting money from the fund, a candidate agrees to not accept  
6 political contributions not authorized by this chapter.

7 Sec. 259.004. SPECIAL ELECTION TO FILL VACANCY IN  
8 LEGISLATURE. (a) The commission shall adopt rules prescribing the  
9 applicability of this chapter to a special election to fill a  
10 vacancy in the legislature. The rules must:

11 (1) address:

12 (A) petition requirements under Sections  
13 259.013-259.016;

14 (B) the total amount of required campaign  
15 contributions under Section 259.017, the maximum amount of an  
16 individual contribution that may be accepted, and the time in which  
17 those contributions may be accepted; and

18 (C) the amount and timing of distributions from  
19 the fund for eligible candidates in the special election;

20 (2) provide greater funding for candidates for state  
21 senate than for candidates for state representative; and

22 (3) differentiate between a special election ordered  
23 for the same date as an election to fill that office for a full term  
24 and a special election ordered for another date.

25 (b) In adopting rules under this section, the commission  
26 shall balance the following interests:

27 (1) the state's interest in ensuring that public

1 financing is provided under this chapter only to a candidate who can  
2 demonstrate at least a minimum level of support for the person's  
3 candidacy; and

4 (2) the interest of candidates in having sufficient  
5 funding to run a credible campaign under the time constraints of a  
6 special election.

7 [Sections 259.005-259.010 reserved for expansion]

8 SUBCHAPTER B. ELIGIBILITY FOR PUBLIC FINANCING

9 Sec. 259.011. REQUIREMENTS FOR ELIGIBILITY GENERALLY. To  
10 be eligible to receive public financing under this chapter, a  
11 candidate must:

12 (1) file with the commission a petition that satisfies  
13 the applicable requirements prescribed by:

14 (A) Subchapter C, Chapter 141, as if the petition  
15 were a petition filed in connection with a candidate's application  
16 for a place on the ballot; and

17 (B) Sections 259.013-259.016; and

18 (2) receive political contributions in the applicable  
19 amount and within the applicable period prescribed by Section  
20 259.017.

21 Sec. 259.012. CERTIFICATION OF CANDIDATE AS CONDITIONALLY  
22 ELIGIBLE. (a) Not later than the 15th day after the date an  
23 application for a place on the ballot is required to be filed, the  
24 secretary of state shall certify in writing to the commission each  
25 person who is a candidate for an office covered by this chapter as  
26 conditionally eligible for public financing.

27 (b) Not later than the fifth day after the date the

1 secretary of state certifies a candidate for placement on the list  
2 of write-in candidates as a candidate for an office covered by this  
3 chapter, the secretary shall certify the candidate in writing to  
4 the commission as conditionally eligible for public financing.

5 (c) The secretary of state shall deliver a copy of a  
6 certification under this section to the affected candidate.

7 Sec. 259.013. PETITION: CIRCULATION PERIOD; HEADING AND  
8 STATEMENT. (a) A petition under this subchapter may not be  
9 circulated before the beginning of the applicable period prescribed  
10 by Section 259.017(a).

11 (b) Each page of a petition under this subchapter must:

12 (1) be headed "Petition for Public Campaign Financing  
13 for (Name of Candidate), a Candidate for (Name of Office Sought and  
14 District Number, if Applicable)."; and

15 (2) contain a statement just ahead of the signatures  
16 of the petitioners, as follows: "I know that the purpose of this  
17 petition is to enable (name of candidate) to receive public  
18 financing in connection with (his or her) campaign for (name of  
19 office sought and district number, if applicable)."

20 (c) The circulation of a petition to be filed under this  
21 subchapter does not constitute candidacy or an announcement of  
22 candidacy for purposes of the automatic resignation provisions of  
23 Section 11, Article XI, or Section 65, Article XVI, Texas  
24 Constitution.

25 Sec. 259.014. PETITION: REQUIRED SIGNATURES. (a) A  
26 candidate's petition under this subchapter must be signed by:

27 (1) at least 1,000 registered voters, if the candidate

1 seeks a statewide office;

2 (2) at least 750 registered voters, if the candidate  
3 seeks the office of state senator or member, State Board of  
4 Education; or

5 (3) at least 500 registered voters, if the candidate  
6 seeks the office of state representative.

7 (b) Not more than 20 percent of the required number of  
8 signers may be residents of:

9 (1) the same county, if the candidate seeks a  
10 statewide office;

11 (2) the same commissioners court precinct, if the  
12 candidate seeks a district office filled by voters of more than one  
13 county; or

14 (3) the same election precinct, if the candidate seeks  
15 a district office filled by voters of one county.

16 (c) A petition that violates Subsection (b) is not invalid  
17 if the petition would otherwise be valid if the signatures of  
18 residents of the same county or precinct, as applicable, in excess  
19 of the applicable number specified by Subsection (b) were  
20 disregarded.

21 (d) A person may not sign a petition under this subchapter  
22 for more than one candidate for the same office.

23 Sec. 259.015. REQUIRED POLITICAL CONTRIBUTIONS FROM  
24 PETITION SIGNERS. (a) A person who signs a petition under this  
25 subchapter must, at the time of signing, make a political  
26 contribution to the candidate in the form of cash or a check of at  
27 least \$5 and not more than:

1           (1) \$200, if the candidate seeks a statewide office;

2           (2) \$150, if the candidate seeks the office of state  
3 senator; or

4           (3) \$75, if the candidate seeks the office of state  
5 representative or member, State Board of Education.

6           (b) A political contribution accepted under this section is  
7 counted for purposes of Section 259.017.

8           Sec. 259.016. FILING OF PETITION. A candidate requesting  
9 public financing under this chapter must file the petition with the  
10 commission not later than the applicable deadline for filing an  
11 application for a place on the ballot or a declaration of write-in  
12 candidacy.

13           Sec. 259.017. REQUIRED CAMPAIGN CONTRIBUTIONS. (a) A  
14 candidate seeking public financing under this chapter must accept  
15 and receive at least the amount specified by Subsection (b) in  
16 political contributions during the period:

17           (1) beginning on the 120th day before the date an  
18 application for a place on the ballot or a declaration of write-in  
19 candidacy, as applicable, is required to be filed; and

20           (2) ending on the fifth day before the date an  
21 application for a place on the ballot or a declaration of write-in  
22 candidacy, as applicable, is required to be filed.

23           (b) The amount of required campaign contributions is:

24           (1) \$30,000, if the candidate seeks the office of  
25 governor;

26           (2) \$25,000, if the candidate seeks a statewide office  
27 other than governor;

1           (3) \$20,000, if the candidate seeks the office of  
2 state senator; or

3           (4) \$10,000, if the candidate seeks the office of  
4 state representative or member, State Board of Education.

5           (c) A candidate seeking public financing under this chapter  
6 may not accept a political contribution from a person during the  
7 applicable period prescribed by Subsection (a) that, when  
8 aggregated with all political contributions accepted by the  
9 candidate from the person during that period, would exceed:

10           (1) \$200, if the candidate seeks a statewide office;

11           (2) \$150, if the candidate seeks the office of state  
12 senator; or

13           (3) \$75, if the candidate seeks the office of state  
14 representative or member, State Board of Education.

15           (d) A political contribution accepted under this section  
16 must be in the form of cash or a check. A candidate who receives a  
17 political contribution that would, if accepted, violate Subsection  
18 (c) shall return the contribution not later than the fifth day after  
19 the date the contribution is received.

20           (e) Not later than the fifth day after the date the  
21 commission certifies a candidate as eligible for public financing  
22 under Section 259.018, a candidate who received more in political  
23 contributions under this section than the applicable amount under  
24 Subsection (b) shall deliver to the commission an amount equal to  
25 the difference between the amount of political contributions  
26 received and the applicable amount under Subsection (b). The  
27 commission shall deliver money received under this subsection to

1 the comptroller for deposit in the fund. A candidate who is not  
2 certified as eligible for public financing is not required to  
3 deliver excess political contributions to the commission under this  
4 subsection.

5 (f) Notwithstanding Section 254.034, a candidate who is  
6 requesting public financing and who accepts a political  
7 contribution under this section but who does not receive the  
8 contribution until after the applicable date prescribed by  
9 Subsection (a)(2) shall return the contribution to the contributor  
10 not later than the fifth day after the date the candidate receives  
11 the contribution.

12 Sec. 259.018. CERTIFICATION OF CANDIDATE AS ELIGIBLE. (a)  
13 Not later than the fifth day after the date the commission  
14 determines a candidate is eligible, the commission shall certify to  
15 the comptroller as eligible for public financing each candidate  
16 who:

17 (1) meets the requirements prescribed by Section  
18 259.011; and

19 (2) is certified to the commission as conditionally  
20 eligible under Section 259.012.

21 (b) A determination as to whether a candidate meets the  
22 requirements prescribed by Section 259.017 must be based on reports  
23 of political contributions and expenditures filed under Chapter  
24 254. The commission is not required to make a determination as to  
25 whether a candidate is eligible until the candidate makes a written  
26 request for a determination. The commission shall make a  
27 determination not later than the 15th day after the later of:



1           (1) the date the commission receives the request for a  
2 determination; or

3           (2) the date the candidate files a report under  
4 Chapter 254 covering the period prescribed by Section 259.017.

5           (c) The commission shall deliver a copy of a certification  
6 under this section to:

7                 (1) the affected candidate; and

8                 (2) each opponent of the affected candidate.

9           Sec. 259.019. VERIFICATION OF PETITION. (a) The  
10 commission is not required to verify a petition filed under this  
11 subchapter unless, not later than the 10th day after the date a  
12 petition is required to be filed under Section 259.016, a person  
13 alleges to the commission in writing that the petition does not meet  
14 the requirements prescribed by Subchapter C, Chapter 141, and  
15 Sections 259.013-259.016.

16           (b) The commission shall verify a petition as promptly as  
17 possible after receiving an allegation under Subsection (a).  
18 Pending verification, the commission may not certify the candidate  
19 to the comptroller as eligible for public financing.

20           (c) On request of the commission, a voter registrar shall  
21 verify the voter registration status of a signer of a petition filed  
22 with the commission who the petition indicates is registered or has  
23 been approved for registration in the county served by the  
24 registrar.

25           (d) If the commission verifies that the petition meets the  
26 requirements prescribed by Subchapter C, Chapter 141, and Sections  
27 259.013-259.016:

1           (1) the commission shall certify the candidate to the  
2 comptroller as eligible for public financing; and

3           (2) the comptroller shall distribute to the candidate  
4 from the fund any money to which the candidate would have been  
5 entitled if the candidate had been eligible during the period in  
6 which the verification was pending.

7           [Sections 259.020-259.050 reserved for expansion]

8           SUBCHAPTER C. CAMPAIGN FINANCING FUND

9           Sec. 259.051. CAMPAIGN FINANCING FUND. (a) The campaign  
10 financing fund is in the state treasury.

11           (b) The fund consists of:

12           (1) amounts transferred to the fund under Subsection  
13 (c);

14           (2) amounts refunded to the fund under Section 259.055  
15 or 259.056;

16           (3) amounts delivered to the commission under Section  
17 259.017(e);

18           (4) amounts appropriated to the fund;

19           (5) amounts received by the commission or comptroller  
20 as a gift or grant to the fund; and

21           (6) civil penalties collected by the commission for a  
22 violation of this chapter or Subchapter G, Chapter 253.

23           (c) Each even-numbered calendar year, the comptroller shall  
24 transfer to the fund from the general revenue fund amounts that in  
25 the aggregate equal \_\_\_\_\_ percent of the sales and use taxes, not  
26 including penalties or interest, collected under Chapter 151, Tax  
27 Code, in that calendar year and the preceding calendar year. The

1 comptroller shall make the transfers as necessary to permit the  
2 comptroller to make the distributions required by Section 259.053.

3 (d) For a person to be eligible to receive public financing,  
4 the commission must certify to the comptroller that the person is  
5 eligible as provided by Section 259.018.

6 (e) Money remaining in the fund at the end of an election  
7 cycle is retained in the fund for the next election cycle. The  
8 comptroller shall credit interest on money in the fund to the fund.  
9 Money in the fund may be appropriated only for purposes of this  
10 chapter.

11 Sec. 259.052. FUNDS FOR ELIGIBLE CANDIDATES. (a) In  
12 connection with each general election for state and county  
13 officers, the commission shall, not later than the 130th day before  
14 the date an application for a place on the primary election ballot  
15 is required to be filed, adopt rules prescribing the total amount of  
16 public financing to which a candidate for an office covered by this  
17 chapter whose name will appear on the ballot is entitled. The  
18 commission shall determine the amount under this subsection based  
19 on:

20 (1) the allocations prescribed by Subsections  
21 (b)-(d);

22 (2) the comptroller's certified estimation as to the  
23 amount that will be available in the fund for the calendar year in  
24 which the election occurs; and

25 (3) the secretary of state's estimation, based on  
26 previous elections, of the number of candidates in each office  
27 covered by this chapter who will be on the primary election ballot

1 or the general election ballot for that election.

2 (b) Except as provided by Subsection (c), the commission  
3 shall prescribe amounts under Subsection (a) using the following  
4 allocations:

5 (1) in gubernatorial election years:

6 (A) 10 percent of the amount that will be  
7 available in the fund is allocated for candidates for governor;

8 (B) 20 percent of the amount that will be  
9 available in the fund is allocated for statewide candidates other  
10 than governor;

11 (C) 20 percent of the amount that will be  
12 available in the fund is allocated for candidates for state senate;

13 (D) 40 percent of the amount that will be  
14 available in the fund is allocated for candidates for state  
15 representative; and

16 (E) 10 percent of the amount that will be  
17 available in the fund is allocated for candidates for State Board of  
18 Education; and

19 (2) in non-gubernatorial election years:

20 (A) 30 percent of the amount that will be  
21 available in the fund is allocated for candidates for state senate;

22 (B) 50 percent of the amount that will be  
23 available in the fund is allocated for candidates for state  
24 representative;

25 (C) 10 percent of the amount that will be  
26 available in the fund is allocated for candidates for State Board of  
27 Education; and

1                   (D) 20 percent of the amount that will be  
2 available in the fund is reserved for use in the next election  
3 cycle.

4                   (c) The allocations prescribed by Subsection (b) apply only  
5 in an election year that does not follow a reapportionment of state  
6 senatorial districts or State Board of Education districts. In an  
7 election year that follows a reapportionment of state senatorial  
8 districts or State Board of Education districts, the allocations  
9 prescribed by Subsection (b) for candidates for state senate or  
10 State Board of Education are multiplied by 1.75 and the allocations  
11 for candidates in each other category and for reservation for the  
12 next election cycle are reduced by equal proportions as necessary.

13                   (d) In any election year in which an office is on the ballot  
14 solely because an unexpired term must be filled, the allocation  
15 prescribed by Subsection (b) for that category of offices is  
16 increased by an amount determined in accordance with commission  
17 rules consistent with this section.

18                   (e) The rules adopted under Subsection (a) must specify the  
19 amount of each monthly distribution from the fund. The amount of a  
20 monthly distribution made for January, February, or March must be  
21 substantially greater than the amount of a monthly distribution  
22 made for any other month.

23                   Sec. 259.053. DISTRIBUTIONS FROM FUND. (a) A certified  
24 candidate is entitled to a distribution from the fund for each month  
25 that begins or ends during the period:

26                   (1) beginning on the date an application for a place on  
27 the ballot or a declaration of write-in candidacy, as applicable,

1 is required to be filed; and

2 (2) except as provided by Subsection (b), ending on  
3 the 30th day after:

4 (A) the date an application for a place on the  
5 ballot is required to be filed, if the candidate will not have an  
6 opponent in the primary election or general election;

7 (B) the date of the primary election, if the  
8 candidate has an opponent in the primary election and:

9 (i) will not have an opponent in the general  
10 election; or

11 (ii) is not a candidate in the runoff  
12 primary election or the general election;

13 (C) the date of the runoff primary election, if  
14 the candidate is a candidate in that election and:

15 (i) will not have an opponent in the general  
16 election; or

17 (ii) is not a candidate in the general  
18 election; or

19 (D) the date of the general election.

20 (b) Notwithstanding Subsection (a)(2), after a person files  
21 a declaration of write-in candidacy opposing a certified candidate  
22 who would otherwise not have an opponent in the general election:

23 (1) the certified candidate is entitled to an amount  
24 equal to 50 percent of each distribution from the fund scheduled to  
25 be made after the date the candidate's opponent files the  
26 declaration of write-in candidacy; and

27 (2) if the write-in candidate is certified as eligible

1 under Section 259.018, the write-in candidate is entitled to an  
2 amount equal to 50 percent of each distribution from the fund  
3 scheduled to be made after the date the candidate files the  
4 declaration of write-in candidacy.

5 (c) The comptroller shall distribute money to certified  
6 candidates as directed by the commission. If the amount in the fund  
7 is insufficient to provide the amounts specified by rules adopted  
8 under Section 259.052, the comptroller shall determine the amount  
9 of available money and shall distribute the amount on a pro rata  
10 basis.

11 Sec. 259.054. RESTRICTIONS ON USE OF MONEY FROM FUND. (a)  
12 Money accepted by a candidate from the fund is considered to be a  
13 campaign contribution to the candidate. Except as otherwise  
14 provided by this chapter, the provisions of this title regulating  
15 the use of political contributions apply to money accepted by a  
16 candidate from the fund.

17 (b) A candidate may use money accepted from the fund only  
18 for expenses related to the candidate's campaign for election. A  
19 candidate may not use money accepted from the fund to make:

20 (1) a political contribution to another candidate, an  
21 officeholder, or a political committee;

22 (2) a campaign expenditure in connection with an  
23 office other than the office as to which the candidate accepted the  
24 money; or

25 (3) an officeholder expenditure.

26 (c) A candidate who uses money from the fund in violation of  
27 Subsection (b):

1           (1) is not eligible for any additional money from the  
2 fund; and

3           (2) is liable for a civil penalty not to exceed three  
4 times the amount of the money used in violation of Subsection (b).

5           Sec. 259.055. REFUND OF UNEXPENDED AMOUNTS. (a) Following  
6 the candidate's last election during the election cycle for which  
7 public financing is accepted, a candidate shall refund to the  
8 comptroller amounts accepted from the fund that have not been  
9 expended or contractually obligated.

10           (b) A refund under this section must be made not later than  
11 the 30th day after the date of:

12           (1) the primary election, if the candidate is not a  
13 candidate in the runoff primary election or the general election;

14           (2) the runoff primary election, if the candidate is a  
15 candidate in that election and is not a candidate in the general  
16 election; or

17           (3) the general election.

18           (c) The comptroller shall deposit refunds received under  
19 this section to the credit of the fund.

20           (d) A person who violates this section is liable for a civil  
21 penalty not to exceed three times the amount of money required to be  
22 refunded that was not refunded as required by this section.

23           Sec. 259.056. WITHDRAWAL, INELIGIBILITY, OR DEATH OF  
24 CANDIDATE. (a) A candidate who withdraws from an election or is  
25 declared ineligible shall refund to the comptroller amounts  
26 accepted from the fund that have not been expended or contractually  
27 obligated. The candidate shall refund those amounts not later than



1 the 10th day after the date the candidate withdraws or is declared  
2 ineligible.

3 (b) The campaign treasurer of a candidate who dies shall  
4 refund to the comptroller amounts accepted from the fund that have  
5 not been expended or contractually obligated. The campaign  
6 treasurer shall refund those amounts not later than the 30th day  
7 after the date the candidate dies.

8 (c) The comptroller shall deposit refunds received under  
9 this section to the credit of the fund.

10 (d) A person who violates this section is liable for a civil  
11 penalty not to exceed three times the amount of money required to be  
12 refunded that was not refunded as required by this section.

13 Sec. 259.057. DEPOSIT OF CIVIL PENALTIES. The comptroller  
14 shall deposit a civil penalty collected by the commission for a  
15 violation of this subchapter to the credit of the fund.

16 [Sections 259.058-259.100 reserved for expansion]

17 SUBCHAPTER D. RESTRICTIONS ON ACCEPTANCE AND USE OF  
18 POLITICAL CONTRIBUTIONS

19 Sec. 259.101. ACCEPTANCE OF CONTRIBUTIONS PROHIBITED. (a)  
20 Except as provided by Section 259.015, 259.017, or 259.103, a  
21 candidate or officeholder who accepts public financing or a  
22 specific-purpose committee for supporting or opposing such a  
23 candidate or assisting such an officeholder may not accept a  
24 political contribution in connection with the office for which the  
25 candidate or officeholder accepted public financing.

26 (b) A person who violates this section is liable for a civil  
27 penalty not to exceed three times the amount of political

1 contributions used in violation of this section.

2 Sec. 259.102. USE OF CONTRIBUTION FROM OTHER OFFICE  
3 PROHIBITED. (a) Except as provided by Section 259.103, a candidate  
4 or officeholder who accepts public financing or a specific-purpose  
5 committee for supporting such a candidate, opposing such a  
6 candidate's opponent, or assisting such an officeholder may not use  
7 a political contribution to make a campaign expenditure for the  
8 office for which the candidate or officeholder accepted public  
9 financing or to make an officeholder expenditure in connection with  
10 that office if the contribution was accepted while the candidate or  
11 officeholder:

12 (1) was a candidate for an office other than the office  
13 for which the candidate or officeholder accepted public financing;  
14 or

15 (2) held an office other than the office for which the  
16 candidate or officeholder accepted public financing, unless the  
17 person had become a candidate for that office and the contribution  
18 was accepted under Section 259.017.

19 (b) A person who violates this section is liable for a civil  
20 penalty not to exceed three times the amount of political  
21 contributions used in violation of this section.

22 Sec. 259.103. RESTRICTIONS NOT APPLICABLE TO CERTAIN  
23 OFFICEHOLDERS. (a) Sections 259.101 and 259.102 do not apply to an  
24 officeholder who accepted public financing and who seeks reelection  
25 to the office for which the officeholder accepted public financing  
26 or election to another office covered by this chapter if the  
27 officeholder files a written statement with the commission that the

1 officeholder will not request public financing for the reelection  
2 or election.

3 (b) An officeholder who files a statement under Subsection  
4 (a) is not eligible for public financing for the reelection or  
5 election to which the statement relates.

6 (c) An officeholder who accepted public financing or a  
7 specific-purpose committee for assisting such an officeholder or  
8 for supporting such an officeholder as a candidate may not accept a  
9 political contribution before the officeholder files a statement  
10 under Subsection (a).

11 (d) A person who violates Subsection (c) is liable for a  
12 civil penalty not to exceed three times the amount of political  
13 contributions used in violation of Subsection (c).

14 Sec. 259.104. RETENTION OF CONTRIBUTIONS FOR OFFICEHOLDER  
15 PURPOSES. An officeholder who accepted public financing may retain  
16 and use for officeholder purposes the unexpended amount, if any, of  
17 political contributions accepted under Section 259.015 or 259.017.

18 Sec. 259.105. CERTAIN DIRECT CAMPAIGN EXPENDITURES  
19 CONSIDERED CONTRIBUTION TO CANDIDATE. For purposes of Section  
20 259.101, a direct campaign expenditure is considered to be a  
21 campaign contribution to a candidate if the expenditure is made  
22 with the cooperation or prior consent of, in consultation with, or  
23 at the suggestion of:

24 (1) the candidate;

25 (2) a specific-purpose committee for supporting the  
26 candidate or opposing the candidate's opponent; or

27 (3) a person acting with the candidate's knowledge and

1 consent.

2 [Sections 259.106-259.130 reserved for expansion]

3 SUBCHAPTER E. VOTER INFORMATION PAMPHLET

4 Sec. 259.131. APPLICABILITY OF SUBCHAPTER. This subchapter  
5 applies to each candidate certified as eligible for public  
6 financing.

7 Sec. 259.132. STATEMENT FILED BY CANDIDATE. Not later than  
8 the 80th day before the date of the general election, a candidate  
9 for an office covered by this subchapter may file with the secretary  
10 of state an informational statement, on a form prescribed by the  
11 secretary, to be included in a voter information pamphlet for that  
12 election.

13 Sec. 259.133. STATEMENT REQUIREMENTS. (a) A candidate's  
14 statement must include a summary of the following information:

- 15 (1) current occupation;  
16 (2) educational and occupational background;  
17 (3) biographical information; and  
18 (4) any previous experience serving in government.

19 (b) The secretary of state shall prescribe the format and  
20 length of the candidate's statement.

21 Sec. 259.134. REVIEW BY SECRETARY OF STATE. (a) Not later  
22 than the fifth day after the date the candidate's statement is  
23 received, the secretary of state shall review the statement to  
24 determine whether it complies with Section 259.133.

25 (b) If the secretary of state determines that the statement  
26 does not comply with Section 259.133, the secretary shall reject  
27 the statement and deliver written notice of the reason for the

1 rejection to the candidate not later than the second day after the  
2 date of rejection.

3 (c) A candidate whose statement is rejected may resubmit the  
4 statement subject to the prescribed deadline.

5 Sec. 259.135. PREPARATION OF PAMPHLET. (a) The secretary  
6 of state shall contract for the preparation and printing of one or  
7 more voter information pamphlets after soliciting bids for that  
8 work. The secretary may prepare separate pamphlets for different  
9 regions of the state, including in each pamphlet only statewide  
10 offices and the district offices for districts included in the  
11 region if the secretary determines that distributing multiple  
12 pamphlets is more economical than distributing a single pamphlet  
13 for statewide use. The secretary may prepare or print the pamphlets  
14 if the secretary determines that the costs of that preparation or  
15 printing are less than or equal to the most reasonable bid  
16 submitted.

17 (b) On the request of the secretary of state, the commission  
18 shall direct the comptroller to transfer from the fund to the  
19 secretary the money necessary for preparation of the pamphlets.

20 (c) Each pamphlet must include each statement that complies  
21 with Sections 259.132 and 259.133 and is filed by a candidate for an  
22 office included in the pamphlet whom the commission has certified  
23 as eligible for public financing. Candidates whose names will  
24 appear on the ballot and write-in candidates must be shown in  
25 separate groups. The order of the candidates' names within the  
26 groups is determined by a drawing conducted by the secretary of  
27 state. Candidates whose names will appear on the ballot must be

1 identified by party or as an independent candidate, as applicable.

2 (d) Each pamphlet must name each candidate for an office  
3 covered by this chapter and included in the pamphlet whom the  
4 commission has not certified as eligible for public financing and  
5 must identify each such candidate by party or as an independent or  
6 write-in candidate, as applicable. The pamphlet may not contain  
7 any other information about a candidate to whom this subsection  
8 applies.

9 (e) The secretary of state shall prescribe appropriate  
10 explanatory material to be included in each pamphlet to assist the  
11 voters, including:

12 (1) a statement that the pamphlet may be used at the  
13 polls to assist the voters in marking their ballots; and

14 (2) a statement that candidates who are not eligible  
15 for public financing are not entitled to submit a candidate's  
16 statement for inclusion in the pamphlet.

17 Sec. 259.136. DISTRIBUTION OF PAMPHLET. Not later than the  
18 45th day before the date of each general election, the secretary of  
19 state shall mail the appropriate voter information pamphlet to each  
20 household in this state in which a registered voter resides.

21 Sec. 259.137. ADDITIONAL PROCEDURES. The secretary of  
22 state shall prescribe any additional procedures necessary to  
23 implement this subchapter.

24 SECTION 2. Chapter 253, Election Code, is amended by adding  
25 Subchapter G to read as follows:

1                   SUBCHAPTER G. CONTRIBUTION LIMITS FOR

2                   LEGISLATIVE OR EXECUTIVE OFFICE

3           Sec. 253.201. APPLICABILITY OF SUBCHAPTER. This subchapter  
4 applies only to a political contribution or direct campaign  
5 expenditure in connection with:

6                   (1) a statewide office in the executive branch;

7                   (2) the office of state senator;

8                   (3) the office of state representative; or

9                   (4) the office of member, State Board of Education.

10          Sec. 253.202. CONTRIBUTION LIMITS. (a) Except as provided  
11 by Subsection (c), a person may not knowingly make or authorize  
12 political contributions to a candidate or officeholder that in the  
13 aggregate exceed the following limits in a calendar year:

14                   (1) for a statewide office, \$25,000;

15                   (2) for the office of state senator, \$10,000;

16                   (3) for the office of state representative, \$5,000; or

17                   (4) for the office of member, State Board of  
18 Education, \$10,000.

19          (b) A person may not knowingly accept a political  
20 contribution, and shall refuse a political contribution that is  
21 received, in violation of Subsection (a).

22          (c) This section does not apply to a political contribution  
23 made by the principal political committee of the state executive  
24 committee of a political party.

25          (d) A person who violates this section is liable for a civil  
26 penalty not to exceed three times the amount of the political  
27 contributions made or accepted in violation of this section.

1           Sec. 253.203. CONTRIBUTION TO CERTAIN COMMITTEES  
2 CONSIDERED CONTRIBUTION TO CANDIDATE OR OFFICEHOLDER. For purposes  
3 of Section 253.202, a political contribution to a specific-purpose  
4 committee for the purpose of supporting a candidate, opposing the  
5 candidate's opponent, or assisting the candidate as an officeholder  
6 is considered to be a contribution to the candidate or  
7 officeholder.

8           Sec. 253.204. CERTAIN DIRECT CAMPAIGN EXPENDITURES  
9 CONSIDERED CONTRIBUTION TO CANDIDATE. For purposes of Section  
10 253.202, a direct campaign expenditure is considered to be a  
11 campaign contribution to a candidate if the expenditure is made  
12 with the cooperation or prior consent of, in consultation with, or  
13 at the suggestion of:

14                   (1) the candidate;

15                   (2) a specific-purpose committee for supporting the  
16 candidate or opposing the candidate's opponent; or

17                   (3) a person acting with the candidate's knowledge and  
18 consent.

19           Sec. 253.205. NOTICE TO CERTAIN CANDIDATES OR OFFICEHOLDERS  
20 OF INTENT TO ACCEPT CONTRIBUTIONS OR MAKE EXPENDITURES. (a) The  
21 campaign treasurer of a specific-purpose committee that intends to  
22 accept political contributions or make political expenditures for  
23 the purpose of supporting a candidate for an office to which this  
24 subchapter applies, opposing such a candidate's opponent, or  
25 assisting such a candidate as an officeholder shall deliver written  
26 notice of the committee's intent to the affected candidate or  
27 officeholder.



1       (b) The notice must include the full name and address of the  
2 specific-purpose committee and of its campaign treasurer.

3       (c) The notice must be delivered not later than the later  
4 of:

5             (1) the date the committee files its campaign  
6 treasurer appointment; or

7             (2) the third day after the date the committee  
8 determines that it intends to accept political contributions or  
9 make political expenditures for which notice under this section is  
10 required.

11       (d) A campaign treasurer who violates this section is liable  
12 for a civil penalty in an amount not to exceed three times the  
13 political contributions accepted or political expenditures made  
14 for a purpose described by Subsection (a) before notice is  
15 delivered to the affected candidate or officeholder.

16       Sec. 253.206. NOTICE TO CANDIDATE, OFFICEHOLDER, OR  
17 COMMITTEE OF RECEIPT OF CONTRIBUTION. (a) The campaign treasurer  
18 of a specific-purpose committee that receives a political  
19 contribution or makes a direct campaign expenditure that is  
20 considered under Section 253.203 or 253.204 to be a contribution to  
21 a candidate or officeholder shall, not later than the fifth day  
22 after the date the contribution is received or the expenditure is  
23 made, deliver written notice of that fact to the affected candidate  
24 or officeholder.

25       (b) A candidate or officeholder who receives a political  
26 contribution covered by Section 253.202 shall, not later than the  
27 fifth day after the date the contribution is received, deliver

1 written notice of that fact to the campaign treasurer of each  
2 specific-purpose committee that notifies the candidate or  
3 officeholder under Section 253.205 that the committee intends to  
4 accept political contributions or make political expenditures on  
5 the candidate's or officeholder's behalf.

6 (c) A notice under this section must include:

7 (1) the full name and address of the person receiving  
8 the political contribution and of the person's campaign treasurer,  
9 if any;

10 (2) the full name and address of the person making the  
11 contribution;

12 (3) the date the contribution is received; and

13 (4) the amount of the contribution.

14 (d) A person who violates this section is liable for a civil  
15 penalty in an amount not to exceed three times the amount of  
16 political contributions for which notice was not provided.

17 Sec. 253.207. RETURN OF EXCESS CONTRIBUTION. (a) A person  
18 who receives a political contribution the acceptance of which would  
19 violate Section 253.202 shall return the contribution to the  
20 contributor not later than the 10th day after the date the  
21 contribution is received.

22 (b) A political contribution that is not returned as  
23 required by this section is considered to be accepted.

24 Sec. 253.208. DEPOSIT OF CIVIL PENALTIES. The comptroller  
25 shall deposit a civil penalty collected by the commission for a  
26 violation of this subchapter to the credit of the campaign  
27 financing fund established under Subchapter C, Chapter 259.

1 SECTION 3. Section 253.003(c), Election Code, is amended to  
2 read as follows:

3 (c) This section does not apply to a political contribution  
4 made or accepted in violation of Subchapter F or G.

5 SECTION 4. Section 253.004(b), Election Code, is amended to  
6 read as follows:

7 (b) This section does not apply to a political expenditure  
8 made or authorized in violation of Subchapter F or G.

9 SECTION 5. Section 253.005(b), Election Code, is amended to  
10 read as follows:

11 (b) This section does not apply to a political expenditure  
12 that is:

13 (1) prohibited by Section 253.101; or

14 (2) made from a political contribution made in  
15 violation of Subchapter F or G.

16 SECTION 6. Section 254.034, Election Code, is amended by  
17 adding Subsection (d-1) to read as follows:

18 (d-1) This section applies to a political contribution  
19 covered by Subchapter G, Chapter 253, except as provided by Section  
20 253.207.

21 SECTION 7. Subchapter C, Chapter 254, Election Code, is  
22 amended by adding Section 254.0613 to read as follows:

23 Sec. 254.0613. ADDITIONAL CONTENTS OF REPORTS BY CERTAIN  
24 CANDIDATES. In addition to the contents required by Sections  
25 254.031, 254.061, and 254.0612, each report by a candidate for an  
26 office to which Subchapter G, Chapter 253, applies must include:

27 (1) for each political contribution or direct campaign

1 expenditure of which the candidate receives notice under Section  
2 253.206:

3 (A) the full name and address of the committee  
4 receiving the contribution or making the expenditure;

5 (B) the full name and address of the committee's  
6 campaign treasurer;

7 (C) the full name and address of the person  
8 making the contribution, if applicable;

9 (D) the date the contribution is received or  
10 expenditure is made;

11 (E) the amount of the contribution or  
12 expenditure; and

13 (F) an indication of whether the committee  
14 accepted or refused the contribution; and

15 (2) for each person from whom, in the calendar year  
16 containing the period covered by the report, the candidate has  
17 accepted a political contribution or a specific-purpose committee  
18 has accepted a political contribution of which the candidate  
19 received notice under Section 253.206 or who has made a direct  
20 campaign expenditure considered under Section 253.204 to be a  
21 campaign contribution to the candidate, the aggregate total for  
22 that calendar year of:

23 (A) political contributions accepted by the  
24 candidate and by the committee from the person; and

25 (B) direct campaign expenditures made by the  
26 person.

27 SECTION 8. Subchapter D, Chapter 254, Election Code, is

1 amended by adding Section 254.0913 to read as follows:

2 Sec. 254.0913. ADDITIONAL CONTENTS OF REPORTS BY CERTAIN  
3 OFFICEHOLDERS. In addition to the contents required by Sections  
4 254.031, 254.091, and 254.0912, each report by the holder of an  
5 office to which Subchapter G, Chapter 253, applies must include the  
6 contents prescribed by Section 254.0613.

7 SECTION 9. Subchapter E, Chapter 254, Election Code, is  
8 amended by adding Section 254.1213 to read as follows:

9 Sec. 254.1213. ADDITIONAL CONTENTS OF REPORTS OF CERTAIN  
10 COMMITTEES. In addition to the contents required by Sections  
11 254.031, 254.121, and 254.1212, each report by a specific-purpose  
12 committee for supporting or opposing a candidate for or assisting a  
13 holder of an office to which Subchapter G, Chapter 253, applies must  
14 include the contents prescribed by Section 254.0613.

15 SECTION 10. (a) Subchapter G, Chapter 253, Election Code,  
16 as added by this Act, applies only to a political contribution  
17 accepted or a political expenditure made on or after September 1,  
18 2007. A political contribution accepted or a political expenditure  
19 made before September 1, 2007, is governed by the law in effect at  
20 the time the contribution was accepted or the expenditure was made  
21 and is not aggregated with political contributions accepted or  
22 political expenditures made on or after that date.

23 (b) Sections 254.0613, 254.0913, and 254.1213, Election  
24 Code, as added by this Act, apply to the reporting of a political  
25 contribution accepted or political expenditure made on or after  
26 September 1, 2007. The reporting of a political contribution  
27 accepted or political expenditure made before September 1, 2007, is

1 governed by the law in effect at the time the contribution was  
2 accepted or the expenditure was made.

3 (c) Notwithstanding Chapter 259, Election Code, as added by  
4 this Act, a person who on September 1, 2007, held an office covered  
5 by that chapter and who had unexpended political contributions may  
6 use those contributions to make political expenditures for campaign  
7 or officeholder purposes.

8 SECTION 11. This Act takes effect September 1, 2007.