

Amend CSHB 2511 by adding the following appropriately numbered SECTIONS.

SECTION \_\_\_\_\_. Section 302.011, Government Code, is amended to read as follows:

Sec. 302.011. DEFINITIONS. In this subchapter:

(1) "Contribution," "expenditure," "labor organization," and "political committee" have the meanings assigned by Section 251.001, Election Code.

(2) "Speaker campaign advertising" means a communication supporting or opposing a speaker candidate that:

(A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television;

(B) appears in a letter, pamphlet, circular, flier, billboard or other sign, bumper sticker, button, or similar form of written communication; or

(C) appears on an Internet website.

(3) "Speaker campaign contribution" means a contribution to a speaker candidate or political committee that is offered or given with the intent that it be used in connection with a campaign for speaker. Whether a contribution is made before, during, or after an election for speaker does not affect its status as a speaker campaign contribution.

(4) "Speaker candidate" means a member of or candidate for the house of representatives who has announced the member's [~~his~~] candidacy for or who by the member's [~~his~~] actions, words, or deeds seeks election to the office of speaker of the house of representatives.

(5) "Speaker campaign [~~(2)~~—"Campaign] expenditure" means an [~~the~~] expenditure made by a person in connection with a campaign for speaker. Whether an expenditure is made before, during, or after an election for speaker does not affect its status as a speaker campaign expenditure [~~of money or the use of services or any other thing of value to aid or defeat the election of a speaker candidate~~].

(6) "Speaker campaign [~~(3)~~—"Campaign] funds" means the speaker candidate's personal funds that are devoted to the

campaign for speaker and any money, services, or other things of value that are contributed or loaned to the speaker candidate for use in the candidate's campaign for speaker.

(7) "Speaker election cycle" means the period beginning on the day after the date a speaker is elected and ending on the date a new speaker is elected.

SECTION \_\_\_\_\_. Subchapter B, Chapter 302, Government Code, is amended by adding Section 302.0111 to read as follows:

Sec. 302.0111. APPLICATION OF ELECTION CODE. The restrictions on contributions and expenditures and reporting requirements of Title 15, Election Code, apply to a campaign for speaker except as expressly provided by this subchapter.

SECTION \_\_\_\_\_. Section 302.012(b), Government Code, is amended to read as follows:

(b) The records must be kept separate from the records required under the [~~Texas~~] Election Code for the speaker candidate's campaign for any other public office.

SECTION \_\_\_\_\_. Sections 302.0121(c) and (e), Government Code, are amended to read as follows:

(c) Except as provided by Subsection (e), a speaker candidate may not knowingly accept a speaker campaign contribution[~~, loan, or promise of a contribution or loan~~] in connection with the speaker candidacy or make or authorize a speaker campaign expenditure at a time when a declaration of candidacy for the speaker candidate is not in effect.

(e) A former speaker candidate whose declaration of speaker candidacy is terminated under Subsection (d) may make a speaker campaign expenditure in connection with a debt incurred during the period the former speaker candidate's declaration of candidacy was in effect.

SECTION \_\_\_\_\_. Section 302.014, Government Code, is amended to read as follows:

Sec. 302.014. CONTENTS OF STATEMENT. (a) Each statement must list the following information for the period since the last filing date:

(1) each speaker campaign contribution of money the speaker candidate or the speaker candidate's agent, servant, staff

member, or employee received for the campaign, the complete name and address of the contributor, and the date and amount of the contribution;

(2) each speaker campaign contribution of services and other things of value other than money that the speaker candidate or the speaker candidate's agent, servant, staff member, or employee received for the campaign, the nature of the contribution, the complete name and address of the contributor, and the date and value of the contribution;

(3) each loan made to the speaker candidate or to the speaker candidate's agent, servant, staff member, or employee for the campaign, including all loans listed in previous filings that are as yet unpaid or that were paid during the period covered by the present filing, the complete name and address of the lender and each person other than the speaker candidate who is responsible on the note, the date and amount of the note, the intended source of funds to repay the note, and any payments already made on the note and the source of the payments; ~~and~~

(4) each expenditure of speaker campaign funds that the speaker candidate or the speaker candidate's agent, servant, staff member, or employee made for the campaign, the complete name and address of each person to whom a payment of more than \$10 was made, and the purpose of each expenditure;

(5) the total amount of all speaker campaign contributions accepted and the total amount of all speaker campaign expenditures made during the reporting period; and

(6) as of the last day of a reporting period for which the person is required to file a statement, the total amount of speaker campaign contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which speaker campaign contributions are deposited as of the last day of the reporting period.

(b) A de minimis error in calculating or reporting a cash balance under Subsection (a)(6) is not a violation of this section.

(c) If no reportable activity occurs during a reporting period, the person required to file a statement shall indicate that fact in the statement.

SECTION \_\_\_\_\_. Section 302.016, Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The Texas Ethics Commission shall make each statement or report filed with the commission under this subchapter available to the public on the Internet not later than the second business day after the date the statement or report is filed.

(d) The access allowed by this section to statements and reports is in addition to the public's access to the information through other electronic or print distribution of the information.

(e) Before making a statement or report filed under this subchapter available on the Internet, the commission shall remove each portion, other than city, state, and zip code, of the address of a person listed as having made a speaker campaign contribution to the speaker candidate filing the statement or report. The address information removed must remain available on the statement or report maintained in the commission's office but may not be available electronically at that office.

SECTION \_\_\_\_\_. The heading to Section 302.017, Government Code, is amended to read as follows:

Sec. 302.017. CONTRIBUTIONS AND LOANS FROM AND EXPENDITURES BY ORGANIZATIONS.

SECTION \_\_\_\_\_. Section 302.017, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A [~~Except as provided by Subsection (b), a~~] corporation, partnership, association, firm, labor organization [~~union~~], foundation, committee, club, or other organization or group of persons may make a contribution to, or an expenditure on behalf of, [~~not contribute or lend or promise to contribute or lend money or other things of value to~~] a speaker candidate or to any other person, directly or indirectly, to aid or defeat the election of a speaker candidate only if:

(1) the corporation, partnership, association, firm, labor organization, foundation, committee, club, or other organization or group of persons is permitted to make a contribution to or expenditure for a candidate under Title 15, Election Code;

(2) the contribution or expenditure is made as prescribed by that title; and

(3) the contribution or expenditure is reported to the Texas Ethics Commission in the manner provided by that title for reporting contributions and expenditures made under that title.

(a-1) A report under this section shall be made separately from other reports required to be filed under Title 15, Election Code.

(a-2) A speaker candidate may not knowingly accept speaker campaign contributions from a corporation, partnership, association, firm, labor organization, foundation, committee, club, or other organization or group of persons that in the aggregate exceed \$1,000 in a speaker election cycle.

SECTION \_\_\_\_\_. Section 302.019, Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1), (d), and (e) to read as follows:

(a) Except as provided by this section, a speaker candidate may not knowingly accept speaker campaign contributions from an individual that in the aggregate exceed \$1,000 in a speaker election cycle.

(a-1) A speaker campaign contribution consisting of personal travel expenses or personal services to aid or defeat a speaker candidate incurred by [~~Section 302.017 or 302.018,~~] an individual other than the speaker candidate for which the individual is not reimbursed or compensated:

(1) is not subject to the limit prescribed by Subsection (a); and

(2) is not required to be reported under this subchapter [~~may contribute personal services and traveling expenses to aid or defeat a speaker candidate~~].

(b) Except as otherwise provided by law, an [~~An~~] individual other than the speaker candidate not acting in concert with another person may make one or more expenditures to aid or defeat the election of a speaker candidate from the individual's own property if:

(1) the expenditures do not constitute a contribution to the speaker candidate;

(2) the total expenditures on any one or more speaker candidates do not exceed [~~expend a total of not more than~~] \$100; and

(3) the individual receives no reimbursement for the expenditures [~~for the cost of correspondence to aid or defeat the election of a speaker candidate~~].

(d) Except as otherwise provided by law, an individual not acting in concert with another person may make one or more expenditures to aid or defeat the election of a speaker candidate from the individual's own property that exceed \$100 on any one or more candidates if:

(1) the expenditures do not constitute a contribution to the speaker candidate;

(2) the individual complies with Chapter 254, Election Code, as if the individual were a campaign treasurer of a political committee; and

(3) the individual receives no reimbursement for the expenditures.

(e) An individual making an expenditure under this section is not required to file a campaign treasurer appointment under Title 15, Election Code.

SECTION \_\_\_\_\_. Section 302.020, Government Code, is amended to read as follows:

Sec. 302.020. SPEAKER CAMPAIGN [~~PERMITTED~~] EXPENDITURES.

(a) A speaker candidate may expend speaker campaign funds for:

(1) travel for the speaker candidate and the speaker candidate's immediate family and campaign staff;

(2) the employment of clerks and stenographers;

(3) clerical and stenographic supplies;

(4) printing and stationery;

(5) office rent;

(6) telephone, telegraph, postage, freight, and express expenses;

(7) advertising and publicity;

(8) the expenses of holding political and other meetings designed to promote the candidacy;

(9) the employment of legal counsel; and

(10) the retirement of campaign loans.

(b) A speaker candidate may not expend speaker campaign funds on professional fund-raising services.

SECTION 11. Sections 302.0201(a), (c), and (d), Government Code, are amended to read as follows:

(a) A former speaker candidate may:

(1) use unexpended speaker campaign funds to retire debt incurred in connection with the speaker candidacy; or

(2) remit unexpended speaker campaign funds to one or more of the following:

(A) one or more persons from whom speaker campaign funds were received, in accordance with Subsection (c); or

(B) the comptroller for deposit in the general revenue fund to the credit of the house of representatives [~~a recognized charitable organization formed for educational, religious, or scientific purposes that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, and its subsequent amendments~~].

(c) The amount of speaker campaign funds disposed of under Subsection (a)(2)(A) to one person may not exceed the aggregate amount accepted from that person in connection with the former speaker candidate's most recent campaign for election to the office of speaker.

(d) Not later than January 15 of each year, a former speaker candidate who retains unexpended speaker campaign funds shall file a sworn report with the Texas Ethics Commission that includes:

(1) the full name and address of each person to whom a payment from unexpended speaker campaign funds is made;

(2) the date and amount of each payment reported under Subdivision (1); and

(3) the information required by Section 302.014 as to any contribution, loan, or expenditure not previously reported on a statement filed under Section 302.013.

SECTION \_\_\_\_\_. Subchapter B, Chapter 302, Government Code, is amended by adding Section 302.0202 to read as follows:

Sec. 302.0202. REQUIRED DISCLOSURE ON SPEAKER CAMPAIGN ADVERTISING. (a) A person may not knowingly enter into a contract or other agreement to print, publish, or broadcast speaker campaign

advertising that does not indicate in the advertising:

(1) that it is speaker campaign advertising;

(2) the full name of the individual who personally entered into the contract or agreement with the printer, publisher, or broadcaster and the name of the person, if any, that the individual represents; and

(3) in the case of advertising that is printed or published, the address of the individual who personally entered into the agreement with the printer or publisher and the address of the person, if any, that the individual represents.

(b) Subsection (a) does not apply to a printer, publisher, or broadcaster of speaker campaign advertising or an agent or employee of the printer, publisher, or broadcaster if:

(1) the person entering into the contract or agreement with the printer, publisher, or broadcaster is not the actual sponsor of the advertising but is the sponsor's professional advertising agent conducting business in this state; or

(2) the advertising is procured by the actual sponsor of the speaker campaign advertising and, before the performance of the contract or agreement, the sponsor is given written notice as provided by Subsection (d).

(c) A professional advertising agent conducting business in this state who seeks to procure the printing, publication, or broadcasting of speaker campaign advertising on behalf of the sponsor of the advertising may not enter into a contract or agreement for the printing, publication, or broadcasting of speaker campaign advertising unless, before the performance of the contract or agreement, the agent gives the sponsor written notice as provided by Subsection (d).

(d) The notice required by Subsections (b) and (c) must be substantially as follows:

"Section 302.0202, Government Code, requires speaker campaign advertising to disclose certain information. A person who knowingly enters into a contract or other agreement to print, publish, or broadcast speaker campaign advertising that does not contain the information required under that section commits an offense that is a Class A misdemeanor."



SECTION \_\_\_\_\_. Section 302.021, Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1), (b-2), and (g) to read as follows:

(a) A speaker candidate or former speaker candidate commits an offense if the person:

(1) knowingly fails to file the declaration of candidacy required by Section 302.0121;

(2) knowingly fails to file the statement required by Section 302.013;

(3) knowingly accepts a speaker campaign contribution, loan, or promise of a speaker campaign contribution or loan in violation of Section 302.0121(c);

(4) knowingly accepts a speaker campaign contribution, loan, or promise of a speaker campaign contribution or loan prohibited by Section 302.017 from a corporation, partnership, association, firm, labor organization [~~union~~], foundation, committee, club, or other organization or group of persons;

(5) knowingly accepts a speaker campaign contribution from an individual that, when aggregated with each other speaker campaign contribution from the individual accepted during the same speaker campaign cycle, exceeds the limit prescribed by Section 302.019(a);

(6) knowingly accepts a speaker campaign contribution from a person who uses political contributions, interest earned on political contributions, or an asset purchased with political contributions to make the speaker campaign contribution in violation of Section 302.0191;

(7) [~~(6)~~] expends speaker campaign funds for any purpose other than those enumerated in Section 302.020(a) [~~302.020~~];

(8) [~~(7)~~] knowingly retains speaker campaign contributions, assets purchased with speaker campaign contributions, or interest or other income earned on speaker campaign contributions in violation of Section 302.0201(b); or

(9) [~~(8)~~] knowingly fails to file the report of unexpended speaker campaign funds as required by Section

302.0201(d).

(b) An individual or an agent, officer, or director of a corporation, partnership, association, firm, labor organization [~~union~~], foundation, committee, club, or other organization or group of persons commits an offense if the individual or agent, officer, or director consents to a contribution or expenditure [~~loan, or promise of a contribution or loan~~] prohibited by this subchapter.

(b-1) A person commits an offense if the person enters into a contract or other agreement to print, publish, or broadcast speaker campaign advertising that does not contain the disclosure required by Section 302.0202(a).

(b-2) A professional advertising agent commits an offense if the agent seeks to procure the printing, publication, or broadcasting of speaker campaign advertising on behalf of the sponsor of the advertising without giving the sponsor written notice as required by Sections 302.0202(c) and (d).

(g) A speaker candidate who commits an offense under this section is not entitled to have the speaker candidate's name placed in nomination for election as speaker.

SECTION \_\_\_\_\_. Subchapter B, Chapter 302, Government Code, is amended by adding Section 302.023 to read as follows:

Sec. 302.023. ENFORCEMENT BY TEXAS ETHICS COMMISSION. The Texas Ethics Commission may enforce this subchapter in the same manner as the commission enforces Title 15, Election Code.

SECTION \_\_\_\_\_. Sections 302.019(c) and 302.021(d) and (e), Government Code, are repealed.

SECTION \_\_\_\_\_. (a) Subchapter B, Chapter 302, Government Code, as amended by this Act, applies only to an offense committed on or after September 1, 2009. For purposes of this section, an offense is committed before September 1, 2009, if any element of the offense occurs before that date.

(b) An offense committed before September 1, 2009, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_\_. This Act takes effect September 1, 2009.