

## **BILL ANALYSIS**

C.S.H.B. 1359  
By: Anchia  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under the current law, a courthouse is not included under the provision that prohibits contributions in certain public buildings and provides for penalties for contributions made in certain public buildings.

C.S.H.B. 1359 prohibits a person from knowingly making or authorizing a political contribution to a candidate for or officeholder of certain judicial offices, certain political committees, or a person acting on behalf of such a candidate, officeholder, or political committee while in a courthouse, prohibits those individuals and committees from knowingly accepting a political contribution in a courthouse, and requires them to refuse a political contribution that is received in a courthouse.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1359 amends the Election Code to prohibit a person from knowingly making or authorizing a political contribution while in a courthouse to:

- a candidate for or officeholder of the offices of supreme court chief justice or justice, court of criminal appeals presiding judge or judge, court of appeals chief justice or justice, district judge, statutory county court judge, statutory probate court judge, or justice of the peace;
- a political committee supporting or opposing a candidate for or holder of such an office; or
- a person acting on behalf of a candidate, officeholder, or political committee described above.

The bill prohibits such a candidate, officeholder, political committee, or person from knowingly accepting a political contribution and requires the candidate, officeholder, political committee, or person to refuse a political contribution that is received in a courthouse. The bill exempts from the prohibition political contributions made in a courthouse through the United States postal service or a common or contract carrier. The bill defines "courthouse."

### **EFFECTIVE DATE**

September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1359 differs from the original by adding provisions prohibiting certain political contributions while in a courthouse, rather than by expanding provisions that prohibit certain political contributions while in the Capitol to include a courthouse as in the original. The

substitute adds language not in the original that specifies the candidates, officeholders, and committee to which a person is prohibited from knowingly making or authorizing a political contribution while in a courthouse. The substitute differs from the original by defining "courthouse" to mean any building owned by the state, a county, or a municipality, or an office or part of a building leased to the same, in which a justice or judge sits to conduct court proceedings, whereas the original specifies that the building may be owned or occupied by the governmental entities and does not include reference to a part of a building used in that manner.