

BILL ANALYSIS

C.S.H.B. 4060
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law prohibits a judicial candidate from receiving contributions except during the period beginning on the 210th day before the filing deadline and ending on the 120th day after the most recent elections date on which the candidate has an opponent on the ballot. If the candidate is unopposed in the runoff primary and the general election, the 120-day period for post-election contributions begins on the date of the general primary election date. A uniform time period for all judicial candidates, whether or not the candidate has an opponent in the election, would simplify the judicial fundraising and election process. Furthermore, as a result of these time periods, many judges are forced to bear personal debt incurred as the result of the campaign. These debts are often due to corporations, which may create the appearance of impropriety in the judicial system.

C.S.H.B. 4060 allows for the 120-day post-election contribution period for a judicial candidate to begin on the date of the most recent election in which the candidate's name appeared on the ballot, regardless of whether the candidate had an opponent in that election. This bill allows a judicial candidate to continue to accept contributions past the 120-day post-election deadline for the purpose of defraying debt incurred in connection with that election.

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. 4060 amends the Election Code to set the ending date of the period during which a judicial candidate or officeholder, a specific-purpose committee supporting or opposing a judicial candidate, or a specific-purpose committee assisting a judicial officeholder may accept a political contribution at the 120th day after the date of the election in which the candidate or officeholder last appeared on the ballot, regardless of whether the candidate or officeholder has an opponent in that election. The bill removes provisions that fixed the 120th date in relation to the general election date, if the candidate or officeholder has an opponent in that election; the runoff primary election, if the candidate or officeholder has an opponent in the runoff primary election but not in the general election; or the primary election, if the candidate or officeholder is not involved in a runoff election and has no opponent in the general election. The bill clarifies that political contributions permitted after the 120-day post election period above include the repayment of any debt incurred as a result of the election that is subject to statutory restrictions on the reimbursement of personal funds and payments on certain loans and contribution and reimbursement limits to certain candidates.

C.S.H.B. 4060 repeals Section 253.153(c), Election Code, authorizing a judicial candidate who does not have an opponent whose name will appear on the ballot, or a specific-purpose committee for supporting such a candidate, to accept a political contribution after another person files a declaration of write-in candidacy opposing the candidate, and makes conforming changes.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4060 differs from the original by setting the ending date of the period during which a political contribution may be accepted at the 120th day after the date of the election in which the candidate or officeholder last appeared on the ballot, rather than the 120th day after the date of the general election in which the candidate or officeholder last appeared on the ballot, as in the original. The substitute differs from the original by specifying that the post-election contributions used for the repayment of debt incurred as a result of the election that are exempt from the 120-day limit are subject to restrictions prescribed by certain statutory provisions, whereas the original specifies that such contributions include repayment of debt in accordance with those statutory provisions. The substitute differs from the original by repealing Section 253.153(c), Election Code, whereas the original removes the language of that provision from the statutes. The substitute adds a standard saving provision and prospective clause not in the original and makes other technical corrections.