

By: Ortiz, Jr.

H.B. No. 2633

A BILL TO BE ENTITLED

1 AN ACT

2 relating to limits on political contributions and direct campaign
3 expenditures by individuals; providing civil and criminal
4 penalties.

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

6 SECTION 1. Section 253.003(e), Election Code, is amended to
7 read as follows:

8 (e) A violation of Subsection (a) or (b) is a felony of the
9 third degree if the contribution is made in violation of Subchapter
10 D or G.

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

13 SUBCHAPTER G. AGGREGATE LIMIT ON CONTRIBUTIONS

14 BY INDIVIDUAL

15 Sec. 253.201. APPLICABILITY OF SUBCHAPTER. This subchapter
16 applies only to:

17 (1) a political contribution to a political committee
18 established by a political party;

19 (2) a political contribution to a candidate for or
20 holder of one of the following offices:

21 (A) a statewide executive office;

22 (B) the office of state senator;

23 (C) the office of state representative; or

24 (D) the office of member, State Board of

1 Education;

2 (3) a political contribution to a specific-purpose
3 committee for supporting or opposing a candidate for an office
4 described by Subdivision (2) or assisting a holder of such an
5 office; and

6 (4) a direct campaign expenditure in connection with
7 an office described by Subdivision (2).

8 Sec. 253.202. DEFINITION. In this subchapter, "election
9 cycle" means the period beginning on January 1 of an odd-numbered
10 year and ending on December 31 of the following even-numbered year.

11 Sec. 253.203. CONTRIBUTION LIMITS. (a) An individual may
12 not knowingly make or authorize political contributions to which
13 this subchapter applies that in the aggregate exceed \$100,000 in an
14 election cycle.

15 (b) A contribution by the spouse or child of an individual
16 is considered to be a contribution by the individual. In this
17 subsection, "child" means an individual who is younger than 18
18 years of age and who has not had the disabilities of minority
19 removed for general purposes.

20 (c) A candidate, officeholder, or political committee may
21 not knowingly accept a political contribution that the person knows
22 to have been made or authorized in violation of Subsection (a). A
23 candidate, officeholder, or political committee that receives a
24 political contribution made in violation of Subsection (a) shall
25 return the contribution to the individual making the contribution
26 not later than the 10th day after the date on which the person
27 determines the contribution has been made in violation of

1 Subsection (a).

2 (d) A person may not knowingly aid or abet the making of a
3 political contribution in violation of Subsection (a).

4 (e) A person who violates this section commits an offense.
5 An offense under this subsection is a felony of the third degree.

6 Sec. 253.204. RECEIPT OF CONTRIBUTION INTENDED FOR ANOTHER.
7 For purposes of Section 253.203, a political contribution is
8 considered to be a contribution to a candidate, officeholder, or
9 political committee if the person making the contribution in any
10 way indicates to the person receiving the contribution that the
11 contribution is intended for the candidate, officeholder, or
12 committee. A person who receives a political contribution to which
13 this section applies shall:

14 (1) report the contribution under Chapter 254 as if
15 the person were a general-purpose committee;

16 (2) notify in writing the candidate, officeholder, or
17 political committee for whom the contribution is intended of the
18 amount of the contribution, the date it was made, and the name and
19 address of the person making the contribution; and

20 (3) not later than the 14th business day after the date
21 on which the person receives the contribution, deliver the
22 contribution to the candidate, officeholder, or political
23 committee for whom the contribution is intended.

24 Sec. 253.205. CERTAIN DIRECT CAMPAIGN EXPENDITURES
25 CONSIDERED CONTRIBUTION TO CANDIDATE. For purposes of Section
26 253.203, a direct campaign expenditure is considered to be a
27 campaign contribution to a candidate if it is made with the

1 cooperation or prior consent of, in consultation with, or at the
2 suggestion of:

3 (1) the candidate;

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

6 (3) a person acting with the candidate's knowledge and
7 consent.

8 Sec. 253.206. REVIEW OF CONTRIBUTIONS BY COMMISSION. Not
9 later than March 1 of each odd-numbered year, the commission shall:

10 (1) conduct a comprehensive computer review of the
11 commission's records of political contributions made by
12 individuals during the preceding election cycle to determine if any
13 individual exceeded the limit prescribed by Section 253.203; and

14 (2) make the results of the review available to the
15 public.

16 SECTION 3. Section 254.034, Election Code, is amended by
17 adding Subsection (f) to read as follows:

18 (f) This section applies to a political contribution
19 covered by Subchapter G, Chapter 253, except as provided by Section
20 253.203.

21 SECTION 4. Subchapter G, Chapter 253, Election Code, as
22 added by this Act, applies only to a political contribution or
23 direct campaign expenditure made on or after September 1, 2009. A
24 political contribution or direct campaign expenditure made before
25 September 1, 2009, is governed by the law in effect at the time the
26 contribution or expenditure was made and is not aggregated with
27 political contributions or direct campaign expenditures made on or

1 after that date.

2 SECTION 5. This Act takes effect September 1, 2009.