

By: Anchia

H.B. No. 3146

A BILL TO BE ENTITLED

AN ACT

relating to public financing of campaigns for certain judicial offices and to limits on political contributions to and direct campaign expenditures made on behalf of judicial candidates, and officeholders, in connection with certain judicial 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

CERTAIN JUDICIAL OFFICES

SUBCHAPTER A. GENERAL PROVISIONS

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

(1) a member of the judiciary at the appellate court level, State Court of Criminal Appeals and State Supreme Court;

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 any.

(2) "Fund" means the campaign financing fund

1 established under Subchapter C.

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

5 SUBCHAPTER B. ELIGIBILITY FOR PUBLIC FINANCING

6 Sec. 259.011. REQUIREMENTS FOR ELIGIBILITY GENERALLY. To be
7 eligible to receive public financing under this chapter, a
8 candidate must:

9 (1) receive political contributions in the applicable
10 amount and within the applicable period prescribed by Section
11 259.017;.

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

14 (A) Subchapter C, Chapter 141; and

15 (B) Sections 259.013, 259.014, 259.015, and
16 259.016.

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

23 (b) Not later than the fifth day after the date the
24 secretary of state certifies a candidate for placement on the list
25 of write-in candidates as a candidate for an office covered by this
26 chapter, the secretary shall certify the candidate in writing to
27 the commission as conditionally eligible for public financing.

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

3 Sec. 259.013. CIRCULATION PERIOD FOR PETITION; HEADING AND
4 STATEMENT. (a) A petition under this subchapter may not be
5 circulated before the beginning of the applicable period prescribed
6 by Section 259.017(a).

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

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

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

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

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

23 (1) at least 2,500 registered voters, if the candidate
24 seeks a statewide judicial office;

25 (2) at least 1,000 registered voters, if the candidate
26 seeks the office of appellate court justice;

27 (b) Not more than 20 percent of the required number of

1 signers may be residents of:

2 (1) the same county, if the candidate seeks a
3 statewide office;

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

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

9 (c) A petition that violates Subsection (b) is not invalid
10 if the petition would otherwise be valid if the signatures of
11 residents of the same county or precinct, as applicable, in excess
12 of the applicable number specified by Subsection (b) were
13 disregarded.

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

16 Sec. 259.015. REQUIRED POLITICAL CONTRIBUTIONS FROM
17 PETITION SIGNERS. (a) A person who signs a petition under this
18 subchapter must, at the time of signing, make a political
19 contribution to the candidate in the form of cash or a check of \$5.

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

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

27 Sec. 259.017. REQUIRED CAMPAIGN CONTRIBUTIONS. (a) A

1 candidate seeking public financing under this chapter must accept
2 and receive at least the amount specified by Subsection (b) in
3 political contributions during the period:

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

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

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

11 (1) \$12,500, if the candidate seeks a statewide
12 judicial office:

13 (2) \$5,000, if the candidate seeks the office of
14 appellate court justice;

15 (c) Not later than the fifth day after the date the
16 commission certifies a candidate as eligible for public financing
17 under Section 259.018, a candidate who received more in political
18 contributions under this section than the applicable amount under
19 Subsection (b) shall deliver to the commission an amount equal to
20 the difference between the amount of political contributions
21 received and the applicable amount under Subsection (b). The
22 commission shall deliver money received under this subsection to
23 the comptroller for deposit in the fund. A candidate who is not
24 certified as eligible for public financing is not required to
25 deliver excess political contributions to the commission under this
26 subsection.

27 (d) Notwithstanding Section 254.034, a candidate who is

1 requesting public financing and who accepts a political
2 contribution under this section but who does not receive the
3 contribution until after the applicable date prescribed by
4 Subsection (a)(2) shall return the contribution to the contributor
5 not later than the fifth day after the date the candidate receives
6 the contribution.

7 Sec. 259.018. CERTIFICATION OF CANDIDATE AS ELIGIBLE. (a)

8 Not later than the fifth day after the date the commission
9 determines a candidate is eligible, the commission shall certify to
10 the comptroller as eligible for public financing each candidate
11 who:

12 (1) meets the requirements prescribed by Section
13 259.011; and

14 (2) is certified to the commission as conditionally
15 eligible under Section 259.012.

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

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

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

27 (c) The commission shall deliver a copy of a certification

1 under this section to:

2 (1) the affected candidate; and

3 (2) each opponent of the affected candidate.

4 Sec. 259.019. VERIFICATION OF PETITION. (a) The
5 commission is not required to verify a petition filed under this
6 subchapter unless, not later than the 10th day after the date a
7 petition is required to be filed under Section 259.016, a person
8 alleges to the commission in writing that the petition does not meet
9 the requirements prescribed by this chapter.

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

14 (c) On request of the commission, a voter registrar shall
15 verify the voter registration status of a signer of a petition filed
16 with the commission who the petition indicates is registered or has
17 been approved for registration in the county served by the
18 registrar.

19 (d) If the commission verifies that the petition meets the
20 requirements prescribed by this chapter:

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

23 (2) the comptroller shall distribute to the candidate
24 from the fund any money to which the candidate would have been
25 entitled if the candidate had been eligible during the period in
26 which the verification was pending.

1 SUBCHAPTER C. CAMPAIGN FINANCING FUND

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

4 (b) The fund consists of:

5 (1) amounts appropriated to the fund;

6 (2) amounts refunded to the fund under Section 259.055
7 or 259.056;

8 (3) amounts delivered to the commission under Section
9 259.017(e);

10 (4) amounts received by the commission or comptroller
11 as a gift or grant to the fund; and

12 (5) civil penalties collected by the commission for a
13 violation of this chapter or Subchapter G, Chapter 253.

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

17 (e) Money remaining in the fund at the end of an election
18 cycle is retained in the fund for the next election cycle. The
19 comptroller shall credit interest on money in the fund to the fund.
20 Money in the fund may be appropriated only for purposes of this
21 chapter.

22 Sec. 259.052. FUNDS FOR ELIGIBLE CANDIDATES. (a) In
23 connection with each general election for state and county
24 officers, the commission shall, not later than the 130th day before
25 the date an application for a place on the primary election ballot
26 is required to be filed, adopt rules prescribing the total amount of
27 public financing to which a candidate for an office covered by this

1 chapter whose name will appear on the ballot is entitled. The
2 commission shall determine the amount under this subsection based
3 on:

4 (1) the allocations prescribed by Subsections (b) and
5 (C);

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

9 (3) the secretary of state's estimation, based on
10 previous elections, of the number of candidates in each office
11 covered by this chapter who will be on the primary election ballot
12 or the general election ballot for that election.

13 (b) The commission shall prescribe amounts under Subsection
14 (a) using the following allocations:

15 (1) 25% to candidates for statewide judicial office

16 (2) 75% to candidates for appellate court justice

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

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

25 (1) beginning on the date an application for a place on
26 the ballot or a declaration of write-in candidacy, as applicable,
27 is required to be filed; and

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

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

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

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

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

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

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

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

18 (D) the date of the general election.

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

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

26 (2) if the write-in candidate is certified as eligible
27 under Section 259.018, the write-in candidate is entitled to an

1 amount equal to 50 percent of each distribution from the fund
2 scheduled to be made after the date the candidate files the
3 declaration of write-in candidacy.

4 (c) if on the date an application for a place on the ballot
5 is required to be filed or has been certified by the Secretary of
6 State, a certified candidate has an opponent in a primary or general
7 election who has qualified to file as a non participating
8 candidate, and if on before the 35th day prior to the date of a
9 primary or general election said non participating candidate
10 reports contributions in excess of 50% or more than the qualified
11 candidates distribution, the qualified candidate shall be entitled
12 to additional distribution of funds at a rate of 1 to 3.

13 (d) The comptroller shall distribute money to certified
14 candidates as directed by the commission. If the amount in the fund
15 is insufficient to provide the amounts specified by rules adopted
16 under Section 259.052, the comptroller shall determine the amount
17 of available money and shall distribute the amount on a pro rata
18 basis.

19 Sec. 259.054. RESTRICTIONS ON USE OF MONEY FROM FUND. (a)
20 Money accepted by a candidate from the fund is considered to be a
21 campaign contribution to the candidate. Except as otherwise
22 provided by this chapter, the provisions of this title regulating
23 the use of political contributions apply to money accepted by a
24 candidate from the fund.

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

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

3 (2) a campaign expenditure in connection with an
4 office other than the office as to which the candidate accepted the
5 money; or

6 (3) an officeholder expenditure.

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

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

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

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

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

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

22 (2) the runoff primary election, if the candidate is a
23 candidate in that election and is not a candidate in the general
24 election; or

25 (3) the general election.

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

1 candidate or officeholder who accepts public financing or a
2 specific-purpose committee for supporting or opposing such a
3 candidate or assisting such an officeholder may not accept a
4 political contribution in connection with the office for which the
5 candidate or officeholder accepted public financing.

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

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

19 (1) was a candidate for an office other than the office
20 for which the candidate or officeholder accepted public financing;
21 or

22 (2) held an office other than the office for which the
23 candidate or officeholder accepted public financing, unless the
24 person had become a candidate for that office and the contribution
25 was accepted under Section 259.017.

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. 259.103. RESTRICTIONS NOT APPLICABLE TO CERTAIN
3 OFFICEHOLDERS. (a) Sections 259.101 and 259.102 do not apply to an
4 officeholder who accepted public financing and who seeks reelection
5 to the office for which the officeholder accepted public financing
6 or election to another office covered by this chapter if the
7 officeholder files a written statement with the commission that the
8 officeholder will not request public financing for the reelection
9 or election.

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

13 (c) An officeholder who accepted public financing or a
14 specific-purpose committee for assisting such an officeholder or
15 for supporting such an officeholder as a candidate may not accept a
16 political contribution before the officeholder files a statement
17 under Subsection (a).

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

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

25 Sec. 259.105. CERTAIN DIRECT CAMPAIGN EXPENDITURES
26 CONSIDERED CONTRIBUTION TO CANDIDATE. For purposes of Section
27 259.101, a direct campaign expenditure is considered to be a

1 campaign contribution to a candidate if the expenditure is made
2 with the cooperation or prior consent of, in consultation with, or
3 at the suggestion of:

- 4 (1) the candidate;
5 (2) a specific-purpose committee for supporting the
6 candidate or opposing the candidate's opponent; or
7 (3) a person acting with the candidate's knowledge and
8 consent.

9 SUBCHAPTER E. VOTER INFORMATION PAMPHLET

10 Sec. 259.131. APPLICABILITY OF SUBCHAPTER. This subchapter
11 applies to each candidate certified as eligible for public
12 financing.

13 Sec. 259.132. STATEMENT FILED BY CANDIDATE. Not later than
14 the 80th day before the date of the general election, a candidate
15 for an office covered by this subchapter may file with the secretary
16 of state an informational statement, on a form prescribed by the
17 secretary, to be included in a voter information pamphlet for that
18 election.

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

- 21 (1) current occupation;
22 (2) educational and occupational background;
23 (3) biographical information; and
24 (4) any previous experience serving in government.

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

27 Sec. 259.134. REVIEW BY SECRETARY OF STATE. (a) Not later

1 than the fifth day after the date the candidate's statement is
2 received, the secretary of state shall review the statement to
3 determine whether it complies with Section 259.133.

4 (b) If the secretary of state determines that the statement
5 does not comply with Section 259.133, the secretary shall reject
6 the statement and deliver written notice of the reason for the
7 rejection to the candidate not later than the second day after the
8 date of rejection.

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

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

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

26 (c) Each pamphlet must include each statement that complies
27 with Sections 259.132 and 259.133 and is filed by a candidate for

1 an office included in the pamphlet whom the commission has
2 certified as eligible for public financing. Candidates whose names
3 will appear on the ballot and write-in candidates must be shown in
4 separate groups. The order of the candidates' names within the
5 groups is determined by a drawing conducted by the secretary of
6 state. Candidates whose names will appear on the ballot must be
7 identified by party or as an independent candidate, as applicable.

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

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

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

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

23 Sec. 259.136. DISTRIBUTION OF PAMPHLET. Not later than the
24 45th day before the date of each general election, the secretary of
25 state shall mail the appropriate voter information pamphlet to each
26 household in this state in which a registered voter resides.

27 Sec. 259.137. ADDITIONAL PROCEDURES. The secretary of

1 state shall prescribe any additional procedures necessary to
2 implement this subchapter.

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

5 SUBCHAPTER G. CONTRIBUTION LIMITS FOR
6 JUDICIAL OFFICE

7 Sec. 253.201. APPLICABILITY OF SUBCHAPTER. This subchapter
8 applies only to a political contribution or direct campaign
9 expenditure in connection with:

- 10 (1) a statewide office in the judicial branch;
11 (2) the office of appellate court justice.

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

- 16 (1) for a statewide judicial office, \$2,500;
17 (2) for the office of appellate court justice, \$1,000;

18 or

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 2009. A political contribution accepted or a political expenditure
19 made before September 1, 2009, 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, 2009. The reporting of a political contribution
27 accepted or political expenditure made before September 1, 2009, 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, 2009, 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, 2009.