By: Smith of Tarrant, Leibowitz H.B. No. 4060

A BILL TO BE ENTITLED

AN ACT

relating to the period during which a judicial candidate or officeholder may accept political contributions.

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

SECTION 1. Sections 253.153(a) and (b), Election Code, are amended to read as follows:

(a) A judicial candidate or officeholder, a specific-purpose committee for supporting or opposing a judicial candidate, or a specific-purpose committee for assisting a judicial officeholder may not knowingly accept a political contribution except during the period:

(1) beginning on:

(A) the 210th day before the date an application for a place on the ballot or for nomination by convention for the office is required to be filed, if the election is for a full term; or

(B) the later of the 210th day before the date an application for a place on the ballot or for nomination by convention for the office is required to be filed or the date a vacancy in the office occurs, if the election is for an unexpired term; and

(2) ending on the 120th day after the date of[~~:~~

[~~(A)~~] the [~~general~~] election <u>in which the candidate or officeholder last appeared on the ballot, regardless</u>

of whether the candidate or officeholder has an opponent in that election [~~for state and county officers, if the candidate or officeholder has an opponent in the general election;~~

[~~(B) except as provided by Subsection (c), the runoff primary election, if the candidate or officeholder is a candidate in the runoff primary election and does not have an opponent in the general election; or~~

[~~(C) except as provided by Subsection (c), the general primary election, if the candidate or officeholder is not a candidate in the runoff primary election and does not have an opponent in the general election~~].

(b) Subsection (a)(2) does not apply to a political contribution that was made and accepted with the intent that it be used to defray expenses incurred in connection with an election, including the repayment of any debt that is:

(1) incurred directly by the making of a campaign expenditure during the period beginning on the date the application for a place on the ballot or for nomination by convention was required to be filed for the election in which the candidate last appeared on the ballot and ending on the date of that election;

(2) subject to the restrictions prescribed by Sections 253.162 and 253.1621; and

(3) not incurred in connection with the defense of any ethics matter [~~contest~~].

SECTION 2. Section 253.153(c), Election Code, is repealed.

SECTION 3. Section 253.153, Election Code, as amended by this Act, applies only to a political contribution accepted on or

after September 1, 2009. A political contribution accepted before September 1, 2009, is governed by the law in effect at the time the contribution was accepted.

SECTION 4. This Act takes effect September 1, 2009.