

By: Smith of Tarrant

H.B. No. 4060

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the contribution period for support or opposition of
3 state judicial candidates or officeholders.

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

5 SECTION 1. Section 253.153, Election Code is amended by
6 amending Subsections (a)(2), (b), (c) and (d) to read as follows:

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

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

13 (A) the general election date on which the
14 candidate or officeholder last appeared on the ballot, regardless
15 of whether the candidate or officeholder has an opponent in that
16 election ~~[for state and county officers, if the candidate or~~
17 ~~officeholder has an opponent in the general election,].~~

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

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

1 ~~opponent in the general election.]~~

2 (b) Subsection (a)(2) does not apply to a political
3 contribution that was made and accepted with the intent that it be
4 used to defray expenses incurred in connection with an election
5 ~~[contest]~~, including the repayment of any debt incurred as a result
6 of the election in accordance with Sections 253.162 and 253.1621 of
7 the Texas Election Code.

8 ~~[(c) Notwithstanding Subsection (a)(2), a judicial~~
9 ~~candidate who does not have an opponent whose name will appear on~~
10 ~~the ballot or a specific purpose committee for supporting such a~~
11 ~~candidate may accept a political contribution after another person~~
12 ~~files a declaration of write-in candidacy opposing the candidate]~~

13 (c) ~~[(d)]~~ A person who violates this section is liable for a
14 civil penalty not to exceed three times the amount of the political
15 contributions accepted in violation of this section.

16 Section 2. The Act takes effect September 1, 2009.