

SENATE AMENDMENTS

2nd Printing

By: Smith of Tarrant, Leibowitz

H.B. No. 4060

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the period during which a judicial candidate or
3 officeholder may accept political contributions.

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

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

7 (a) A judicial candidate or officeholder, 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 (1) beginning on:

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

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

22 (2) ending on the 120th day after the date of [+

23 [~~A~~] the [~~general~~] election in which the
24 candidate or officeholder last appeared on the ballot, regardless

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

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

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

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

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

21 (2) subject to the restrictions prescribed by Sections
22 253.162 and 253.1621; and

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

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

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

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

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

ADOPTED

MAY 26 2009

Atay Spaw
Secretary of the Senate

COMMITTEE AMENDMENT NO. 1

BY: *Spaw*

1 Amend H.B. 4060 (house engrossment) by striking Section
2 253.153(b) (page 2, ^{Chapter 111} lines (12-24)) and replacing it with the
3 following:

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

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

14 (2) subject to the restrictions prescribed by
15 Sections 253.162 and 253.1621.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4060 by Smith, Todd (Relating to the period during which a judicial candidate or officeholder may accept political contributions.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code related to the contribution period for state judicial candidates or officeholders. It is assumed that any additional costs associated with implementation of the bill could be absorbed within existing state resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: JOB, SD, KJG, TP, JM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 19, 2009

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4060 by Smith, Todd (Relating to the period during which a judicial candidate or officeholder may accept political contributions.), **Committee Report 2nd House, As Amended**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code related to the contribution period for state judicial candidates or officeholders. It is assumed that any additional costs associated with implementation of the bill could be absorbed within existing state resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: JOB, KJG, TP, JM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4060 by Smith, Todd (Relating to the period during which a judicial candidate or officeholder may accept political contributions.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code related to the contribution period for state judicial candidates or officeholders. It is assumed that any additional costs associated with implementation of the bill could be absorbed within existing state resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: JOB, KJG, TP, JM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 13, 2009

TO: Honorable Todd Smith, Chair, House Committee on Elections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4060 by Smith, Todd (Relating to the period during which a judicial candidate or officeholder may accept political contributions.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code related to the contribution period for state judicial candidates or officeholders. It is assumed that any additional costs associated with implementation of the bill could be absorbed within existing state resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: JOB, TP, JM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 26, 2009

TO: Honorable Todd Smith, Chair, House Committee on Elections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4060 by Smith, Todd (Relating to the contribution period for support or opposition of state judicial candidates or officeholders.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code related to the contribution period for state judicial candidates or officeholders. It is assumed that any additional costs associated with implementation of the bill could be absorbed within existing state resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: JOB, TP, JM