

By: Cook

H.B. No. 1671

A BILL TO BE ENTITLED

AN ACT

relating to defining terms applicable to groups that accept political contributions or make political expenditures.

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

SECTION 1. Subchapter A, Chapter 251, Election Code, is amended by adding Section 251.011 to read as follows:

Sec. 251.011. PRINCIPAL PURPOSE. (a) "Principal purpose" means, as applied to a group under this title, accepting political contributions or making political expenditures when either activity constitutes an important or main function of the group. The principal purpose of a group is determined as provided by this section.

(b) A group may have more than one principal purpose.

(c) A group has a principal purpose of accepting political contributions if the proportion of the total contributions to the group that are classified as political contributions exceeds 25 percent within a calendar year. The intent of a contributor to make a political contribution is determined by the contributor's reasonable expectations as to how the group will use the contribution, including an analysis of:

(1) the content of public statements made by the group regarding fundraising efforts, goals, or support or opposition of candidates, officeholders, or measures;

(2) the content of the group's government filings and

organizational documents, including the group's mission statement,
as applicable; and

(3) any other activities engaged in by the group that
are unrelated to accepting political contributions or making
political expenditures.

(d) A group has a principal purpose of making political
expenditures, including direct campaign expenditures, if the group
allocates more than 25 percent of its annual expenses and other
resources to making political expenditures within a calendar year.
The amount a group allocates to making political expenditures
includes:

(1) the value of the time spent by the group's
employees or volunteers on activities related to making political
expenditures; and

(2) the amount of money and in-kind donations spent on
political expenditures, including a proportional share of the
group's administrative expenses attributed to political
expenditures, such as employee compensation and benefits,
contractor payments, rental payments, office expenses, and
computer equipment and services.

SECTION 2. Section 254.261, Election Code, is amended by
adding Subsection (e) to read as follows:

(e) For purposes of this section, "acting in concert" means
two or more persons acting in cooperation with one another, or under
an express or implied agreement, to pursue a common activity.
Examples of two or more persons acting in concert include:

(1) using the same consultants;

1 (2) using the same person to purchase media
2 advertising, including advertising transmitted through radio,
3 television, e-mail, an Internet website, or a social media website;

4 (3) sharing mailing, e-mail, or telephone lists;

5 (4) sharing research on candidates or measures;

6 (5) sharing polling data;

7 (6) exchanging drafts or final proofs of political
8 advertising; or

9 (7) meeting with a candidate, or an agent or staff
10 member of a candidate, regarding campaign communications,
11 including talking points, campaign themes, campaign communication
12 schedules, or campaign events.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2015.