

By: King of Parker

H.B. No. 427

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the award of attorney's fees incurred in a suit  
3 involving unlawful campaign contributions or campaign  
4 expenditures.

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

6 SECTION 1. Section [253.131](#), Election Code, is amended by  
7 amending Subsection (d) and adding Subsections (f) and (g) to read  
8 as follows:

9 (d) In this section, "damages" means:

10 (1) twice the value of the unlawful contribution or  
11 expenditure; and

12 (2) reasonable attorney's fees incurred in the suit,  
13 as provided by Subsections (f) and (g).

14 (f) The court may award attorney's fees to the plaintiff  
15 only if:

16 (1) the court renders judgment in the plaintiff's  
17 favor; and

18 (2) the plaintiff provides sufficient evidence that  
19 the plaintiff provided proper notice of the violation of this  
20 chapter to the defendant before the plaintiff filed suit under this  
21 section.

22 (g) It is an affirmative defense to an award of attorney's  
23 fees under Subsection (d) that the defendant, on receiving notice  
24 of the violation of this chapter from the plaintiff, corrected the

1 violation within:

2           (1) 14 days of receiving the notice, if the violation  
3 of this chapter occurred not more than 90 days before the relevant  
4 election; or

5           (2) 30 days of receiving the notice, if the violation  
6 of this chapter occurred more than 90 days before the relevant  
7 election.

8           SECTION 2. The changes in law made by this Act apply only to  
9 a campaign contribution or campaign expenditure made on or after  
10 the effective date of this Act. A campaign contribution or campaign  
11 expenditure made before the effective date of this Act is subject to  
12 the law in effect at the time the contribution or expenditure was  
13 made, and the former law is continued in effect for that purpose.

14           SECTION 3. This Act takes effect September 1, 2017.