

BILL ANALYSIS

H.B. 3580
By: Klick
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that the Citizens United ruling has rendered some aspects of state campaign finance law relating to political advocacy and engagement unconstitutional and therefore unenforceable. H.B. 3580 seeks to address this issue by revising certain restrictions on political advertising, political contributions, and political expenditures.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3580 amends the Election Code to authorize a corporation or labor organization to make a political contribution from its own property to a political committee that:

- is not established or controlled by a candidate or an officeholder;
- makes or intends to make direct campaign expenditures;
- does not make or intend to make political contributions to:
 - a candidate;
 - an officeholder;
 - a specific-purpose committee established or controlled by a candidate or an officeholder; or
 - a political committee that makes or intends to make political contributions to such an entity; and
- has filed an affidavit with the Texas Ethics Commission stating the committee's actions and intentions with regard to making or not making direct campaign expenditures or political contributions to such entities.

A political contribution made by a corporation or labor organization does not constitute a prohibited contribution, and the acceptance of the political contribution does not constitute a violation for accepting an unlawful political contribution. The bill repeals the prohibition against a general-purpose committee knowingly making or authorizing a political contribution or political expenditure unless the committee has timely filed its campaign treasurer appointment and accepted political contributions from at least 10 persons.

H.B. 3580 repeals Government Code provisions relating to certain campaign finance laws regarding the contribution to the aid or defeat of a candidate for speaker of the house and to the prohibition against a person from using in political advertising audio or visual materials produced by or under the direction of the legislature or of a house, committee, or agency of the legislature.

H.B. 3580 amends the Government Code to make conforming changes.

H.B. 3580 repeals the following provisions:

- Sections 253.037(a) and (c), Election Code
- Section 302.017, Government Code
- Section 302.019, Government Code
- Section 306.005, Government Code

EFFECTIVE DATE

September 1, 2019.