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By:  Meza H.B. No. 2044

A BILL TO BE ENTITLED

AN ACT

relating to limits on political contributions and expenditures by certain candidates and officeholders.

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

SECTION 1.  Subchapter B, Chapter 253, Election Code, is amended by adding Sections 253.044 and 253.045 to read as follows:

Sec. 253.044.  LIMITATIONS ON CONTRIBUTIONS AND PAYMENTS. (a) In this section:

(1)  "Committee" includes:

(A)  a general-purpose committee;

(B)  a specific-purpose committee that supports a candidate or assists an officeholder;

(C)  a political committee; and

(D)  any other committee that accepts political contributions, if a candidate or officeholder has significant influence over the actions or decisions of the committee.

(2)  "Significant influence" means a level of involvement in a committee or a noncommercial entity by a candidate or officeholder, or an agent of a candidate or officeholder, and includes:

(A)  the use of the candidate's or officeholder's name or office in the name of the entity; or

(B)  the candidate or officeholder:

(i)  attending meetings of the entity that are not open to the public;

(ii)  sitting as a member of the committee or on the entity's board of directors;

(iii)  participating in any joint acts with the entity;

(iv)  directing, approving, or disapproving any expenditure made by the entity; or

(v)  participating substantially in the entity's fund-raising projects.

(b)  A person, candidate, officeholder, or committee may not make political contributions or payments to any officeholder, candidate, or committee that supports the candidate or officeholder that in the aggregate per election exceed:

(1)  $7,000 for a gubernatorial candidate or the governor;

(2)  except as provided by Subdivision (1), $5,500 for a candidate for statewide office or a state officer;

(3)  $4,000 for a candidate for senate or a senator; and

(4)  $2,700 for a candidate for, or member of, the house of representatives.

(c)  A person, candidate, officeholder, or committee may not make political contributions or payments to a candidate, political committee, or joint fund-raising committee that is not affiliated with a candidate that in the aggregate exceed $30,000 per year.

(d)  A person, candidate, officeholder, or committee may not make political contributions or payments to a political party or an entity directly affiliated with a political party that in the aggregate per election exceed $50,000.

(e)  A political party, including a subdivision of the political party and a joint fund-raising committee affiliated with the political party, may not make political contributions or payments, including loans, transfers, or reimbursements of funds, to any candidate, officeholder, or committee that supports the candidate or officeholder that in the aggregate per election exceed $30,000.

(f)  A person, candidate, officeholder, committee, or other entity may not make contributions or payments to a multi-candidate political committee or a joint fund-raising committee that is not affiliated with a political party that in the aggregate exceed $30,000 per year.

(g)  A candidate for a statewide or legislative office or any specific-purpose committee that supports such a candidate may accept political contributions only during the period beginning 17 months before the relevant general election and ending 30 days after the relevant general election.

(h)  The limits established by this section do not apply to fund-raising by a candidate or officeholder on behalf of a charity or a foundation, provided that:

(1)  the candidate or officeholder does not receive any benefit from the charity or foundation; and

(2)  the name or office of the candidate or officeholder is not used by the charity or foundation.

(i)  The contribution limits described by Subsections (b), (c), (d), (e), and (f) apply to any expenditures by a person, committee, or other entity in the same manner as the limits apply to a candidate or officeholder if the expenditure by the person, committee, or entity is coordinated with a candidate or officeholder.

(j)  The commission shall make a determination as to whether a person, committee, or other entity coordinated with a candidate or officeholder for the purposes of this section. Coordination with a candidate or officeholder shall be presumed if:

(1)  the candidate or officeholder engages in fund-raising for the person or entity;

(2)  the candidate or officeholder has family members or high-level staff who are employed by the person, committee, or entity;

(3)  the candidate or officeholder provided campaign information to the person, committee, or entity, and the person, committee, or entity made expenditures based on that information;

(4)  the candidate or officeholder and the person, committee, or entity employ the same consultants; or

(5)  the person, committee, or entity republishes or redistributes the candidate's or officeholder's campaign communications.

(k)  The commission shall adjust the contribution and payment limits established by Subsections (b), (c), (d), (e), and (f) for inflation in the manner provided by 52 U.S.C. Section 30116(c).

(l)  Section 253.133 applies to a person who makes or accepts a political contribution, payment, gift, or expenditure in violation of the limits under this section. Sections 253.003, 253.004, and 253.005 do not apply to a political contribution, payment, gift, or expenditure made or accepted in violation of this section.

Sec. 253.045.  CONTRIBUTIONS AT POLITICAL FUND-RAISING EVENTS. (a) Section 253.044 does not prohibit a person from hosting or co-hosting a fund-raising event that has a political purpose, collecting political contributions or payments that are within the limits established by Section 253.044 from persons attending the event, and presenting the collected contributions or payments to a candidate, officeholder, or committee.

(b)  Contributions and payments collected at a fund-raising event under Subsection (a) shall be attributed in the aggregate to each host or co-host of the event for the purposes of Section 253.044.

(c)  The host or co-host of the fund-raising event must also compile a list of political contributions or payments made at the event and submit the list, with the following information, to the commission:

(1)  the name, address, occupation, and employer of each person who attended the fund-raising event and who made a political contribution or payment;

(2)  the date the fund-raising event occurred;

(3)  the total amount of money raised at the fund-raising event;

(4)  the name of any candidate or officeholder for whom political contributions or payments were collected at the event;

(5)  the amount collected per election for each candidate or officeholder at the event; and

(6)  any other information required by the commission.

(d)  Section 253.133 applies to a person who makes or accepts a political contribution, payment, gift, or expenditure in violation of this section. Sections 253.003, 253.004, and 253.005 do not apply to a political contribution, payment, gift, or expenditure made or accepted in violation of this section.

SECTION 2.  The changes in law made by this Act apply only to a political contribution or expenditure made on or after the effective date of this Act. A political contribution or expenditure made before the effective date of this Act is governed by the law in effect at the time the contribution or expenditure was made, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2019.