

By: Davis of Harris

H.B. No. 786

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the making and acceptance of political contributions
3 before, during, or following a special legislative session;
4 creating a criminal offense.

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

6 SECTION 1. The heading to Section 253.034, Election Code,
7 is amended to read as follows:

8 Sec. 253.034. RESTRICTIONS ON CONTRIBUTIONS BEFORE,
9 DURING, AND FOLLOWING [~~REGULAR~~] LEGISLATIVE SESSION.

10 SECTION 2. Section 253.034, Election Code, is amended by
11 adding Subsections (a-1) and (a-2) and amending Subsections (b) and
12 (c) to read as follows:

13 (a-1) During the period beginning on the date the governor
14 issues a proclamation calling a special legislative session and
15 continuing through the date of final adjournment of the special
16 legislative session, a person may not knowingly make a political
17 contribution to:

18 (1) a statewide officeholder other than the governor;
19 (2) a member of the legislature; or
20 (3) a specific-purpose committee for supporting,
21 opposing, or assisting a statewide officeholder other than the
22 governor or a member of the legislature.

23 (a-2) During the period beginning on the date the governor
24 issues a proclamation calling a special legislative session and

1 continuing through the 20th day after the date of final adjournment
2 of the special legislative session, a person may not knowingly make
3 a political contribution to the governor or a specific-purpose
4 committee for supporting, opposing, or assisting the governor.

5 (b) A statewide officeholder, a member of the legislature,
6 or a specific-purpose committee for supporting, opposing, or
7 assisting a statewide officeholder or member of the legislature may
8 not knowingly accept a political contribution, and shall refuse a
9 political contribution that is received, during an applicable [the]
10 period prescribed by Subsection (a), (a-1), or (a-2). A political
11 contribution that is received and refused during that period shall
12 be returned to the contributor not later than the 30th day after the
13 date of receipt. A contribution made by United States mail or by
14 common or contract carrier is not considered received during that
15 period if it was properly addressed and placed with postage or
16 carrier charges prepaid or prearranged in the mail or delivered to
17 the contract carrier before the beginning of the period. The date
18 indicated by the post office cancellation mark or the common or
19 contract carrier documents is considered to be the date the
20 contribution was placed in the mail or delivered to the common or
21 contract carrier unless proven otherwise.

22 (c) This section does not apply to a political contribution
23 that was made and accepted with the intent that it be used:

24 (1) in an election held or ordered during a [the]
25 period prescribed by Subsection (a), (a-1), or (a-2) in which the
26 person accepting the contribution is a candidate if the
27 contribution was made after the person appointed a campaign

1 treasurer with the appropriate authority and before the person was
2 sworn in for that office;

3 (2) to defray expenses incurred in connection with an
4 election contest; or

5 (3) by a person who holds a state office or a member of
6 the legislature if the person or member was defeated at the general
7 election held immediately before the session is convened or by a
8 specific-purpose political committee that supports or assists only
9 that person or member.

10 SECTION 3. The changes in law made by this Act apply only to
11 a political contribution made on or after the effective date of this
12 Act. A political contribution made before the effective date of
13 this Act is governed by the law in effect on the date the
14 contribution was made, and the former law is continued in effect for
15 that purpose.

16 SECTION 4. This Act takes effect September 1, 2019.