

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

1 are not open to the public;

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

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

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

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

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

14 (1) \$7,000 for a gubernatorial candidate or the
15 governor;

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

18 (3) \$4,000 for a candidate for senate or a senator; and

19 (4) \$2,700 for a candidate for, or member of, the house
20 of representatives.

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

25 (d) A person, candidate, officeholder, or committee may not
26 make political contributions or payments to a political party or an
27 entity directly affiliated with a political party that in the

1 aggregate per election exceed \$50,000.

2 (e) A political party, including a subdivision of the
3 political party and a joint fund-raising committee affiliated with
4 the political party, may not make political contributions or
5 payments, including loans, transfers, or reimbursements of funds,
6 to any candidate, officeholder, or committee that supports the
7 candidate or officeholder that in the aggregate per election exceed
8 \$30,000.

9 (f) A person, candidate, officeholder, committee, or other
10 entity may not make contributions or payments to a multi-candidate
11 political committee or a joint fund-raising committee that is not
12 affiliated with a political party that in the aggregate exceed
13 \$30,000 per year.

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

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

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

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

26 (i) The contribution limits described by Subsections (b),
27 (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

1 violation of the limits under this section. Sections 253.003,
2 253.004, and 253.005 do not apply to a political contribution,
3 payment, gift, or expenditure made or accepted in violation of this
4 section.

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

12 (b) Contributions and payments collected at a fund-raising
13 event under Subsection (a) shall be attributed in the aggregate to
14 each host or co-host of the event for the purposes of Section
15 253.044.

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

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

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

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

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

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

3 (6) any other information required by the commission.

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

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

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