88R9483 CJD-D

By:  Tepper H.B. No. 2225

A BILL TO BE ENTITLED

AN ACT

relating to the filing with the Texas Ethics Commission of campaign treasurer appointments and reports of political contributions and political expenditures.

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

SECTION 1.  Section 252.002(b), Election Code, is amended to read as follows:

(b)  A political committee [~~that files its campaign treasurer appointment with the commission~~] must notify the commission in writing of any change in the campaign treasurer's address not later than the 10th day after the date on which the change occurs.

SECTION 2.  Sections 252.0031(a) and (b), Election Code, are amended to read as follows:

(a)  In addition to the information required by Section 252.002, a campaign treasurer appointment by a specific-purpose committee for supporting or opposing a candidate for a statewide [~~an~~] office, a district office filled by voters of more than one county, a judicial district office filled by voters of only one county, state senator, state representative, or the State Board of Education [~~specified by Section 252.005(1)~~] must include:

(1)  the name of and the office sought by the candidate; and

(2)  before the committee may use a political contribution from a corporation or a labor organization to make a direct campaign expenditure in connection with a campaign for an elective office, an affidavit stating that:

(A)  the committee is not established or controlled by a candidate or an officeholder; and

(B)  the committee will not use any political contribution from a corporation or a labor organization to make a political contribution to:

(i)  a candidate for elective office;

(ii)  an officeholder; or

(iii)  a political committee that has not filed an affidavit under this subdivision or Section 252.003(a)(4).

(b)  The name of a specific-purpose committee for supporting a candidate for an office specified by Subsection (a) [~~Section 252.005(1)~~] must include the name of the candidate that the committee supports.

SECTION 3.  Section 252.005, Election Code, is amended to read as follows:

Sec. 252.005.  [~~AUTHORITY WITH WHOM~~] APPOINTMENT FILED WITH COMMISSION [~~: CANDIDATE~~]. Each candidate and political committee [~~An individual~~] must file a campaign treasurer appointment [~~for the individual's own candidacy~~] with[~~:~~

[~~(1)~~]  the commission[~~, if the appointment is made for candidacy for:~~

[~~(A)  a statewide office;~~

[~~(B)  a district office filled by voters of more than one county;~~

[~~(C)  a judicial district office filled by voters of only one county;~~

[~~(D)  state senator;~~

[~~(E)  state representative; or~~

[~~(F)  the State Board of Education;~~

[~~(2)  the county clerk, if the appointment is made for candidacy for a county office, a precinct office, or a district office other than one included in Subdivision (1);~~

[~~(3)  the clerk or secretary of the governing body of the political subdivision or, if the political subdivision has no clerk or secretary, with the governing body's presiding officer, if the appointment is made for candidacy for an office of a political subdivision other than a county;~~

[~~(4)  the county clerk if:~~

[~~(A)  the appointment is made for candidacy for an office of a political subdivision other than a county;~~

[~~(B)  the governing body for the political subdivision has not been formed; and~~

[~~(C)  no boundary of the political subdivision crosses a boundary of the county; or~~

[~~(5)  the commission if:~~

[~~(A)  the appointment is made for candidacy for an office of a political subdivision other than a county;~~

[~~(B)  the governing body for the political subdivision has not been formed; and~~

[~~(C)  the political subdivision is situated in more than one county~~].

SECTION 4.  Section 252.011(a), Election Code, is amended to read as follows:

(a)  A campaign treasurer appointment takes effect at the time it is filed with the commission [~~authority specified by this chapter~~].

SECTION 5.  Section 252.012(c), Election Code, is amended to read as follows:

(c)  If the campaign treasurer of a [~~specific-purpose~~] political committee [~~required to file its campaign treasurer appointment with the commission or of a general-purpose political committee~~] is removed by the committee, the departing campaign treasurer shall immediately file written notification of the termination of appointment with the commission.

SECTION 6.  Section 252.013(c), Election Code, is amended to read as follows:

(c)  If the campaign treasurer of a [~~specific-purpose~~] political committee [~~required to file its campaign treasurer appointment with the commission or of a general-purpose political committee~~] resigns or otherwise vacates the position, the campaign treasurer shall immediately file written notification of the vacancy with the commission.

SECTION 7.  Section 252.0131, Election Code, is amended to read as follows:

Sec. 252.0131.  TERMINATION OF CAMPAIGN TREASURER APPOINTMENT. (a) The commission by rule shall adopt a process by which the commission may terminate the campaign treasurer appointment of an inactive candidate or political committee [~~that is required to file a campaign treasurer appointment with the commission. The governing body of a political subdivision by ordinance or order may adopt a process by which the clerk or secretary, as applicable, of the political subdivision may terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the clerk or secretary~~]. For purposes of this section, a candidate or political committee is inactive if the candidate or committee:

(1)  has never filed or has ceased to file reports under Chapter 254;

(2)  in the case of a candidate, has not been elected to an office for which a candidate is required to file a campaign treasurer appointment with the commission [~~authority who is seeking to terminate the candidate's campaign treasurer appointment~~]; and

(3)  has not filed:

(A)  a final report under Section 254.065 or 254.125; or

(B)  a dissolution report under Section 254.126 or 254.159.

(b)  Before the commission may terminate a campaign treasurer appointment, the commission must consider the proposed termination in a regularly scheduled open meeting. [~~Before the clerk or secretary of a political subdivision may terminate a campaign treasurer appointment, the governing body of the political subdivision must consider the proposed termination in a regularly scheduled open meeting.~~]

(c)  Rules [~~or an ordinance or order~~] adopted under this section must:

(1)  define "inactive candidate or political committee" for purposes of terminating the candidate's or committee's campaign treasurer appointment; and

(2)  require written notice to the affected candidate or committee of:

(A)  the proposed termination of the candidate's or committee's campaign treasurer appointment;

(B)  the date, time, and place of the meeting at which the commission [~~or governing body of the political subdivision, as applicable,~~] will consider the proposed termination; and

(C)  the effect of termination of the candidate's or committee's campaign treasurer appointment.

(d)  The termination of a campaign treasurer appointment under this section takes effect on the 30th day after the date of the meeting at which the commission [~~or governing body, as applicable,~~] votes to terminate the appointment. Following that meeting, the commission [~~or the clerk or secretary of the political subdivision, as applicable,~~] shall promptly notify the affected candidate or political committee that the appointment has been terminated. The notice must state the effective date of the termination.

SECTION 8.  Section 252.014, Election Code, is amended to read as follows:

Sec. 252.014.  PRESERVATION OF FILED APPOINTMENTS. The commission [~~authority with whom a campaign treasurer appointment is filed under this chapter~~] shall preserve campaign treasurer appointments filed under this chapter [~~the appointment~~] for two years after the date the appointment is terminated.

SECTION 9.  Section 252.015(a), Election Code, is amended to read as follows:

(a)  Each specific-purpose committee for supporting or opposing a candidate for a statewide office, a district office filled by voters of more than one county, a judicial district office filled by voters of only one county, state senator, state representative, or the State Board of Education, [~~an office specified by Section 252.005(1)~~] or a statewide or district measure, and each general-purpose committee may appoint an assistant campaign treasurer by written appointment filed with the commission.

SECTION 10.  Section 253.031(c), Election Code, is amended to read as follows:

(c)  A political committee may not knowingly make or authorize a campaign contribution or campaign expenditure supporting or opposing a candidate for a statewide office, a district office filled by voters of more than one county, a judicial district office filled by voters of only one county, state senator, state representative, or the State Board of Education [~~an office specified by Section 252.005(1)~~] in a primary or general election unless the committee's campaign treasurer appointment has been filed not later than the 30th day before the appropriate election day.

SECTION 11.  Sections 254.036(a), (c), (e), (g), and (i), Election Code, are amended to read as follows:

(a)  Each report filed under this chapter [~~with an authority other than the commission must be in a format prescribed by the commission. A report filed~~] with the commission that is not required to be filed by computer diskette, modem, or other means of electronic transfer must be on a form prescribed by the commission and written in black ink or typed with black typewriter ribbon or, if the report is a computer printout, the printout must conform to the same format and paper size as the form prescribed by the commission.

(c)  A candidate, officeholder, or political committee [~~that is required to file reports with the commission~~] may file reports that comply with Subsection (a) if:

(1)  the candidate, officeholder, or campaign treasurer of the committee files with the commission an affidavit stating that the candidate, officeholder, or committee, an agent of the candidate, officeholder, or committee, or a person with whom the candidate, officeholder, or committee contracts does not use computer equipment to keep the current records of political contributions, political expenditures, or persons making political contributions to the candidate, officeholder, or committee; and

(2)  the candidate, officeholder, or committee does not, in a calendar year, accept political contributions that in the aggregate exceed $20,000 or make political expenditures that in the aggregate exceed $20,000.

(e)  A candidate for an office of a political subdivision, other than a county, that has not formed a governing body and is situated in more than one county [~~described by Section 252.005(5)~~] or a specific-purpose committee for supporting or opposing only candidates for an office described by this subsection [~~Section 252.005(5)~~] or a measure concerning a political subdivision described by this subsection [~~Section 252.007(5)~~] may file reports that comply with Subsection (a).

(g)  In prescribing the format of a report filed under this chapter[~~, including a report filed with an authority other than the commission under Subsection (a),~~] the commission shall ensure that the report requires for political expenditures made with a credit card that:

(1)  the expenditures be reported in a single itemized list; and

(2)  the list include, stated by credit card issuer:

(A)  the name of the credit card issuer;

(B)  the date and amount of each expenditure; and

(C)  the date the credit card issuer was repaid for the expenditure.

(i)  Each person required to file reports [~~with the commission~~] that comply with Subsection (b) shall file with the commission a written statement providing the manner of electronic transfer that the person will use to file the report. A statement under this subsection must be filed not later than the 30th day before the filing deadline for the first report a person is required to file under Subsection (b). A person who intends to change the manner of filing described by the person's most recent statement shall notify the commission of the change not later than the 30th day before the filing deadline for the report to which the change applies. If a person does not file a statement under this subsection, the commission may accept as authentic a report filed in any manner that complies with Subsection (b). If the commission receives a report that is not filed in the manner described by the person's most recent statement under this subsection, the commission shall promptly notify the person in writing that the commission has received a report filed in a different manner than expected.

SECTION 12.  Subchapter B, Chapter 254, Election Code, is amended by adding Section 254.0375 to read as follows:

Sec. 254.0375.  DEFERRED FILING DEADLINE FOR CERTAIN REPORTS. (a) This section applies only to:

(1)  a candidate for:

(A)  a political subdivision, other than a political subdivision that:

(i)  is not a county;

(ii)  has not formed a governing body; and

(iii)  is situated in more than one county;

(B)  a precinct office; or

(C)  a district office, other than:

(i)  a district office filled by voters of more than one county; and

(ii)  a judicial district office filled by voters of only one county; and

(2)  a specific-purpose committee for supporting or opposing a candidate for or assisting an officeholder of an office described by Subdivision (1).

(b)  Notwithstanding any other law, a person to whom this section applies is not required to file a report under Section 254.063, 254.093, or 254.123, as applicable, until the seventh day after the date the report is otherwise required to be filed.

SECTION 13.  Section 254.038(a), Election Code, is amended to read as follows:

(a)  In addition to other reports required by this chapter, the following persons shall file additional reports during the period beginning the ninth day before election day and ending at 12 noon on the day before election day:

(1)  a candidate for a statewide office, a district office filled by voters of more than one county, a judicial district office filled by voters of only one county, state senator, state representative, or the State Board of Education [~~an office specified by Section 252.005(1)~~] who accepts political contributions from a person that in the aggregate exceed $1,000 during that reporting period; and

(2)  a specific-purpose committee for supporting or opposing a candidate described by Subdivision (1) and that accepts political contributions from a person that in the aggregate exceed $1,000 during that reporting period.

SECTION 14.  Subchapter B, Chapter 254, Election Code, is amended by adding Section 254.0395 to read as follows:

Sec. 254.0395.  AUTHORITY WITH WHOM REPORTS FILED. A person required to file a report under this chapter shall file the report with the commission.

SECTION 15.  Section 254.040(a), Election Code, is amended to read as follows:

(a)  Each report filed under this chapter shall be preserved by the commission [~~authority with whom it is filed~~] for at least two years after the date it is filed.

SECTION 16.  Section 254.0401(g), Election Code, is amended to read as follows:

(g)  Electronic report data saved in a temporary storage location [~~of the authority with whom the report is filed~~] for later retrieval and editing before the report is filed is confidential and may not be disclosed. After the report is filed [~~with the authority~~], the information disclosed in the filed report is public information to the extent provided by this title.

SECTION 17.  Section 254.0402(a), Election Code, is amended to read as follows:

(a)  Notwithstanding Section 552.222(a), Government Code, the commission [~~authority with whom a report is filed under this chapter~~] may not require a person examining a [~~the~~] report filed under this chapter to provide any information or identification.

SECTION 18.  Section 254.043(a), Election Code, is amended to read as follows:

(a)  This section applies only to[~~:~~

[~~(1)~~]  a person required to file reports under this chapter with the commission[~~; or~~

[~~(2)  a person required to file reports under this chapter with an authority other than the commission in connection with an office of a political subdivision in a county with a population of at least 500,000~~].

SECTION 19.  Sections 254.064(b), (c), (d), and (e), Election Code, are amended to read as follows:

(b)  The first report must be received by the commission [~~authority with whom the report is required to be filed~~] not later than the 30th day before election day. The report covers the period beginning the day the candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under this chapter, as applicable, and continuing through the 40th day before election day.

(c)  The second report must be received by the commission [~~authority with whom the report is required to be filed~~] not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day.

(d)  If a person becomes an opposed candidate after a reporting period prescribed by Subsection (b) or (c), the person's first report must be received by the commission [~~authority with whom the report is required to be filed~~] not later than the regular deadline for the report covering the period during which the person becomes an opposed candidate. The period covered by the first report begins the day the candidate's campaign treasurer appointment is filed.

(e)  In addition to other required reports, an opposed candidate in a runoff election shall file one report for that election. The runoff election report must be received by the commission [~~authority with whom the report is required to be filed~~] not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day.

SECTION 20.  Sections 254.124(b), (c), (d), and (e), Election Code, are amended to read as follows:

(b)  The first report must be received by the commission [~~authority with whom the report is required to be filed~~] not later than the 30th day before election day. The report covers the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable, and continuing through the 40th day before election day.

(c)  The second report must be received by the commission [~~authority with whom the report is required to be filed~~] not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day.

(d)  If a specific-purpose committee supports or opposes a candidate or measure in an election after a reporting period prescribed by Subsection (b) or (c), the first report must be received by the commission [~~authority with whom the report is required to be filed~~] not later than the regular deadline for the report covering the period during which the committee becomes involved in the election. The period covered by the first report begins the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable.

(e)  In addition to other required reports, the campaign treasurer of a specific-purpose committee that supports or opposes a candidate in a runoff election shall file one report for the runoff election. The runoff election report must be received by the commission [~~authority with whom the report is required to be filed~~] not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day.

SECTION 21.  Section 254.129(a), Election Code, is amended to read as follows:

(a)  If a specific-purpose committee changes its operation and becomes a general-purpose committee, the committee's campaign treasurer shall deliver written notice of the change in status to the commission [~~authority with whom the specific-purpose committee's reports under this chapter are required to be filed~~].

SECTION 22.  Sections 254.154(b), (c), (d), and (e), Election Code, are amended to read as follows:

(b)  The first report must be received by the commission [~~authority with whom the report is required to be filed~~] not later than the 30th day before election day. The report covers the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable, and continuing through the 40th day before election day.

(c)  The second report must be received by the commission [~~authority with whom the report is required to be filed~~] not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day.

(d)  If a general-purpose committee becomes involved in an election after a reporting period prescribed by Subsection (b) or (c), the first report must be received by the commission [~~authority with whom the report is required to be filed~~] not later than the regular deadline for the report covering the period during which the committee becomes involved in the election. The period covered by the first report begins the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable.

(e)  In addition to other required reports, the campaign treasurer of a general-purpose committee involved in a runoff election shall file one report for the runoff election. The runoff election report must be received by the commission [~~authority with whom the report is required to be filed~~] not earlier than the 10th day or later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day.

SECTION 23.  Section 254.157(a), Election Code, is amended to read as follows:

(a)  The campaign treasurer of a general-purpose committee filing monthly reports shall file a report not later than the fifth day of the month following the period covered by the report. A report covering the month preceding an election in which the committee is involved must be received by the commission [~~authority with whom the report is required to be filed~~] not later than the fifth day of the month following the period covered by the report.

SECTION 24.  Section 254.202(b), Election Code, is amended to read as follows:

(b)  The report shall be filed with the commission [~~authority with whom the person's campaign treasurer appointment was required to be filed~~].

SECTION 25.  Section 254.205(b), Election Code, is amended to read as follows:

(b)  The report shall be filed with the commission [~~authority with whom the person's campaign treasurer appointment was required to be filed~~].

SECTION 26.  Section 571.079(a), Government Code, is amended to read as follows:

(a)  Not later than the 15th day after the date on which an application for a place on the general primary election ballot or for nomination by convention is required to be filed, the commission shall post on its Internet website:

(1)  the name and address of each candidate for a statewide office, a district office filled by voters of more than one county, a judicial district office filled by voters of only one county, state senator, state representative, or the State Board of Education [~~an office specified by Section 252.005(1), Election Code,~~] who has failed to pay a civil penalty imposed by the commission for failure to file with the commission a required report or statement under Chapter 254, Election Code, or Chapter 572; and

(2)  for each candidate listed under Subdivision (1), the amount of the penalty imposed and the amount paid, if any.

SECTION 27.  The following provisions of the Election Code are repealed:

(1)  Section 252.006;

(2)  Section 252.007;

(3)  Section 252.008;

(4)  Section 252.009;

(5)  Section 252.010;

(6)  Section 254.036(f);

(7)  Sections 254.0401(a-1) and (c);

(8)  Section 254.066;

(9)  Section 254.095;

(10)  Section 254.097;

(11)  Section 254.129(c);

(12)  Section 254.130; and

(13)  Section 254.163.

SECTION 28.  The changes in law made by this Act apply only to a campaign treasurer appointment required to be filed under Chapter 252, Election Code, or a report required to be filed under Chapter 254, Election Code, on or after the effective date of this Act. A campaign treasurer appointment or report required to be filed before the effective date of this Act is subject to the law in effect at the time the appointment or report was filed, and the former law is continued in effect for that purpose.

SECTION 29.  This Act takes effect January 1, 2024.