

By: Geren

H.B. No. 1585

A BILL TO BE ENTITLED

AN ACT

relating to matters affecting the powers and duties of the Texas Ethics Commission.

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

SECTION 1. Subchapter A, Chapter 251, Election Code, is amended by adding Section 251.0017 to read as follows:

Sec. 251.0017. POLITICAL ADVERTISING RELATED TO LEGISLATION. For purposes of Section 251.001(16), a communication supporting or opposing legislation is considered political advertising under that subdivision if the communication would appear to an ordinary reader, viewer, or listener to express support or opposition of:

(1) a member of the legislature who authors or sponsors the legislation; or

(2) a member of the legislature who supports or opposes the legislation.

SECTION 2. Section 253.031(a), Election Code, is amended to read as follows:

(a) A candidate may not knowingly accept ~~[a]~~ campaign contributions totaling more than \$500 ~~[contribution]~~ or make or authorize ~~[a]~~ campaign expenditures totaling more than \$500 ~~[expenditure]~~ at a time when a campaign treasurer appointment for the candidate is not in effect.

SECTION 3. Section 253.035, Election Code, is amended by

1 adding Subsection (c-1) to read as follows:

2 (c-1) The prohibitions prescribed by Subsections (a) and  
3 (b) include the personal use of a political contribution accepted  
4 by a person as a candidate or officeholder or by a specific-purpose  
5 committee for supporting or assisting the person as a candidate or  
6 officeholder to settle a civil action asserting a claim against the  
7 person as a candidate or officeholder.

8 SECTION 4. Section 254.031(a), Election Code, is amended to  
9 read as follows:

10 (a) Except as otherwise provided by this chapter, each  
11 report filed under this chapter must include:

12 (1) the amount of political contributions, other than  
13 political contributions described by Subdivision (1-a), from each  
14 person that in the aggregate exceed \$50 and that are accepted during  
15 the reporting period by the person or committee required to file a  
16 report under this chapter, the full name and address of the person  
17 making the contributions, and the dates of the contributions;

18 (1-a) the amount of political contributions from each  
19 person that are made electronically and that are accepted during  
20 the reporting period by the person or committee required to file a  
21 report under this chapter, the full name and address of the person  
22 making the contributions, and the dates of the contributions;

23 (2) the amount of loans that are made during the  
24 reporting period for campaign or officeholder purposes to the  
25 person or committee required to file the report and that in the  
26 aggregate exceed \$50, the dates the loans are made, the interest  
27 rate, the maturity date, the type of collateral for the loans, if

1 any, the full name and address of the person or financial  
2 institution making the loans, the full name and address, principal  
3 occupation, and name of the employer of each guarantor of the loans,  
4 the amount of the loans guaranteed by each guarantor, and the  
5 aggregate principal amount of all outstanding loans as of the last  
6 day of the reporting period;

7 (3) the amount of political expenditures that in the  
8 aggregate exceed \$100 and that are made during the reporting  
9 period, the full name and address of the persons to whom the  
10 expenditures are made, and the dates and purposes of the  
11 expenditures;

12 (4) the amount of each payment made during the  
13 reporting period from a political contribution if the payment is  
14 not a political expenditure, the full name and address of the person  
15 to whom the payment is made, and the date and purpose of the  
16 payment;

17 (5) the total amount or a specific listing of the  
18 political contributions of \$50 or less accepted and the total  
19 amount or a specific listing of the political expenditures of \$100  
20 or less made during the reporting period;

21 (6) the total amount of all political contributions  
22 accepted and the total amount of all political expenditures made  
23 during the reporting period;

24 (7) the name of each candidate or officeholder for  
25 whom [~~who benefits from~~] a direct campaign expenditure was made to  
26 support or oppose during the reporting period by the person or  
27 committee required to file the report, and the office sought or

1 held, excluding a direct campaign expenditure that is made by the  
2 principal political committee of a political party on behalf of a  
3 slate of two or more nominees of that party;

4 (8) as of the last day of a reporting period for which  
5 the person is required to file a report, the total amount of  
6 political contributions accepted, including interest or other  
7 income on those contributions, maintained in one or more accounts  
8 in which political contributions are deposited as of the last day of  
9 the reporting period;

10 (9) any credit, interest, rebate, refund,  
11 reimbursement, or return of a deposit fee resulting from the use of  
12 a political contribution or an asset purchased with a political  
13 contribution that is received during the reporting period and the  
14 amount of which exceeds \$100;

15 (10) any proceeds of the sale of an asset purchased  
16 with a political contribution that is received during the reporting  
17 period and the amount of which exceeds \$100;

18 (11) any investment purchased with a political  
19 contribution that is received during the reporting period and the  
20 amount of which exceeds \$100;

21 (12) any other gain from a political contribution that  
22 is received during the reporting period and the amount of which  
23 exceeds \$100; and

24 (13) the full name and address of each person from whom  
25 an amount described by Subdivision (9), (10), (11), or (12) is  
26 received, the date the amount is received, and the purpose for which  
27 the amount is received.

1 SECTION 5. Section 254.0401(a), Election Code, is amended  
2 to read as follows:

3 (a) The commission shall make each report filed with the  
4 commission under Section 254.036(b) available to the public on the  
5 Internet not later than the second business day after the date the  
6 report is filed. The commission shall ensure the reports are  
7 aggregated and machine-readable in a manner that allows a person to  
8 easily navigate the information contained in the reports.

9 SECTION 6. Section 305.002(6), Government Code, is amended  
10 to read as follows:

11 (6) "Legislation" means:

12 (A) a bill, resolution, amendment, nomination,  
13 or other matter pending in either house of the legislature,  
14 including the election of the speaker of the house of  
15 representatives;

16 (B) any matter that is or may be the subject of  
17 action by either house or by a legislative committee, including the  
18 introduction, consideration, passage, defeat, approval, or veto of  
19 the matter; or

20 (C) any matter pending in a constitutional  
21 convention or that may be the subject of action by a constitutional  
22 convention.

23 SECTION 7. Section 305.027(e), Government Code, is amended  
24 to read as follows:

25 (e) In this section, "legislative advertising":

26 (1) means a communication that supports, opposes, or  
27 proposes legislation and that:

1           (A) [~~(1)~~] in return for consideration, is  
2 published in a newspaper, magazine, or other periodical or is  
3 broadcast by radio or television; or

4           (B) [~~(2)~~] appears in a pamphlet, circular,  
5 flier, billboard or other sign, bumper sticker, button, or similar  
6 form of written communication; and

7           (2) does not include an individual communication made  
8 by e-mail or text message but does include a mass e-mail or text  
9 message that involves an expenditure of funds beyond the basic cost  
10 of hardware messaging software and bandwidth.

11           SECTION 8. Section 571.064(b), Government Code, is amended  
12 to read as follows:

13           (b) If a law administered and enforced by the commission  
14 sets dollar amounts or categories of amounts as reporting  
15 thresholds or if the commission sets those amounts, the commission  
16 [~~annually~~] shall decennially adjust those thresholds [~~upward~~] to  
17 the nearest multiple of \$100 [~~\$10~~] in accordance with the  
18 percentage increase for the preceding 10 years [~~previous year~~] in  
19 the Consumer Price Index for Urban Consumers published by the  
20 Bureau of Labor Statistics of the United States Department of  
21 Labor.

22           SECTION 9. Section 254.036(g), Election Code, is repealed.

23           SECTION 10. Section 253.035, Election Code, as amended by  
24 this Act, applies only to the use of a political contribution that  
25 occurs on or after the effective date of this Act. The use of a  
26 political contribution that occurs before the effective date of  
27 this Act is governed by the law in effect on the date the use

1 occurred, and the former law is continued in effect for that  
2 purpose.

3 SECTION 11. Section 254.031, Election Code, as amended by  
4 this Act, applies only to a report that is required to be filed  
5 under Chapter 254, Election Code, on or after the effective date of  
6 this Act. A report that is required to be filed under that chapter  
7 before the effective date of this Act is governed by the law in  
8 effect on the date the report is required to be filed, and the  
9 former law is continued in effect for that purpose.

10 SECTION 12. The changes in law made by this Act to Section  
11 571.064(b), Government Code, do not affect an adjustment made by  
12 the Texas Ethics Commission under that subsection before the  
13 effective date of this Act. An adjustment made before the effective  
14 date of this Act is governed by the law in effect when the  
15 adjustment was made, and the former law is continued in effect for  
16 that purpose.

17 SECTION 13. This Act takes effect September 1, 2023.