

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

1 contribution from a corporation or a labor organization to make a
2 direct campaign expenditure in connection with a campaign for an
3 elective office, an affidavit stating that:

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

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

9 (i) a candidate for elective office;

10 (ii) an officeholder; or

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

13 (b) The name of a specific-purpose committee for supporting
14 a candidate for an office specified by Subsection (a) [~~Section~~
15 ~~252.005(1)~~] must include the name of the candidate that the
16 committee supports.

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

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

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

25 [~~(A) a statewide office,~~

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

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

3 ~~[(D) state senator,~~

4 ~~[(E) state representative, or~~

5 ~~[(F) the State Board of Education,~~

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

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

14 ~~[(4) the county clerk if:~~

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

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

19 ~~[(C) no boundary of the political subdivision~~
20 ~~crosses a boundary of the county, or~~

21 ~~[(5) the commission if:~~

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

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

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

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

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

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

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

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

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

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

24 Sec. 252.0131. TERMINATION OF CAMPAIGN TREASURER
25 APPOINTMENT. (a) The commission by rule shall adopt a process by
26 which the commission may terminate the campaign treasurer
27 appointment of an inactive candidate or political committee [~~that~~

1 ~~is required to file a campaign treasurer appointment with the~~
2 ~~commission. The governing body of a political subdivision by~~
3 ~~ordinance or order may adopt a process by which the clerk or~~
4 ~~secretary, as applicable, of the political subdivision may~~
5 ~~terminate the campaign treasurer appointment of an inactive~~
6 ~~candidate or political committee that is required to file a~~
7 ~~campaign treasurer appointment with the clerk or secretary]. For~~
8 purposes of this section, a candidate or political committee is
9 inactive if the candidate or committee:

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

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

16 (3) has not filed:

17 (A) a final report under Section 254.065 or
18 254.125; or

19 (B) a dissolution report under Section 254.126 or
20 254.159.

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

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

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

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

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

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

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

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

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

27 Sec. 252.014. PRESERVATION OF FILED APPOINTMENTS. The

1 commission [~~authority with whom a campaign treasurer appointment is~~
2 ~~filed under this chapter~~] shall preserve campaign treasurer
3 appointments filed under this chapter [~~the appointment~~] for two
4 years after the date the appointment is terminated.

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

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

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

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

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

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

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

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

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

27 (e) A candidate for an office of a political subdivision,

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

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

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

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

16 (A) the name of the credit card issuer;

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

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

20 (i) Each person required to file reports [~~with the~~
21 ~~commission~~] that comply with Subsection (b) shall file with the
22 commission a written statement providing the manner of electronic
23 transfer that the person will use to file the report. A statement
24 under this subsection must be filed not later than the 30th day
25 before the filing deadline for the first report a person is required
26 to file under Subsection (b). A person who intends to change the
27 manner of filing described by the person's most recent statement

1 shall notify the commission of the change not later than the 30th
2 day before the filing deadline for the report to which the change
3 applies. If a person does not file a statement under this
4 subsection, the commission may accept as authentic a report filed
5 in any manner that complies with Subsection (b). If the commission
6 receives a report that is not filed in the manner described by the
7 person's most recent statement under this subsection, the
8 commission shall promptly notify the person in writing that the
9 commission has received a report filed in a different manner than
10 expected.

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

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

15 (1) a candidate for:

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

18 (i) is not a county;

19 (ii) has not formed a governing body; and

20 (iii) is situated in more than one county;

21 (B) a precinct office; or

22 (C) a district office, other than:

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

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

27 (2) a specific-purpose committee for supporting or

1 opposing a candidate for or assisting an officeholder of an office
2 described by Subdivision (1).

3 (b) Notwithstanding any other law, a person to whom this
4 section applies is not required to file a report under Section
5 254.063, 254.093, or 254.123, as applicable, until the seventh day
6 after the date the report is otherwise required to be filed.

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

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

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

20 (2) a specific-purpose committee for supporting or
21 opposing a candidate described by Subdivision (1) and that accepts
22 political contributions from a person that in the aggregate exceed
23 \$1,000 during that reporting period.

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

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

1 with the commission.

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

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

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

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

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

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

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

23 (a) This section applies only to[+
24 [~~(1)~~] a person required to file reports under this
25 chapter with the commission[~~, or~~

26 [~~(2)~~ a person required to file reports under this
27 ~~chapter with an authority other than the commission in connection~~

1 ~~with an office of a political subdivision in a county with a~~
2 ~~population of at least 500,000].~~

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

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

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

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

25 (e) In addition to other required reports, an opposed
26 candidate in a runoff election shall file one report for that
27 election. The runoff election report must be received by the

1 commission [~~authority with whom the report is required to be filed~~]
2 not later than the eighth day before runoff election day. The
3 report covers the period beginning the ninth day before the date of
4 the main election and continuing through the 10th day before runoff
5 election day.

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

8 (b) The first report must be received by the commission
9 [~~authority with whom the report is required to be filed~~] not later
10 than the 30th day before election day. The report covers the period
11 beginning the day the committee's campaign treasurer appointment is
12 filed or the first day after the period covered by the committee's
13 last required report, as applicable, and continuing through the
14 40th day before election day.

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

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

1 filed or the first day after the period covered by the committee's
2 last required report, as applicable.

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

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

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

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

21 (b) The first report must be received by the commission
22 [~~authority with whom the report is required to be filed~~] not later
23 than the 30th day before election day. The report covers the period
24 beginning the day the committee's campaign treasurer appointment is
25 filed or the first day after the period covered by the committee's
26 last required report, as applicable, and continuing through the
27 40th day before election day.

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

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

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

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

26 (a) The campaign treasurer of a general-purpose committee
27 filing monthly reports shall file a report not later than the fifth

1 day of the month following the period covered by the report. A
2 report covering the month preceding an election in which the
3 committee is involved must be received by the commission [~~authority~~
4 ~~with whom the report is required to be filed~~] not later than the
5 fifth day of the month following the period covered by the report.

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

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

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

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

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

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

22 (1) the name and address of each candidate for a
23 statewide office, a district office filled by voters of more than
24 one county, a judicial district office filled by voters of only one
25 county, state senator, state representative, or the State Board of
26 Education [~~an office specified by Section 252.005(1), Election~~
27 ~~Code,~~] who has failed to pay a civil penalty imposed by the

1 commission for failure to file with the commission a required
2 report or statement under Chapter 254, Election Code, or Chapter
3 572; and

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

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

- 8 (1) Section 252.006;
- 9 (2) Section 252.007;
- 10 (3) Section 252.008;
- 11 (4) Section 252.009;
- 12 (5) Section 252.010;
- 13 (6) Section 254.036(f);
- 14 (7) Sections 254.0401(a-1) and (c);
- 15 (8) Section 254.066;
- 16 (9) Section 254.095;
- 17 (10) Section 254.097;
- 18 (11) Section 254.129(c);
- 19 (12) Section 254.130; and
- 20 (13) Section 254.163.

21 SECTION 28. The changes in law made by this Act apply only
22 to a campaign treasurer appointment required to be filed under
23 Chapter 252, Election Code, or a report required to be filed under
24 Chapter 254, Election Code, on or after the effective date of this
25 Act. A campaign treasurer appointment or report required to be
26 filed before the effective date of this Act is subject to the law in
27 effect at the time the appointment or report was filed, and the

1 former law is continued in effect for that purpose.

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