

BILL ANALYSIS

C.S.H.B. 3395
By: Phillips
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that many potential candidates for public office, especially at the local level, often pay filing fees for placement on the ballot for public office before a campaign treasurer has been appointed without realizing that it is illegal to do so. C.S.H.B. 3395 seeks to authorize such an expenditure.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3395 amends the Election Code to authorize a candidate to authorize a campaign expenditure made for the payment of a filing fee in connection with the candidate's application for a place on the ballot at a time when a campaign treasurer appointment for the candidate is not in effect. The bill requires a candidate to report such an expenditure on the first report required to be filed by the candidate for political reporting purposes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3395 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 253.031, Election Code, is amended as follows:

Sec. 253.031. CONTRIBUTION AND EXPENDITURE WITHOUT CAMPAIGN TREASURER PROHIBITED. (a) Except as provided by subsection (a-1), a candidate may

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 253.031, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), a ~~[A]~~ candidate may not knowingly

not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect.

(a-1) A candidate may authorize an expenditure for fees associated with placement on a ballot for public office at a time when a campaign treasurer appointment for the candidate is not in effect. The candidate shall report an expense associated with the ballot placement on the first report required by Chapter 254, Election Code.

No equivalent provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect.

(a-1) A candidate may authorize a campaign expenditure made for the payment of a filing fee in connection with the candidate's application for a place on the ballot at a time when a campaign treasurer appointment for the candidate is not in effect. A candidate must report an expenditure described by this subsection on the first report required to be filed by the candidate under Chapter 254.

SECTION 2. Section 253.031(a-1), Election Code, as added by this Act, applies only to the payment of a filing fee in connection with the candidate's application for a place on the ballot made on or after the effective date of this Act. The payment of a filing fee before the effective date of this Act is governed by the law in effect when the payment was made, and the former law is continued in effect for that purpose.

SECTION 3. Same as introduced version.