

BILL ANALYSIS

C.S.H.B. 3396
By: Phillips
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that a single person may not make a direct campaign expenditure, such as buying an ad in a newspaper, of more than \$100 without filing a campaign expenditure report with the Texas Ethics Commission. The parties assert that this low threshold is burdensome to average citizens in that it frequently requires a person to file a report in the course of exercising free speech. C.S.H.B. 3396 seeks to raise this reporting threshold.

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. 3396 amends the Election Code to make the requirement that a person not acting in concert with another person who makes one or more direct campaign expenditures in an election from the person's own property comply with statutory political reporting requirements as if the person were the campaign treasurer of a general-purpose committee that does not file monthly reports applicable to such campaign expenditures that exceed \$1,000.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3396 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	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Sec. 254.261, Election Code, is amended as follows:	SECTION 1. The heading to Section 254.261, Election Code, is amended to read as follows:
Sec. 254.261. DIRECT CAMPAIGN EXPENDITURE EXCEEDING \$100 <u>\$1000</u> .	Sec. 254.261. DIRECT CAMPAIGN EXPENDITURE EXCEEDING <u>\$1,000</u>

(a) A person not acting in concert with another person who makes one or more direct campaign expenditures in an election from the person's own property exceeding \$1000 shall comply with this chapter as if the person were the campaign treasurer of a general-purpose committee that does not file monthly reports under Section 254.155.

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.

~~[\$100].~~

SECTION 2. Section 254.261(a), Election Code, is amended to read as follows:

(a) A person not acting in concert with another person who makes one or more direct campaign expenditures in an election from the person's own property that exceed \$1,000 shall comply with this chapter as if the person were the campaign treasurer of a general-purpose committee that does not file monthly reports under Section 254.155.

SECTION 3. Section 254.261(a), Election Code, as amended by this Act, applies to the reporting of a contribution or expenditure made on or after the effective date of this Act. A contribution or expenditure made before the effective date of this Act is governed by the law in effect when the contribution or expenditure was made, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect **September 1, 2015.**