

SUBJECT: Voluntary code of practices for election campaigns

COMMITTEE: Elections — favorable, without amendment

VOTE: 9 ayes — Danburg, J. Jones, Denny, Gallego, Galloway, Hodge, Isett, Madden, Place
0 nays

WITNESSES: For — Melissa Shea, Common Cause of Texas
Against — None

DIGEST: HB 35 would include the Fair Campaign Practices Act in the Election Code to provide a code of practices to which candidates for political office and political committees could voluntarily subscribe. HB 68 would establish legislative intent to encourage (1) candidates and political committees to follow principles of decency, honesty, and fair play and (2) healthy competition and open discussion of issues and candidate qualifications.

Under the bill, candidates or political committees would receive information about the code when they filed a campaign treasurer appointment. Candidates could file a signed pledge to adhere to to the code and could indicate this fact in their political advertising.

A candidate or political committee subscribing to the Fair Campaign Practices Act would pledge:

- to limit attacks on an opponent to legitimate challenges to the opponent's record;
- to avoid using character defamation, libel, slander or attacks on an opponent's personal or family life as well as any appeal to prejudice based on race, sex, religion, or national origin;
- to eschew using campaign material that misrepresent, distort or falsify the facts;
- to refrain from malicious or unfounded accusations aimed at creating or exploiting unjustified doubts about an opponent's personal integrity or patriotism;

- to abstain from any unethical practice that would corrupt or undermine free elections or hamper the full and free expression of the will of the voters;
- to defend the right of every qualified voter to full and equal participation in the electoral process; and
- to publicly repudiate the tactics of others, including subordinates, that the candidate pledged not to condone.

HB 35 would not create any civil cause for action or enforcement.

HB 35 would take effect September 1, 1997.

**SUPPORTERS
SAY:**

HB 35 would be a useful first step in returning civility to political discourse, and improving the quality of debate in political campaigns. Today's political campaigns are too often degraded by trading in half-truths or untruths and playing on the prejudices of voters. In such an atmosphere, it is difficult for voters to make informed decisions about the people and policies that will govern Texas.

The code contained in the Fair Campaign Practices Act would provide a formal set of standards against which voters could judge not only candidates who agree to adhere to them but also those who refuse to comply. Encouraging mention of the code in candidates' political advertising would increase incentives for its use among all candidates and political committees.

Furthermore, shifting the emphasis from innuendo and personal attacks to substantive issues would elevate the content of campaigns, allowing disillusioned voters to put renewed faith in the political system.

HB 35 would make a good start in the direction of reforming political campaigns by raising important questions about what is and is not appropriate. Such discussions within the media and local communities would create important movement towards fundamental reform of political campaigns.

**OPPONENTS
SAY:**

While well intentioned, the Fair Campaign Practices Act is a cosmetic measure that would effect little real change in the way political campaigns are conducted. Campaign reform is too important an issue to be dealt with through a voluntary, unenforceable measure. Enacting a voluntary code

could actually set back efforts to determine the best ways to clean up campaigns and improve the political process by giving the appearance of progress without actually making any.

NOTES:

Earlier versions of the Fair Campaign Practices Act were considered previously. During the 74th regular session in 1995, HB 21 by Goolsby was left pending in the House Elections Committee. During the 73rd regular session in 1993, the House passed HB 68 by Goolsby, but the bill was twice removed from the Intent Calendar in the Senate.