

- SUBJECT:** Prohibiting political contributions during a special legislative session
- COMMITTEE:** Elections — committee substitute recommended
- VOTE:** 5 ayes — Berman, Bohac, England, Burnam, Farias
1 nay — C. Howard
1 absent — Anchia
- WITNESSES:** For — Jack Gullahorn, Professional Advocacy Association of Texas;
(*Registered, but did not testify:* Maxine Barkan, League of Women Voters of Texas; Teri Sperry, True Courage Action Network)
Against — None
- BACKGROUND:** Election Code, sec. 253.034 prohibits a statewide officeholder, a member of the Legislature, or a specific-purpose political committee for supporting, opposing, or assisting such officeholders from accepting a political contribution during the period beginning 30 days before a regular legislative session and ending 20 days after the conclusion of the regular session.

Election Code, sec. 254.0391 requires a statewide officeholder, a member of the Legislature, or a specific-purpose political committee for supporting, opposing, or assisting such officeholders that accepts a contribution during the period beginning when the governor signs a proclamation calling a special legislative session and continuing through final adjournment of the special session to report any contributions to the Texas Ethic Commission within 30 days of adjournment. The report need not be made if a regular contribution report was due not less than 10 days after the special report was due.
- DIGEST:** CSHB 647 would add to the contribution prohibition period in Election Code, sec. 253.034, the period beginning on the day that the governor signed a proclamation calling a special legislative session and continuing through the date of final adjournment. A person could not knowingly make a contribution to:

- a statewide officeholder;
- a member of the Legislature; or
- a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or member of the Legislature.

The bill would permit an officeholder who was a candidate for an election held during a special session to accept a political contribution if the contribution were made after the person appointed a campaign treasurer and before the person was sworn in office. Also, the bill would not apply to an elected official who accepted contributions to defray expenses associated with an election contest.

CSHB 647 would not permit candidates defeated in the general election, immediately prior to a regular session, to accept political contributions during a special session. Also, it would repeal Election Code, sec. 254.0391 on reporting political contributions received during a special legislative session and remove that reporting reference from the Government Code.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007. It would apply only to a political contribution or a report of a political contribution made on or after the effective date.

**SUPPORTERS
SAY:**

CSHB 647 would prohibit political fundraising during a special session beginning on the date the governor signed the proclamation and continuing through final adjournment. The bill would safeguard against any perceptions of impropriety or conflicts of interest the same as the current prohibition against accepting contributions before, during, and after a regular session. The most recent extension of the contribution prohibition period was in 2003, in HB 1606 by Wolens, when the Legislature added the 20-day period after a regular session adjourns when the governor considers whether to sign or veto bills. Extending the contribution prohibition period to include special sessions would shore up public confidence in the integrity of our government and the elective process. The benefits of regaining the public's trust would outweigh any time restrictions for raising political contributions.

The bill would permit an officeholder who was a candidate for an election occurring during a special session to raise campaign monies. This exception would preserve opportunities for sitting members of the

Legislature to run for another office if the election occurred during the session. In addition, the bill would allow an officeholder to raise money during a special session to defray expenses incurred in connection with an election contest for the official's current office.

CSHB 647 would specify that a person defeated in a general election immediately prior to the regular Legislative session in January could not raise money during a special session. In the unlikely case of a special session being called between the November election and the beginning of a regular session, a lame duck member should not be allowed to accept a political contribution because the member, at that point, would have little to lose.

**OPPONENTS
SAY:**

Candidates for statewide and Legislative offices have a finite time in which to raise money. Prohibiting fundraising during special sessions could pose significant restrictions to raising campaign monies during the interim between regular sessions. Even though a special session has a 30-day duration, the governor can call multiple special sessions amounting to months, and the governor can sign the proclamation calling a special session weeks before the session actually convenes. Not being able to solicit contributions during such a lengthy period could be unrealistic at a time when campaigns, even for state representative, can cost up to a million dollars.

NOTES:

The committee substitute differs from the introduced bill by specifying that the period for not accepting contributions would start on the date that the governor signed the proclamation calling for a special session. CSHB 647 also would not allow candidates that were defeated in the general election immediately before a regular session to accept political contributions during a special session.