

SUBJECT: Repealing restrictions on activity by general-purpose political committees

COMMITTEE: General Investigating and Ethics — favorable, without amendment

VOTE: 7 ayes — S. Davis, Moody, Capriglione, Nevárez, Price, Shine, Turner
0 nays

WITNESSES: For — Dave Jones, Clean Elections Texas; (*Registered, but did not testify*: JC Dufresne, Common Cause Texas; Joanne Richards, Common Ground for Texans; Carol Birch, Public Citizen Texas; Craig McDonald, Texans for Public Justice)

Against — None

On — (*Registered, but did not testify*: Ian Steusloff, Texas Ethics Commission)

BACKGROUND: Election Code, sec. 251.001(14) defines a general-purpose committee as a political committee that supports or opposes two or more candidates or officeholders who are unidentified or one or more measures that are unidentified. Sec. 253.031(b) restricts a political committee from making or authorizing political contributions in excess of \$500 unless it has appointed a campaign treasurer. With some exceptions, sec. 253.037 restricts a general-purpose political committee from knowingly making or authorizing a political contribution or expenditure unless the committee has filed its campaign treasurer appointment at least 60 days prior and accepted political contributions from at least 10 persons.

In August 2014, the 5th U.S. Circuit Court of Appeals in *Catholic Leadership Coalition of Texas v. Reisman* struck down portions of Election Code, sec. 253.037 addressing requirements for general-purpose committees on the timing of the treasurer appointment and accepting contributions from at least 10 persons.

DIGEST: HB 1378 would repeal provisions of the Election Code that restrict a

general-purpose political committee from knowingly making or authorizing a political contribution or expenditure unless the committee has filed its campaign treasurer appointment at least 60 days prior and accepted political contributions from at least 10 persons.

This bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

HB 1378 would repeal restrictions on the activities of general purpose political committees that have been ruled unconstitutional by a federal appeals court. The 5th U.S. Circuit Court of Appeals in 2014 said that the restrictions effectively created a 60-day waiting period during which a committee cannot make contributions and were in violation of the First Amendment. The bill would enhance free speech rights and align the Election Code with the federal appeals court ruling, removing the potential for future litigation.

**OPPONENTS
SAY:**

No apparent opposition.