

SUBJECT: Removing certain financial restrictions on House speaker campaigns

COMMITTEE: General Investigating and Ethics — favorable, without amendment

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

WITNESSES: For — None
Against — None
On — (*Registered, but did not testify:* Ian Steusloff, Texas Ethics Commission)

BACKGROUND: Government Code, sec. 302.017 prohibits certain entities — including corporations, unions, foundations, and others — from making contributions or lending money or other things of value to a candidate for speaker of the Texas House of Representatives or to aid or defeat a speaker candidate. Sec. 302.019 restricts an individual's contribution to personal services, travel expenses, and up to \$100 for the cost of correspondence to aid or defeat a speaker candidate.

A lawsuit, *Free Market Foundation v. Reisman*, resulted in a 2008 decision from the U.S. District Court in Austin that those restrictions violate the First Amendment.

DIGEST: HB 1384 would repeal Government Code, sec. 302.017, which currently prohibits certain entities from making contributions or lending money or other things of value to aid or defeat a candidate for speaker of the Texas House of Representatives, and would remove language that currently makes it a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) for a speaker candidate or former speaker candidate to knowingly accept a contribution or loan from an entity governed by sec. 302.017.

The bill also would repeal sec. 302.019, which currently limits individual contributions to aid or defeat a speaker candidate.

This 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, 2017.

**SUPPORTERS
SAY:**

HB 1384 would eliminate statutory provisions connected to campaign contributions and expenditures by individuals and certain entities to Texas speaker of the House candidates that have been held unconstitutional by a federal district court, making them unenforceable. By removing this language from Texas law, the bill would protect the Texas Ethics Commission from potential litigation.

**OPPONENTS
SAY:**

No apparent opposition.