

BILL ANALYSIS

Senate Research Center

H.B. 35
By: Goolsby (Cain)
State Affairs
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Engrossed

DIGEST

Currently, there are few measures in place in Texas to ensure that false or misleading information is not included in public office campaigns. There are concerns that misleading information about various candidates for public office is often generated by their opponents or their opponents' campaigns. This bill establishes a voluntary code of fair campaign practices for candidates seeking public office.

PURPOSE

As proposed, H.B. 35 establishes a voluntary code of fair campaign practices.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 15, Election Code, by adding Chapter 258, as follows:

CHAPTER 258. FAIR CAMPAIGN PRACTICES

Sec. 258.001. **SHORT TITLE:** Fair Campaign Practices Act.

Sec. 258.002. **PURPOSE.** Provides that the purpose of this chapter is to encourage every candidate and political committee to subscribe to the Code of Fair Campaign Practices (code). Sets forth the intent of the Code of Fair Campaign Practices.

Sec. 258.003. **DELIVERY OF COPY OF CODE.** Requires the authority with whom an appointment is filed to give the candidate or political committee a blank form of the code and a copy of this chapter when a candidate or political committee files its campaign treasurer appointment. Requires the authority to inform each candidate or political committee that the candidate or committee may subscribe to and file the code with the authority and that subscription to the code is voluntary.

Sec. 258.004. **TEXT OF CODE.** Sets forth the language of the code.

Sec. 258.005. **FORMS.** Requires the Texas Ethics Commission (commission) to print copies of the code and to supply the forms to the authorities with whom copies of the code may be filed in quantities and at times requested by the authorities.

Sec. 258.006. **ACCEPTANCE AND PRESERVATION OF COPIES.** Requires an authority with whom a campaign treasurer appointment is filed to accept each completed copy of the code submitted to the authority that is properly subscribed to by a candidate or the campaign treasurer of a political committee. Requires each copy accepted to be preserved by the authority with whom it is filed for the period prescribed for the filer's campaign treasurer appointment.

Sec. 258.007. **SUBSCRIPTION TO CODE VOLUNTARY.** Provides that the subscription

to the Code of Fair Campaign Practices by a candidate or a political committee is voluntary.

Sec. 258.008. INDICATION ON POLITICAL ADVERTISING. Provides that a candidate or a political committee that has filed a copy of the Code of Fair Campaign Practices may so indicate on political advertisement in a form determined by the commission.

Sec. 258.009. CIVIL CAUSE OF ACTION. Provides that this chapter does not create a civil cause of action for recovery of damages or for enforcement of this chapter.

SECTION 2. Authorizes a candidate or political committee that has a campaign treasurer appointment on file on the effective date of this Act to file the Code of Fair Campaign Practices authorized by Chapter 258, Election Code, as added by this Act, with the appropriate authority at any time.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.