

BILL ANALYSIS

Senate Research Center

H.B. 4060
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State Affairs
5/19/2009
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law prohibits a judicial candidate from receiving contributions except during the period beginning on the 210th day before the filing deadline and ending on the 120th day after the most recent elections date on which the candidate has an opponent on the ballot. If the candidate is unopposed in the runoff primary and the general election, the 120-day period for post-election contributions begins on the date of the general primary election date. A uniform time period for all judicial candidates, whether or not the candidate has an opponent in the election, would simplify the judicial fundraising and election process. Furthermore, as a result of these time periods, many judges are forced to bear personal debt incurred as the result of the campaign. These debts are often due to corporations, which may create the appearance of impropriety in the judicial system.

This legislation allows for the 120-day post-election contribution period for a judicial candidate to begin on the date of the most recent election in which the candidate's name appeared on the ballot, regardless of whether the candidate had an opponent in that election. This bill allows a judicial candidate to continue to accept contributions past the 120-day post-election deadline for the purpose of defraying debt incurred in connection with that election.

H.B. 4060 relates to the period during which a judicial candidate or officeholder may accept political contributions.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 253.153(a) and (b), Election Code, as follows:

- (a) Prohibits a judicial candidate or officeholder, a specific-purpose committee for supporting or opposing a judicial candidate, or a specific-purpose committee for assisting a judicial officeholder from knowingly accepting a political contribution except during a certain period, including the period ending on the 120th day after the date of the election in which the candidate or officeholder last appeared on the ballot, regardless of whether the candidate or office holder has an opponent in that election. Deletes existing text prohibiting a judicial candidate or officeholder, a specific-purpose committee for supporting or opposing a judicial candidate, or a specific-purpose committee for assisting a judicial officeholder from knowingly accepting a political contribution except during a certain period, including the period ending on the 120th day after the date of the general election for state and county officers, if the candidate or officeholder has an opponent in the general election; except as provided by Subsection (c) (relating to authorizing a judicial candidate who does not have an opponent whose name will appear on the ballot or a specific-purpose committee for supporting such a candidate to accept a political contribution), the runoff primary election, if the candidate or officeholder is a candidate in the runoff primary election and does not have an opponent in the general election; or except as provided by Subsection (c), the general primary election, if the candidate or officeholder is not a candidate in the runoff primary election and does not have an opponent in the general election. Makes nonsubstantive changes.

(b) Provides that Subsection (a)(2) (relating to prohibiting a certain candidate, officeholder, or committee from knowingly accepting a political contribution except during the period ending on the 120th day after a certain date) does not apply to a political contribution that was made and accepted with the intent that it be used to defray expenses incurred in connection with an election, including the repayment of any debt that is incurred directly by the making of a campaign expenditure during the period beginning on the date the application for a place on the ballot or for nomination by convention was required to be filed for the election in which the candidate last appeared on the ballot and ending on the date of that election, subject to the restrictions prescribed by Sections 253.162 (Restrictions on Reimbursement of Personal Funds and Payments on Certain Loans) and 253.1621 (Application of Contribution and Reimbursement Limits to Certain Candidates), and not incurred in connection with the defense of any ethics matter. Deletes existing text providing that Subsection (a)(2) does not apply to a political contribution that was made and accepted with the intent that it be used to defray expenses incurred in connection with an election contest. Makes nonsubstantive changes.

SECTION 2. Repealer: Section 253.153(c) (relating to authorizing a judicial candidate who does not have an opponent whose name will appear on the ballot or a specific-purpose committee for supporting such a candidate to accept a political contribution), Election Code.

SECTION 3. Makes application of Section 253.153 (Contribution Prohibited Except During Election Period), Election Code, as amended by this Act, prospective to September 1, 2009.

SECTION 4. Effective date: September 1, 2009.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 1

Amends SECTION 1 by striking Section 253.153(b) (page 2, lines 12-24) and replacing it with the following:

(b) Provides that Subsection (a)(2) (relating to prohibiting a judicial candidate or officeholder, a specific-purpose committee for supporting or opposing a judicial candidate, or a specific-purpose committee for assisting a judicial officeholder from knowingly accepting a political contribution except during a the period ending on the 120th day after the date of the election in which the candidate or officeholder last appeared on the ballot, regardless of whether the candidate or office holder has an opponent in that election) does not apply to a political contribution that was made and accepted with the intent that it be used to defray expenses incurred in connection with an election, including the repayment of any debt that is incurred directly by the making of a campaign expenditure during the period beginning on the date the application for a place on the ballot or for nomination by convention was required to be filed for the election in which the candidate last appeared on the ballot and ending on the date of that election; and subject to the restrictions prescribed by Sections 253.162 (Restrictions on Reimbursement of Personal Funds and Payments on Certain Loans) and 253.1621 (Application of Contribution and Reimbursement Limits to Certain Candidates).