

AN ACT

1 relating to the regulation of political contributions, political
2 expenditures, and political advertising in connection with certain
3 judicial candidates and officeholders and to personal financial
4 statements filed by certain judicial officeholders; providing civil
5 and criminal penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Chapter 253, Election Code, is amended by adding
8 Subchapter F to read as follows:

9 SUBCHAPTER F. JUDICIAL CAMPAIGN FAIRNESS ACT

10 Sec. 253.151. APPLICABILITY OF SUBCHAPTER. This subchapter
11 applies only to a political contribution or political expenditure
12 in connection with the office of:

13 (1) chief justice or justice, supreme court;

14 (2) presiding judge or judge, court of criminal

15 appeals;

16 (3) chief justice or justice, court of appeals;

17 (4) district judge;

18 (5) judge, statutory county court; or

19 (6) judge, statutory probate court.

20 Sec. 253.152. DEFINITIONS. In this subchapter:

21 (1) "Complying candidate" or "complying officeholder"

22 means a judicial candidate who files a declaration of compliance
23 under Section 253.164(a)(1).

(2) "In connection with an election" means:

(A) with regard to a contribution that is designated in writing for a particular election, the election designated; or

(B) with regard to a contribution that is not designated in writing for a particular election or that is designated as an officeholder contribution, the next election for that office occurring after the contribution is made.

(3) "Judicial district" means the territory from which a judicial candidate is elected.

(4) "Noncomplying candidate" means a judicial candidate who:

(A) files a declaration of intent to exceed the limits on expenditures under Section 253.164(a)(2);

(B) files a declaration of compliance under Section 253.164(a)(1) but later exceeds the limits on expenditures;

or

(C) violates Section 253.173 or 253.174.

(5) "Statewide judicial office" means the office of chief justice or justice, supreme court, or presiding judge or judge, court of criminal appeals.

Sec. 253.153. CONTRIBUTION PROHIBITED EXCEPT DURING ELECTION PERIOD. (a) 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

1 officeholder may not knowingly accept a political contribution
2 except during the period:

3 (1) beginning on:

4 (A) the 210th day before the date an application
5 for a place on the ballot or for nomination by convention for the
6 office is required to be filed, if the election is for a full term;
7 or

8 (B) the later of the 210th day before the date
9 an application for a place on the ballot or for nomination by
10 convention for the office is required to be filed or the date a
11 vacancy in the office occurs, if the election is for an unexpired
12 term; and

13 (2) ending on the 120th day after the date of:

14 (A) the general election for state and county
15 officers, if the candidate or officeholder has an opponent in the
16 general election; or

17 (B) except as provided by Subsection (c), the
18 primary election, if the candidate or officeholder does not have an
19 opponent in the general election.

20 (b) Subsection (a)(2) does not apply to a political
21 contribution that was made and accepted with the intent that it be
22 used to defray expenses incurred in connection with an election
23 contest.

24 (c) Notwithstanding Subsection (a)(2), a judicial candidate
25 who does not have an opponent whose name will appear on the ballot

1 or a specific-purpose committee for supporting such a candidate may
2 accept a political contribution after another person files a
3 declaration of write-in candidacy opposing the candidate.

4 (d) A person who violates this section is liable for a civil
5 penalty not to exceed three times the amount of the political
6 contributions accepted in violation of this section.

7 Sec. 253.154. WRITE-IN CANDIDACY. (a) A write-in candidate
8 for judicial office or a specific-purpose committee for supporting
9 a write-in candidate for judicial office may not knowingly accept a
10 political contribution before the candidate files a declaration of
11 write-in candidacy.

12 (b) A person who violates this section is liable for a civil
13 penalty not to exceed three times the amount of the political
14 contributions accepted in violation of this section.

15 Sec. 253.155. CONTRIBUTION LIMITS. (a) Except as provided
16 by Subsection (c), a judicial candidate may not knowingly accept
17 political contributions from a person that in the aggregate exceed
18 the limits prescribed by Subsection (b) in connection with each
19 election in which the candidate is involved.

20 (b) The contribution limits are:

21 (1) for a statewide judicial office, \$5,000; or

22 (2) for any other judicial office:

23 (A) \$1,000, if the population of the judicial
24 district is less than 250,000;

25 (B) \$2,500, if the population of the judicial

district is 250,000 to one million; or

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(C) \$5,000, if the population of the judicial district is more than one million.

(c) This section does not apply to a political contribution made by a general-purpose committee.

(d) For purposes of this section, a contribution by a law firm whose members are each members of a second law firm is considered to be a contribution by the law firm that has members other than the members the firms have in common.

(e) A person who violates this section is liable for a civil penalty not to exceed three times the amount of the political contributions accepted in violation of this section.

Sec. 253.156. CONTRIBUTION TO CERTAIN COMMITTEES CONSIDERED CONTRIBUTION TO CANDIDATE. For purposes of Section 253.155, a contribution to a specific-purpose committee for the purpose of supporting a judicial candidate, opposing the candidate's opponent, or assisting the candidate as an officeholder is considered to be a contribution to the candidate.

Sec. 253.157. LIMIT ON CONTRIBUTION BY MEMBER OR GENERAL-PURPOSE COMMITTEE OF LAW FIRM. (a) A judicial candidate may not accept a political contribution in excess of \$50 from a person if:

(1) the person is a member of a law firm or a general-purpose committee established or controlled by a law firm;
and

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(2) the contribution when aggregated with all political contributions accepted by the candidate from other members of the law firm or from a general-purpose committee established or controlled by the law firm in connection with the election would exceed six times the applicable contribution limit under Section 253.155.

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(b) A candidate who receives a political contribution that violates Subsection (a) shall return the contribution to the contributor not later than the later of:

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(1) the last day of the reporting period in which the contribution is received; or

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(2) the fifth day after the date the contribution is received.

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(c) A candidate who fails to return a political contribution as required by Subsection (b) is liable for a civil penalty not to exceed three times the total amount of political contributions accepted from members of or general-purpose committees established or controlled by the law firm in connection with the election.

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(d) For purposes of this section, a general-purpose committee is established or controlled by a law firm if the committee is established or controlled by members of the law firm.

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(e) In this section:

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(1) "Law firm" means a partnership, limited liability partnership, or professional corporation organized for the practice of law.

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(2) "Member" means a partner, associate, shareholder, employee, or person designated "of counsel" or "of the firm".

Sec. 253.158. CONTRIBUTION BY SPOUSE OR CHILD CONSIDERED TO BE CONTRIBUTION BY INDIVIDUAL. (a) For purposes of Sections 253.155 and 253.157, a contribution by the spouse or child of an individual is considered to be a contribution by the individual.

(b) In this section, "child" means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.

Sec. 253.159. EXCEPTION TO CONTRIBUTION LIMITS. Sections 253.155 and 253.157 do not apply to an individual who is related to the candidate or officeholder within the second degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code.

Sec. 253.160. AGGREGATE LIMIT ON CONTRIBUTIONS FROM AND DIRECT CAMPAIGN EXPENDITURES BY GENERAL-PURPOSE COMMITTEE. (a) A judicial candidate or officeholder or a specific-purpose committee for supporting or opposing a judicial candidate or assisting a judicial officeholder may not knowingly accept a political contribution from a general-purpose committee that, when aggregated with each other political contribution from a general-purpose committee in connection with an election, exceeds 15 percent of the applicable limit on expenditures prescribed by Section 253.163, regardless of whether the limit on expenditures is suspended.

(b) A candidate or officeholder who receives a political

contribution that violates Subsection (a) shall return the contribution to the contributor not later than the later of:

- (1) the last day of the reporting period in which the contribution is received; or
- (2) the fifth day after the date the contribution is received.

(c) For purposes of this section, an expenditure by a general-purpose committee for the purpose of supporting a candidate, for opposing the candidate's opponent, or for assisting the candidate as an officeholder is considered to be a contribution to the candidate unless the campaign treasurer of the general-purpose committee, in an affidavit filed with the authority with whom the candidate's campaign treasurer appointment is required to be filed, states that the committee has not directly or indirectly communicated with the candidate's campaign, including the candidate, an aide to the candidate, a campaign officer, or a campaign consultant, or a specific-purpose committee in regard to a strategic matter, including polling data, advertising, or voter demographics, in connection with the candidate's campaign.

(d) This section does not apply to a political expenditure by the principal political committee of the state executive committee or a county executive committee of a political party that complies with Section 253.171(b).

(e) A person who violates this section is liable for a civil penalty not to exceed three times the amount by which the political

1 contributions accepted in violation of this section exceed the
2 applicable limit prescribed by Subsection (a). S.B. No. 94

3 Sec. 253.161. USE OF CONTRIBUTION FROM NONJUDICIAL OR
4 JUDICIAL OFFICE PROHIBITED. (a) A judicial candidate or
5 officeholder, a specific-purpose committee for supporting or
6 opposing a judicial candidate, or a specific-purpose committee for
7 assisting a judicial officeholder may not use a political
8 contribution to make a campaign expenditure for judicial office or
9 to make an officeholder expenditure in connection with a judicial
10 office if the contribution was accepted while the candidate or
11 officeholder:

12 (1) was a candidate for an office other than a
13 judicial office; or

14 (2) held an office other than a judicial office,
15 unless the person had become a candidate for judicial office.

16 (b) A candidate, officeholder, or specific-purpose committee
17 for supporting, opposing, or assisting the candidate or
18 officeholder may not use a political contribution to make a
19 campaign expenditure for an office other than a judicial office or
20 to make an officeholder expenditure in connection with an office
21 other than a judicial office if the contribution was accepted while
22 the candidate or officeholder:

23 (1) was a candidate for a judicial office; or

24 (2) held a judicial office, unless the person had
25 become a candidate for another office.

(c) This section does not prohibit a candidate or officeholder from making a political contribution to another candidate or officeholder.

(d) A person who violates this section is liable for a civil penalty not to exceed three times the amount of political contributions used in violation of this section.

Sec. 253.162. RESTRICTIONS ON REIMBURSEMENT OF PERSONAL FUNDS AND PAYMENTS ON CERTAIN LOANS.

(a) A judicial candidate or officeholder who makes political expenditures from the person's personal funds may not reimburse the personal funds from political contributions in amounts that in the aggregate exceed, for each election in which the person's name appears on the ballot:

- (1) for a statewide judicial office, \$100,000; or
- (2) for an office other than a statewide judicial

office, five times the applicable contribution limit under Section 253.155.

(b) A judicial candidate or officeholder who accepts one or more political contributions in the form of loans, including an extension of credit or a purchase of a loan or extension of credit, from one or more persons related to the candidate or officeholder within the meaning of nonanguishery, as determined by the Commission on Government Code, may not reimburse the personal funds from political contributions in amounts that in the aggregate exceed, for each election in which the person's name appears on the ballot, the amount of the loans.

(d) A person who violates this section is liable for a civil penalty not to exceed three times the amount by which the reimbursement made in violation of this section exceeds the applicable limit prescribed by Subsection (a).

Sec. 253.163. NOTICE REQUIRED FOR CERTAIN POLITICAL EXPENDITURES.

(a) A person other than a candidate, officeholder, or the principal political committee of the state executive committee or a county executive committee of a political party may not make political expenditures that in the aggregate exceed \$5,000 for the purpose of supporting or opposing a candidate for an office other than a statewide judicial office or assisting such a candidate as an officeholder unless the person files with the authority with whom a campaign treasurer appointment by a candidate for the office is required to be filed a written declaration of the person's intent to make expenditures that exceed the limit prescribed by this subsection.

(b) A person other than a candidate, officeholder, or the principal political committee of the state executive committee or a county executive committee of a political party may not make political expenditures that in the aggregate exceed \$25,000 for the purpose of supporting or opposing a candidate for a statewide judicial office or assisting such a candidate as an officeholder unless the person files with the commission a written declaration of the person's intent to make expenditures that exceed the limit prescribed by this subsection.

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1 (c) A declaration under Subsection (a) or (b) must be filed
2 not later than the earlier of:

3 (1) the date the person makes the political
4 expenditure that causes the person to exceed the limit prescribed
5 by Subsection (a) or (b); or

6 (2) the 60th day before the date of the election in
7 connection with which the political expenditures are intended to be
8 made.

9 (d) A declaration received under Subsection (a) or (b) shall
10 be filed with the records of each judicial candidate or
11 officeholder on whose behalf the person filing the declaration
12 intends to make political expenditures. If the person intends to
13 make only political expenditures opposing a judicial candidate, the
14 declaration shall be filed with the records of each candidate for
15 the office.

16 (e) An expenditure made by a political committee or other
17 association that consists only of costs incurred in contacting the
18 committee's or association's membership may be made without the
19 declaration required by Subsection (a) or (b).

20 (f) For purposes of this section, a person who makes a
21 political expenditure benefitting more than one judicial candidate
22 or judicial officeholder shall, in accordance with rules adopted by
23 the commission, allocate a portion of the expenditure to each
24 candidate or officeholder whom the expenditure benefits in
25 proportion to the benefit received by that candidate or

officerholder. For purposes of this subsection:

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(1) a political expenditure for supporting judicial candidates or assisting judicial officeholders, benefits each candidate or officeholder supported or assisted; and

(2) a political expenditure for opposing a judicial candidate benefits each opponent of the candidate.

(g) A person who violates this section is liable for a civil penalty not to exceed three times the amount of the political expenditures made in violation of this section.

10 Sec. 253.164. VOLUNTARY COMPLIANCE.

11 (a) When a person becomes a candidate for a judicial office, the person shall file with the authority with whom the candidate's campaign treasurer appointment is required to be filed:

14 (1) a sworn declaration of compliance stating that the person voluntarily agrees to comply with the limits on expenditures prescribed by this subchapter; or

17 (2) a written declaration of the person's intent to make expenditures that exceed the limits prescribed by this subchapter.

20 (b) The limits on contributions and on reimbursement of personal funds prescribed by this subchapter apply to complying candidates unless suspended as provided by Section 253.165 or 253.170. The limits on contributions and on reimbursement of personal funds prescribed by this subchapter apply to noncomplying candidates regardless of whether the limits on contributions,

expenditures, and reimbursement of personal funds are suspended for
complying candidates.

(c) A judicial candidate may not knowingly accept a campaign
contribution or make or authorize a campaign expenditure before the
candidate files a declaration under Subsection (a).

(d) A person who violates Subsection (c) is liable for a
civil penalty not to exceed three times the amount of the political
contributions or political expenditures made in violation of this
section.

Sec. 253.165. EFFECT OF NONCOMPLYING CANDIDATE. (a) A
complying candidate or a specific-purpose committee for supporting
a complying candidate is not required to comply with the limits on
contributions, expenditures, and the reimbursement of personal
funds prescribed by this subchapter if another person becomes a
candidate for the same office and:

(1) files a declaration of intent to exceed the limits
on expenditures under Section 253.164(a)(2);

(2) files a declaration of compliance under Section
253.164(a)(1) but later exceeds the limits on expenditures; or

(3) violates Section 253.173 or 253.174.

(b) The executive director of the commission shall issue an
order suspending the limits on contributions and expenditures for a
specific office not later than the fifth day after the date the
executive director determines that:

(1) a person has become a candidate for that office

1 and has filed the declaration of intent to exceed the limits on
2 expenditures under Section 253.164(a)(2);

3 (2) a complying candidate for that office has exceeded
4 the limit on expenditures prescribed by this subchapter; or

5 (3) a candidate for that office has violated Section
6 253.173 or 253.174.

7 (c) A county clerk who receives a declaration of intent to
8 exceed the limits on expenditures under Section 253.164(a)(2) shall
9 deliver a copy of the declaration to the executive director of the
10 commission not later than the fifth day after the date the county
11 clerk receives the declaration. A county clerk who receives a
12 written allegation that a complying candidate has exceeded the
13 limit on expenditures or that a candidate has engaged in conduct
14 prohibited by Section 253.173 or 253.174 shall deliver a copy of
15 the allegation to the executive director not later than the fifth
16 day after the date the county clerk receives the allegation. The
17 county clerk shall, at no cost to the commission, deliver to the
18 executive director by mail or telephonic facsimile machine copies
19 of documents relevant to the allegation not later than 48 hours
20 after the executive director requests the documents. A county
21 clerk is required to act under this subsection only in connection
22 with an office for which a campaign treasurer appointment is
23 required to be filed with that county clerk.

24 Sec. 253.166. BENEFIT TO COMPLYING CANDIDATE. (a) A
25 complying candidate is entitled to state on political advertising

as provided by Section 255.008 that the candidate complies with the Judicial Campaign Fairness Act, regardless of whether the limits on contributions, expenditures, and the reimbursement of personal funds are later suspended.

(b) A noncomplying candidate is not entitled to the benefit provided by this section.

Sec. 253.167. CERTIFICATION OF POPULATION; NOTICE OF CONTRIBUTION AND EXPENDITURE LIMITS. (a) For purposes of this subchapter only, not later than June 1 of each odd-numbered year, the secretary of state shall:

(1) deliver to the commission a written certification of the population of each judicial district for which a candidate for judge or justice must file a campaign treasurer appointment with the commission; and

(2) deliver to the county clerk of each county a written certification of the county's population, if the county:

(A) comprises an entire judicial district under Chapter 26, Government Code; or

(B) has a statutory county court or statutory probate court, other than a multicounty statutory county court created under Subchapter D, Chapter 25, Government Code.

(b) On receipt of the certification of population under Subsection (a), the commission or county clerk, as appropriate, shall make available to each candidate for an office covered by this subchapter written notice of the contribution and expenditure

limits applicable to the office the candidate seeks.

Sec. 253.168. EXPENDITURE LIMITS. (a) For each election in which the candidate is involved, a complying candidate may not knowingly make or authorize political expenditures that in the aggregate exceed:

- (1) for a statewide judicial office, \$2 million;
- (2) for the office of chief justice or justice, court of appeals:

- (A) \$500,000, if the population of the judicial district is more than one million; or

- (B) \$350,000, if the population of the judicial district is one million or less; or

- (3) for an office other than an office covered by subdivision (1) or (2):

- (A) \$350,000, if the population of the judicial district is more than one million;

- (B) \$200,000, if the population of the judicial district is 250,000 to one million; or

- (C) \$100,000, if the population of the judicial district is less than 250,000.

(b) A complying candidate who violates this section is liable for a civil penalty not to exceed three times the amount by which the political expenditures made in violation of this section exceed the applicable limit prescribed by Subsection (a).

Sec. 253.169. EXPENDITURE BY CERTAIN COMMITTEES CONSIDERED

EXPENDITURE BY CANDIDATE. (a) For purposes of Section 253.168, an expenditure by a specific-purpose committee for the purpose of supporting a candidate, opposing the candidate's opponent, or assisting the candidate as an officeholder is considered to be an expenditure by the candidate unless the candidate, in an affidavit filed with the authority with whom the candidate's campaign treasurer appointment is required to be filed, states that the candidate's campaign, including the candidate, an aide to the candidate, a campaign officer, or a campaign consultant of the candidate, has not directly or indirectly communicated with the committee in regard to a strategic matter, including polling data, advertising, or voter demographics, in connection with the candidate's campaign.

(b) This section applies only to an expenditure as to which the candidate or officeholder receives notice as required by Section 254.128.

(c) An affidavit under this section shall be filed with the next report the candidate or officeholder is required to file under Chapter 254 following receipt of the notice required by Section 254.128.

Sec. 253.170. EFFECT OF CERTAIN POLITICAL EXPENDITURES.

(a) A complying candidate for an office other than a statewide judicial office or a specific-purpose committee for supporting such a candidate is not required to comply with the limits on contributions, expenditures, and the reimbursement of personal

1 funds prescribed by this subchapter if a person other than the
2 candidate's opponent or the principal political committee of the
3 state executive committee or a county executive committee of a
4 political party makes political expenditures that in the aggregate
5 exceed \$5,000 for the purpose of supporting the candidate's
6 opponent, opposing the candidate, or assisting the candidate's
7 opponent as an officeholder.

8 (b) A complying candidate for a statewide judicial office or
9 a specific-purpose committee for supporting such a candidate is not
10 required to comply with the limits on contributions, expenditures,
11 and the reimbursement of personal funds prescribed by this
12 subchapter if a person other than the candidate's opponent or the
13 principal political committee of the state executive committee or a
14 county executive committee of a political party makes political
15 expenditures that in the aggregate exceed \$25,000 for the purpose
16 of supporting the candidate's opponent, opposing the candidate, or
17 assisting the candidate's opponent as an officeholder.

18 (c) The executive director of the commission shall issue an
19 order suspending the limits on contributions, expenditures, and the
20 reimbursement of personal funds for a specific office not later
21 than the fifth day after the date the executive director determines
22 that:

23 (1) a declaration of intent to make expenditures that
24 exceed the limit prescribed by Subsection (a) or (b) is filed in
connection with the office as provided by Section 253.163; or

(2) a political expenditure that exceeds the limit prescribed by Subsection (a) or (b) has been made.

(d) A county clerk who receives a declaration of intent to make expenditures that exceed the limit prescribed by Subsection (a) or (b) shall deliver a copy of the declaration to the executive director of the commission not later than the fifth day after the date the county clerk receives the declaration. A county clerk who receives a written allegation that a person has made a political expenditure that exceeds the limit prescribed by Subsection (a) or (b) shall deliver a copy of the allegation to the executive director not later than the fifth day after the date the county clerk receives the allegation. The county clerk shall, at no cost to the commission, deliver to the executive director by mail or telephonic facsimile machine copies of documents relevant to the allegation not later than 48 hours after the executive director requests the documents. A county clerk is required to act under this subsection only in connection with an office for which a campaign treasurer appointment is required to be filed with that county clerk.

(e) An expenditure made by a political committee or other association that consists only of costs incurred in contacting the committee's or association's membership does not count towards the limit prescribed by Subsection (a) or (b).

Sec. 253.171. CONTRIBUTION FROM OR DIRECT CAMPAIGN EXPENDITURE BY POLITICAL PARTY. (a) Except as provided by

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(b) Subsection (a) does not apply to a political expenditure for a generic get-out-the-vote campaign or for a written list of two or more candidates that:

(1) identifies the party's candidates by name and office sought, office held, or photograph;

(2) does not include any reference to the judicial philosophy or positions on issues of the party's judicial candidates; and

(3) is not broadcast, cablecast, published in a newspaper or magazine, or placed on a billboard.

Sec. 253.172. RESTRICTION ON EXCEEDING EXPENDITURE LIMITS.

(a) A candidate who files a declaration of compliance under Section 253.164(a)(1) and who later files a declaration of intent to exceed the limits on expenditures under Section 253.164(a)(2) or a specific-purpose committee for supporting such a candidate may not make a political expenditure that causes the person to exceed the applicable limit on expenditures prescribed by Section 253.168 before the 60th day after the date the candidate files the declaration of intent to exceed the limits on expenditures.

(c) A person who violates this section is liable for a civil penalty not to exceed three times the amount of political expenditures made in violation of this section.

Sec. 253.173. AGREEMENT TO EVADE LIMITS PROHIBITED. (a) A complying candidate may not:

(1) solicit a person to enter a campaign as a noncomplying candidate opposing the complying candidate; or

(2) enter into an agreement under which a person enters a campaign as a noncomplying candidate opposing the complying candidate.

(b) A candidate who violates this section is considered to be a noncomplying candidate.

Sec. 253.174. MISREPRESENTATION OF OPPONENT'S COMPLIANCE WITH OR VIOLATION OF SUBCHAPTER PROHIBITED. (a) A candidate for judicial office may not knowingly misrepresent that an opponent of the candidate:

(1) is a noncomplying candidate; or

(2) has violated this subchapter.

(b) A candidate who violates this section is considered to be a noncomplying candidate.

Sec. 253.175. JUDICIAL CAMPAIGN FAIRNESS FUND. (a) The judicial campaign fairness fund is a special account in the general revenue fund.

(b) The judicial campaign fairness fund consists of:

(1) penalties recovered under Section 253.176; and

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(2) any gifts or grants received by the commission under Subsection (e).

(c) The judicial campaign fairness fund may be used only for:

(1) voter education projects that relate to judicial campaigns; and

(2) payment of costs incurred in imposing civil penalties under this subchapter.

(d) To the extent practicable, the fund shall be permitted to accumulate until the balance is sufficient to permit the publication of a voter's guide that lists candidates for judicial office, their backgrounds, and similar information. The commission shall implement this subsection and shall adopt rules under which a candidate must provide information to the commission for inclusion in the voter's guide. In providing the information, the candidate shall comply with applicable provisions of the Code of Judicial Conduct. The voter's guide must, to the extent practicable, indicate whether each candidate is a complying candidate or noncomplying candidate, based on declarations filed under Section 253.164 or determinations by the executive director or the county clerk, as appropriate, under Section 253.165. The listing of a noncomplying candidate may not include any information other than the candidate's name and must include a statement that the candidate is not entitled to have complete information about the candidate included in the guide.

1 (e) The commission may accept gifts and grants for the
2 purposes described by Subsections (c)(1) and (d). Funds received
3 under this subsection shall be deposited to the credit of the
4 judicial campaign fairness fund.

5 (f) The judicial campaign fairness fund is exempt from
6 Sections 403.094 and 403.095, Government Code.

7 Sec. 253.176. CIVIL PENALTY. (a) The commission may impose
8 a civil penalty against a person only after a formal hearing as
9 provided by Subchapter E, Chapter 571, Government Code.

10 (b) The commission shall base the amount of the penalty on:

11 (1) the seriousness of the violation;

12 (2) the history of previous violations;

13 (3) the amount necessary to deter future violations;

14 and

15 (4) any other matter that justice may require.

16 (c) A penalty collected under this section shall be
17 deposited to the credit of the judicial campaign fairness fund.

18 SECTION 2. Sections 253.003, 253.004, and 253.005, Election
19 Code, are amended to read as follows:

20 Sec. 253.003. UNLAWFULLY MAKING OR ACCEPTING CONTRIBUTION.

21 (a) A person may not knowingly make a political contribution in
22 violation of this chapter.

23 (b) A person may not knowingly accept a political
24 contribution the person knows to have been made in violation of
25 this chapter.

(c) This section does not apply to a political contribution made or accepted in violation of Subchapter F.

(d) Except as provided by Subsection (e) [(d)], a person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

(e) [(d)] A violation of Subsection (a) or (b) is a felony of the third degree if the contribution is made in violation of Subchapter D.

Sec. 253.004. UNLAWFULLY MAKING EXPENDITURE. (a) A person may not knowingly make or authorize a political expenditure in violation of this chapter.

(b) This section does not apply to a political expenditure made or authorized in violation of Subchapter F.

(c) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

Sec. 253.005. EXPENDITURE FROM UNLAWFUL CONTRIBUTION.

(a) A person may not knowingly make or authorize a political expenditure wholly or partly from a political contribution the person knows to have been made in violation of this chapter.

(b) This section does not apply to a political expenditure that is:

(1) prohibited by Section 253.101; or

(2) made from a political contribution made in violation of Subchapter F.

(c) A person who violates this section commits an offense.

An offense under this section is a Class A misdemeanor.

SECTION 3. Subchapter C, Chapter 254, Election Code, is amended by adding Section 254.0611 to read as follows:

Sec. 254.0611. ADDITIONAL CONTENTS OF REPORTS BY CERTAIN JUDICIAL CANDIDATES. (a) In addition to the contents required by sections 254.031 and 254.061, each report by a candidate for a judicial office covered by Subchapter F, Chapter 253, must include:

(1) the total amount of political contributions, including interest or other income, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period;

(2) for each individual from whom the person filing the report has accepted political contributions that in the aggregate exceed \$50 and that are accepted during the reporting period:

(A) the principal occupation and job title of the individual and the full name of the employer of the individual or of the law firm of which the individual or the individual's spouse is a member, if any; or

(B) if the individual is a child, the full name of the law firm of which either of the individual's parents is a member, if any;

(3) a specific listing of each asset valued at \$500 or more that was purchased with political contributions and on hand as of the last day of the reporting period;

(4) for each political contribution accepted by the person filing the report but not received as of the last day of the reporting period:

(A) the full name and address of the person making the contribution;

(B) the amount of the contribution; and

(C) the date of the contribution; and

(5) for each outstanding loan to the person filing the report as of the last day of the reporting period:

(A) the full name and address of the person or financial institution making the loan; and

(B) the full name and address of each guarantor of the loan other than the candidate.

(b) In this section:

(1) "Child" has the meaning assigned by Section 253.158.

(2) "Law firm" and "member" have the meanings assigned by Section 253.157.

SECTION 4. Subchapter D, Chapter 254, Election Code, is amended by adding Section 254.0911 to read as follows:

Sec. 254.0911. ADDITIONAL CONTENTS OF REPORTS BY CERTAIN JUDICIAL OFFICEHOLDERS. In addition to the contents required by Sections 254.031 and 254.091, each report by a holder of a judicial office covered by Subchapter F, Chapter 253, must include the contents prescribed by Section 254.0611.

SECTION 5. Subchapter E, Chapter 254, Election Code, is amended by adding Section 254.1211 to read as follows:

Sec. 254.1211. ADDITIONAL CONTENTS OF REPORTS OF CERTAIN COMMITTEES. In addition to the contents required by Sections 254.031 and 254.121, each report by a specific-purpose committee for supporting or opposing a candidate for or assisting a holder of a judicial office covered by Subchapter F, Chapter 253, must include the contents prescribed by Section 254.0611.

SECTION 6. Chapter 255, Election Code, is amended by adding Section 255.008 to read as follows:

Sec. 255.008. DISCLOSURE ON POLITICAL ADVERTISING FOR JUDICIAL OFFICE. (a) This section applies only to a candidate or political committee covered by Subchapter F, Chapter 253.

(b) Political advertising by a candidate who files a declaration of intent to comply with the limits on expenditures under Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate may include the following statement: "Political advertising paid for by (name of candidate or committee) in compliance with the voluntary limits of the Judicial Campaign Fairness Act."

(c) Political advertising by a candidate who files a declaration of intent to comply with the limits on expenditures under Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate that does not contain the statement prescribed by Subsection (b) must comply with Section 255.001.

(d) Political advertising by a candidate who files a declaration of intent to exceed the limits on expenditures under Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate must include the following statement: "Political advertising paid for by (name of candidate or committee), (who or which) has rejected the voluntary limits of the Judicial Campaign Fairness Act."

(e) The commission shall adopt rules providing for:

(1) the minimum size of the disclosure required by this section in political advertising that appears on television or in writing; and

(2) the minimum duration of the disclosure required by this section in political advertising that appears on television or radio.

(f) A person who violates this section or a rule adopted under this section is liable for a civil penalty not to exceed:

(1) \$15,000, for a candidate for a statewide judicial office or a specific-purpose committee for supporting such a candidate;

(2) \$10,000, for a candidate for chief justice or justice, court of appeals, or a specific-purpose committee for supporting such a candidate; or

(3) \$5,000, for a candidate for any other judicial office covered by Subchapter F, Chapter 253, or a specific-purpose committee for supporting such a candidate.

Section 251.176 applies to the imposition and
of a civil penalty under this section.

SECTION 7. Chapter 159, Local Government Code, is amended by
subchapter C to read as follows:

SUBCHAPTER C. FINANCIAL DISCLOSURE

BY COUNTY JUDICIAL OFFICERS

Sec. 159.051. DEFINITION. In this subchapter, "county
judicial officer" means the judge of a statutory county court or
statutory probate court.

Sec. 159.052. FILING REQUIREMENT. A county judicial officer
candidate for office as a county judicial officer shall file
with the county clerk a financial statement that complies with
sections 572.022 and 572.023, Government Code.

Sec. 159.053. FILING DATES; TIMELINESS OF FILING. (a) A
county judicial officer shall file the financial statement required
by this subchapter within the time prescribed by Section 572.026,
Government Code. A candidate for office as a county judicial
officer shall file the financial statement required by this
subchapter within the time prescribed by Section 572.027,
Government Code.

(b) The timeliness of the filing is governed by Section
572.029, Government Code.

Sec. 159.054. PREPARATION OF FORMS. (a) The county clerk

may:

(1) design a form to be used for filing the financial

statement required by this subchapter; or

(2) require that a form designed by the Texas Ethics Commission under Chapter 572, Government Code, be used for filing the financial statement.

(b) The county clerk shall make copies of the form available to each person required to file under this subchapter within the time prescribed by Section 572.030(c), Government Code.

Sec. 159.055. PUBLIC ACCESS TO STATEMENTS. (a) A financial statement filed under this subchapter is a public record. The county clerk shall maintain the financial statements in a manner that is accessible to the public during regular business hours.

(b) Until the first anniversary of the date a financial statement is filed, each time a person requests to see the financial statement, excluding the county clerk or an employee of the county clerk acting on official business, the county clerk shall place in the file a statement of the person's name and address, whom the person represents, and the date of the request. The county clerk shall maintain that statement in the file until the first anniversary of the date the financial statement is filed.

(c) After the second anniversary of the date a person ceases to be a county judicial officer, the county clerk may and on notification from the former officer shall destroy each financial statement filed by the officer.

Sec. 159.056. FAILURE TO FILE; CRIMINAL PENALTY. (a) A person commits an offense if the person

(1) is a county judicial officer or a candidate for office as a county judicial officer; and

(2) knowingly fails to file a financial statement as required by this subchapter.

(b) An offense under this section is a Class B misdemeanor.

SECTION 8. Subdivision (3), Section 159.032, Local Government Code, is amended to read as follows:

(3) "County judicial officer" means a [~~judge-of-a statutory-county-court~~] justice of the peace[~~7~~] or a master, magistrate, or referee appointed by a justice of the peace [~~one-of those-judges~~].

SECTION 9. Sections 253.155, 253.156, 253.157, 253.163 through 253.171, and 253.173, Election Code, as added by this Act, are not severable, and none would have been enacted without the others. If any one of those provisions is held invalid, each of those provisions is invalid.

SECTION 10. (a) If this Act receives the votes required by Section 39, Article III, Texas Constitution, for an effective date before the 91st day after the last day of the legislative session:

(1) Sections 1, 2, 9, 11, and this section of this Act take effect immediately; and

(2) Sections 3, 4, and 5 of this Act take effect July 1, 1995.

(b) If this Act does not receive the votes required by Section 39, Article III, Texas Constitution, for an effective date

before the 91st day after the last day of the legislative session, sections 1 through 5, 9, 11, and this section of this Act take effect September 1, 1995.

(c) Sections 6, 7, and 8 of this Act take effect September 1, 1995.

(d) Subchapter F, Chapter 253, Election Code, as added by this Act, applies only to a political contribution accepted or political expenditure made on or after the effective date of section 1 of this Act. A political contribution accepted or political expenditure made before the effective date of Section 1 of this Act is governed by the law in effect on the date the contribution was accepted or the expenditure was made and is not aggregated with political contributions accepted or political expenditures made on or after that date.

(e) Sections 254.0611, 254.0911, and 254.1211, Election Code, as added by this Act, apply to account balances, assets, and debts existing as of the effective date of Sections 3, 4, and 5 of this Act and to the reporting of a political contribution accepted on or after that date. The reporting of a political contribution accepted before the effective date of Sections 3, 4, and 5 of this Act is governed by the law in effect on the date it was accepted.

SECTION 11. (a) For purposes of Subchapter F, Chapter 253, Election Code, as added by this Act, not later than the 15th day after the effective date of Section 1 of this Act, the secretary of state shall:

1 (1) deliver to the Texas Ethics Commission a written
2 certification of the population of each judicial district for which
3 a candidate for judge or justice must file a campaign treasurer
4 appointment with the commission; and

5 (2) deliver to the county clerk of each county a
6 written certification of the county's population, if the county:

7 (A) comprises an entire judicial district under
8 Chapter 26, Government Code; or

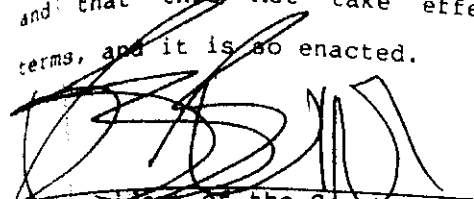
9 (B) has a statutory county court or statutory
10 probate court, other than a multicounty statutory county court
11 created under Subchapter D, Chapter 25, Government Code.

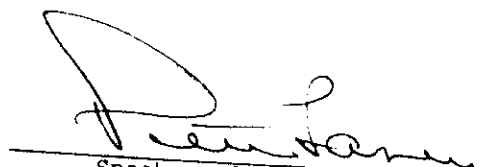
12 (b) On receipt of the certification of population under
13 subsection (a) of this section, the Texas Ethics Commission or
14 county clerk, as appropriate, shall make available to each
15 candidate for an office covered by Subchapter F, Chapter 253,
16 Election Code, as added by this Act, written notice of the
17 contribution limits applicable to the office under Section 253.155,
18 Election Code, as added by this Act, and the expenditure limits
19 applicable to the office under Section 253.168, Election Code, as
20 added by this Act.

21 (c) In this section, "judicial district" means the territory
22 from which a judicial candidate is elected.

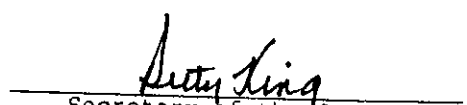
23 SECTION 12. The importance of this legislation and the
24 crowded condition of the calendars in both houses create an
25 emergency and an imperative public necessity that the

S.B. No. 94
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended,
and that this Act take effect and be in force according to its
terms, and it is so enacted.

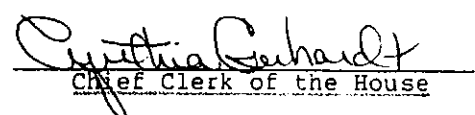

President of the Senate


Speaker of the House

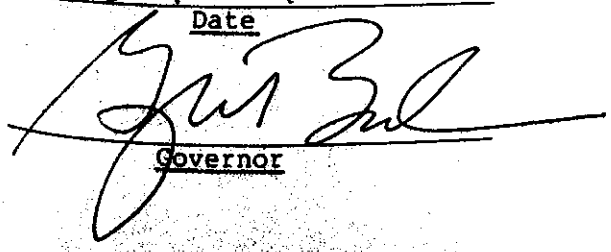
I hereby certify that S.B. No. 94 passed the Senate on
May 2, 1995, by the following vote: Yeas 31, Nays 0; and that the
Senate concurred in House amendments on May 24, 1995, by the
following vote: Yeas 31, Nays 0.


Secretary of the Senate

I hereby certify that S.B. No. 94 passed the House, with
amendments, on May 22, 1995, by the following vote: Yeas 110,
Nays 6, three present not voting.


Chief Clerk of the House

Approved:

6.16.95
Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:38 pm O'CLOCK

JUN 16 1995
4077
Secretary of State