

CHAPTER 899

H.B. No. 1818

AN ACT

relating to a revision of Title 15 of the Election Code regulating political funds and campaigns; providing civil and criminal penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 15, Election Code, is revised to read as follows:

TITLE 15. REGULATING POLITICAL FUNDS AND CAMPAIGNS

Chapter 251. General Provisions

Chapter 252. Campaign Treasurer

Chapter 253. Restrictions on Contributions and Expenditures

Chapter 254. Political Reporting

Chapter 255. Regulating Political Advertising and Campaign Communications

Chapter 256. Citizen Complaint

TITLE 15. REGULATING POLITICAL FUNDS AND CAMPAIGNS

CHAPTER 251. GENERAL PROVISIONS

SUBCHAPTER A. GENERAL PROVISIONS

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Sec. 251.003. PROHIBITION OF DOCUMENT FILING FEE

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TITLE 15. REGULATING POLITICAL FUNDS AND CAMPAIGNS

CHAPTER 251. GENERAL PROVISIONS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 251.001. *DEFINITIONS. In this title:*

(1) *“Candidate” means a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. Examples of affirmative action include:*

(A) the filing of a campaign treasurer appointment, except that the filing does not constitute candidacy or an announcement of candidacy for purposes of the automatic resignation provisions of Article XVI, Section 65, or Article XI, Section 11, of the Texas Constitution;

(B) the filing of an application for a place on a ballot;

(C) the filing of an application for nomination by convention;

(D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy;

(E) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;

(F) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of communication;

(G) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure; and

(H) the seeking of the nomination of an executive committee of a political party to fill a vacancy.

(2) *“Contribution” means a direct or indirect transfer of money, goods, services, or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term does not include:*

(A) an honorarium to a public servant that is excluded from the application of penal sanctions by Section 36.10(3), Penal Code; or

(B) a loan made in the due course of business by a corporation that is legally engaged in the business of lending money and that has conducted the business continuously for more than one year before the loan is made.

(3) *“Campaign contribution” means a contribution to a candidate or political committee that is offered or given with the intent that it be used in connection with a campaign for elective office or on a measure. Whether a contribution is made before, during, or after an election does not affect its status as a campaign contribution.*

(4) *“Officeholder contribution” means a contribution to an officeholder or political committee that is offered or given with the intent that it be used to defray expenses that:*

(A) *are incurred by the officeholder in performing a duty or engaging in an activity in connection with the office; and*

(B) *are not reimbursable with public money.*

(5) *“Political contribution” means a campaign contribution or an officeholder contribution.*

(6) *“Expenditure” means a payment of money or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a payment.*

(7) *“Campaign expenditure” means an expenditure made by any person in connection with a campaign for an elective office or on a measure. Whether an expenditure is made before, during, or after an election does not affect its status as a campaign expenditure.*

(8) *“Direct campaign expenditure” means a campaign expenditure that does not constitute a campaign contribution by the person making the expenditure.*

(9) *“Officeholder expenditure” means an expenditure made by any person to defray expenses that:*

(A) *are incurred by an officeholder in performing a duty or engaging in an activity in connection with the office; and*

(B) *are not reimbursable with public money.*

(10) *“Political expenditure” means a campaign expenditure or an officeholder expenditure.*

(11) *“Reportable activity” means a political contribution, political expenditure, or other activity required to be reported under this title.*

(12) *“Political committee” means a group of persons that has as a principal purpose accepting political contributions or making political expenditures.*

(13) *“Specific-purpose committee” means a political committee that does not have among its principal purposes those of a general-purpose committee but does have among its principal purposes:*

(A) *supporting or opposing one or more:*

(i) *candidates, all of whom are identified and are seeking offices that are known; or*

(ii) *measures, all of which are identified; or*

(B) *assisting one or more officeholders, all of whom are identified.*

(14) *“General-purpose committee” means a political committee that has among its principal purposes:*

(A) *supporting or opposing one or more:*

(i) *candidates who are unidentified or are seeking offices that are unknown; or*

(ii) *measures that are unidentified; or*

(B) *assisting one or more officeholders who are unidentified.*

(15) *“Out-of-state political committee” means a political committee that:*

(A) *makes political expenditures outside this state; and*

(B) in the 12 months immediately preceding the making of a political expenditure by the committee inside this state (other than an expenditure made in connection with a campaign for a federal office or made for a federal officeholder), makes 80 percent or more of the committee's total political expenditures in any combination of elections outside this state and federal offices not voted on in this state.

(16) "Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

(A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or

(B) appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication.

(17) "Campaign communication" means a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure.

(18) "Labor organization" means an agency, committee, or any other organization in which employees participate that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(19) "Measure" means a question or proposal submitted in an election for an expression of the voters' will and includes the circulation and submission of a petition to determine whether a question or proposal is required to be submitted in an election for an expression of the voters' will.

Sec. 251.002. **OFFICEHOLDERS COVERED.** (a) The provisions of this title applicable to an officeholder apply only to a person who holds an elective public office and to the secretary of state.

(b) For purposes of this title, a state officer-elect or a member-elect of the legislature is considered an officeholder beginning on the day after the date of the general or special election at which the officer-elect or member-elect was elected. This subsection does not relieve a state officer-elect or member-elect of the legislature of any reporting requirements the person may have as a candidate under this title.

Sec. 251.003. **PROHIBITION OF DOCUMENT FILING FEE.** A charge may not be made for filing a document required to be filed under this title.

Sec. 251.004. **VENUE FOR OFFENSES.** Venue for a criminal offense prescribed by this title is in the county of residence of the defendant, unless the defendant is not a Texas resident, in which case venue is in Travis County.

Sec. 251.005. **OUT-OF-STATE COMMITTEES EXCLUDED.** (a) An out-of-state political committee is not subject to Chapter 252 or 254, except as provided by Subsection (b) or (c).

(b) If an out-of-state committee decides to file a campaign treasurer appointment under Chapter 252, at the time the appointment is filed the committee becomes subject to this title to the same extent as a political committee that is not an out-of-state committee.

(c) If an out-of-state committee performs an activity that removes the committee from out-of-state status as defined by Section 251.001(15), the committee becomes subject to this title to the same extent as a political committee that is not an out-of-state committee.

Sec. 251.006. **FEDERAL OFFICE EXCLUDED.** (a) Except as provided by Subsection (b), this title does not apply to a candidate for an office of the federal government.

(b) A candidate for an elective office of the federal government shall file with the secretary of state a copy of each document relating to his candidacy that is required

to be filed under federal law. The document shall be filed within the same period in which it is required to be filed under the federal law.

Sec. 251.007. *TIMELINESS OF ACTION BY MAIL.* When this title requires a notice, report, or other document or paper to be delivered, submitted, or filed within a specified period or before a specified deadline, a delivery, submission, or filing by first-class United States mail or common or contract carrier is timely, except as otherwise provided by this title, if:

- (1) it is properly addressed with postage or handling charges prepaid; and
- (2) it bears a post office cancellation mark or a receipt mark of a common or contract carrier indicating a time within the period or before the deadline, or if the person required to take the action furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within the period or before the deadline.

[Sections 251.008–251.030 reserved for expansion]

SUBCHAPTER B. DUTIES OF SECRETARY OF STATE

Sec. 251.031. *INTERPRETATION AND ADMINISTRATION.* (a) The secretary of state shall interpret and administer this title in the exercise of the secretary's authority stated in Section 31.003.

(b) The secretary of state shall make the interpretations and administrative rulings available to any person on request.

Sec. 251.032. *FORMS.* In addition to furnishing samples of the appropriate forms to the authorities having administrative duties under this title, the secretary of state shall furnish the forms to each political party's state executive committee and county chairman of each county executive committee.

Sec. 251.033. *NOTIFICATION OF DEADLINE FOR FILING REPORTS.* (a) The secretary of state shall notify each person responsible for filing a report with the secretary under Subchapters C through F, Chapter 254, of the deadline for filing a report, except that notice of the deadline is not required for a political committee involved in an election other than a primary election or the general election for state and county officers.

(b) If the secretary of state is unable to notify a person of a deadline after two attempts, the secretary is not required to make any further attempts to notify the person of that deadline or any future deadlines until the person has notified the secretary of state of the person's current address.

Sec. 251.034. *REVIEW OF REPORTS.* (a) Periodically, the secretary of state shall review the reports filed with the secretary under this title.

(b) If as a result of the review the secretary of state determines that a person is in significant noncompliance with this title, the secretary shall notify the person by certified mail of that determination.

(c) If the secretary of state determines the significant noncompliance is correctable, the person notified under Subsection (b) must take the action necessary to comply with this title not later than the 30th day after the date the notice was mailed, and the notice must include a statement of the obligation to comply within that time.

(d) Periodically, the secretary of state shall prepare a list of the persons who are notified by the secretary under Subsection (b), unless they have taken timely action to correct the noncompliance under Subsection (c). The list is open to public inspection. The secretary shall preserve the list for one year after the date on which it was prepared.

(e) The secretary of state shall adopt rules defining significant noncompliance for purposes of this section and shall make the rules available on request.

(f) In determining whether a person is in significant noncompliance with this title, the secretary of state shall apply the rules defining significant noncompliance that are in effect on the day on which the report is filed.

(g) A person who fails to take the action necessary to comply with this title within the period prescribed by Subsection (c) is civilly liable to the state for \$100. This subsection applies only if the secretary of state determines that the significant noncompliance is correctable.

(h) If the civil penalty is not paid by the 10th day after the end of the period prescribed by Subsection (c), the secretary of state shall notify the attorney general to initiate suit to recover the penalty.

(i) A penalty paid voluntarily under this section shall be deposited in the state treasury to the credit of the general revenue fund.

(j) Section 256.005(b) does not apply to the procedure for collecting a penalty under this section.

(k) Notwithstanding Section 251.003, a person who files an amended report after receiving notice from the secretary of state under Subsection (b) shall pay to the secretary at the time of filing the amended report a filing fee of \$10 to be deposited in the state treasury to the credit of the general revenue fund.

Sec. 251.035. REPORT TO GOVERNOR AND LEGISLATURE. After January 1 of each year, the secretary of state shall submit to the governor and members of the legislature a report that covers the preceding calendar year and contains:

- (1) each interpretation, ruling, or opinion issued under Section 251.031;
- (2) a statement of each violation of this title that has been reported to the secretary of state and referred to the appropriate official for prosecution;
- (3) a statement of any difficulties encountered in the administration of this title; and
- (4) suggested legislation to conform this title to pertinent court decisions or to interpretations, rulings, or opinions issued by the secretary of state.

CHAPTER 252. CAMPAIGN TREASURER

Sec. 252.001. APPOINTMENT OF CAMPAIGN TREASURER REQUIRED

Sec. 252.002. CONTENTS OF APPOINTMENT

Sec. 252.003. CONTENTS OF APPOINTMENT BY GENERAL-PURPOSE COMMITTEE

Sec. 252.004. DESIGNATION OF ONESELF

Sec. 252.005. AUTHORITY WITH WHOM APPOINTMENT FILED: CANDIDATE

Sec. 252.006. AUTHORITY WITH WHOM APPOINTMENT FILED: SPECIFIC-PURPOSE COMMITTEE FOR SUPPORTING OR OPPOSING CANDIDATE OR ASSISTING OFFICEHOLDER

Sec. 252.007. AUTHORITY WITH WHOM APPOINTMENT FILED: SPECIFIC-PURPOSE COMMITTEE FOR SUPPORTING OR OPPOSING MEASURE

Sec. 252.008. MULTIPLE FILINGS BY SPECIFIC-PURPOSE COMMITTEE NOT REQUIRED

Sec. 252.009. AUTHORITY WITH WHOM APPOINTMENT FILED: GENERAL-PURPOSE COMMITTEE

Sec. 252.010. TRANSFER OF APPOINTMENT

Sec. 252.011. TIME APPOINTMENT TAKES EFFECT; PERIOD OF EFFECTIVENESS

Sec. 252.012. REMOVAL OF CAMPAIGN TREASURER

Sec. 252.013. TERMINATION OF APPOINTMENT ON VACATING POSITION

Sec. 252.014. PRESERVATION OF FILED APPOINTMENTS

Sec. 252.015. ASSISTANT CAMPAIGN TREASURER

CHAPTER 252. CAMPAIGN TREASURER

Sec. 252.001. APPOINTMENT OF CAMPAIGN TREASURER REQUIRED. Each candidate and each political committee shall appoint a campaign treasurer as provided by this chapter.

Sec. 252.002. CONTENTS OF APPOINTMENT. (a) A campaign treasurer appointment must be in writing and include:

- (1) the campaign treasurer's name;
- (2) the campaign treasurer's residence or business street address;
- (3) the campaign treasurer's telephone number; and
- (4) the name of the person making the appointment.

(b) A political committee that files its campaign treasurer appointment with the secretary of state must notify the secretary in writing of any change in the campaign treasurer's address not later than the 10th day after the date on which the change occurs.

Sec. 252.003. CONTENTS OF APPOINTMENT BY GENERAL-PURPOSE COMMITTEE. (a) In addition to the information required by Section 252.002, a campaign treasurer appointment by a general-purpose committee must include:

- (1) the name of each corporation, labor organization, or other association or legal entity that directly establishes, administers, or controls the committee, if applicable, or the name of each person who determines to whom the committee makes contributions or the name of each person who determines for what purposes the committee makes expenditures;
- (2) the full name and address of each general-purpose committee to whom the committee intends to make political contributions; and
- (3) the name of the committee and, if the name is an acronym, the words the acronym represents.

(b) If any of the information required to be included in a general-purpose committee's appointment changes, excluding changes reported under Section 252.002(b), the committee shall file an amended appointment with the secretary of state not later than the 30th day after the date the change occurs.

(c) The name of a general-purpose committee may not be the same as or deceptively similar to the name of any other general-purpose committee whose campaign treasurer appointment is filed with the secretary of state. The secretary shall determine whether the name of a general-purpose political committee is in violation of this prohibition and shall immediately notify the campaign treasurer of the offending political committee of that determination. The campaign treasurer of the political committee must file a name change with the secretary not later than the 14th day after the date of notification. A campaign treasurer who fails to file a name change as provided by this subsection or a political committee that continues to use a prohibited name after its campaign treasurer has been notified by the secretary commits an offense. An offense under this subsection is a Class B misdemeanor.

Sec. 252.004. DESIGNATION OF ONESELF. An individual may appoint himself as campaign treasurer.

Sec. 252.005. AUTHORITY WITH WHOM APPOINTMENT FILED: CANDIDATE. An individual must file a campaign treasurer appointment for the individual's own candidacy with:

- (1) the secretary of state, if the appointment is made for candidacy for:
 - (A) a statewide office;
 - (B) a district office filled by voters of more than one county;
 - (C) state senator;
 - (D) state representative; or
 - (E) the State Board of Education;

(2) *the county clerk, if the appointment is made for candidacy for a county office, a precinct office, or a district office other than one included in Subdivision (1);*

(3) *the clerk or secretary of the governing body of the political subdivision or, if the political subdivision has no clerk or secretary, with the governing body's presiding officer, if the appointment is made for candidacy for an office of a political subdivision other than a county;*

(4) *the county clerk if:*

(A) *the appointment is made for candidacy for an office of a political subdivision other than a county;*

(B) *the governing body for the political subdivision has not been formed; and*

(C) *no boundary of the political subdivision crosses a boundary of the county;*

or

(5) *the secretary of state if:*

(A) *the appointment is made for candidacy for an office of a political subdivision other than a county;*

(B) *the governing body for the political subdivision has not been formed; and*

(C) *the political subdivision is situated in more than one county.*

Sec. 252.006. AUTHORITY WITH WHOM APPOINTMENT FILED: SPECIFIC-PURPOSE COMMITTEE FOR SUPPORTING OR OPPOSING CANDIDATE OR ASSISTING OFFICEHOLDER. *A specific-purpose committee for supporting or opposing a candidate or assisting an officeholder must file its campaign treasurer appointment with the same authority as the appointment for candidacy for the office.*

Sec. 252.007. AUTHORITY WITH WHOM APPOINTMENT FILED: SPECIFIC-PURPOSE COMMITTEE FOR SUPPORTING OR OPPOSING MEASURE *A specific-purpose committee for supporting or opposing a measure must file its campaign treasurer appointment with:*

(1) *the secretary of state, if the measure is to be submitted to voters of the entire state;*

(2) *the county clerk, if the measure is to be submitted to voters of a single county in an election ordered by a county authority;*

(3) *the secretary of the governing body of the political subdivision or, if the political subdivision has no secretary, with the governing body's presiding officer, if the measure is to be submitted at an election ordered by an authority of a political subdivision other than a county;*

(4) *the county clerk if:*

(A) *the measure concerns a political subdivision other than a county;*

(B) *the governing body for the political subdivision has not been formed; and*

(C) *no boundary of the political subdivision crosses a boundary of a county; or*

(5) *the secretary of state if:*

(A) *the measure concerns a political subdivision other than a county;*

(B) *the governing body for the political subdivision has not been formed; and*

(C) *the political subdivision is situated in more than one county.*

Sec. 252.008. MULTIPLE FILINGS BY SPECIFIC-PURPOSE COMMITTEE NOT REQUIRED. *If under this chapter a specific-purpose committee is required to file its campaign treasurer appointment with more than one authority, the appointment need only be filed with the secretary of state and, if so filed, need not be filed with the other authorities.*

Sec. 252.009. AUTHORITY WITH WHOM APPOINTMENT FILED: GENERAL-PURPOSE COMMITTEE. *A general-purpose committee must file its campaign treasurer appointment with the secretary of state.*

Sec. 252.010. TRANSFER OF APPOINTMENT. (a) If a candidate who has filed a campaign treasurer appointment decides to seek a different office that would require the appointment to be filed with another authority, a copy of the appointment certified by the authority with whom it was originally filed must be filed with the other authority in addition to the new campaign treasurer appointment.

(b) The original appointment terminates on the filing of the copy with the appropriate authority or on the 10th day after the date the decision to seek a different office is made, whichever is earlier.

Sec. 252.011. TIME APPOINTMENT TAKES EFFECT; PERIOD OF EFFECTIVENESS. (a) A campaign treasurer appointment takes effect at the time it is filed with the authority specified by this chapter.

(b) A campaign treasurer appointment continues in effect until terminated.

Sec. 252.012. REMOVAL OF CAMPAIGN TREASURER. (a) A campaign treasurer appointed under this chapter may be removed at any time by the appointing authority by filing the written appointment of a successor in the same manner as the original appointment.

(b) The appointment of a successor terminates the appointment of the campaign treasurer who is removed.

(c) If the campaign treasurer of a specific-purpose political committee required to file its campaign treasurer appointment with the secretary of state or of a general-purpose political committee is removed by the committee, the departing campaign treasurer shall immediately file written notification of the termination of appointment with the secretary of state.

Sec. 252.013. TERMINATION OF APPOINTMENT ON VACATING POSITION. (a) If a campaign treasurer resigns or otherwise vacates the position, the appointment is terminated at the time the vacancy occurs.

(b) A campaign treasurer who vacates his position shall immediately notify the appointing authority in writing of the vacancy.

(c) If the campaign treasurer of a specific-purpose political committee required to file its campaign treasurer appointment with the secretary of state or of a general-purpose political committee resigns or otherwise vacates the position, the campaign treasurer shall immediately file written notification of the vacancy with the secretary of state.

Sec. 252.014. PRESERVATION OF FILED APPOINTMENTS. The authority with whom a campaign treasurer appointment is filed under this chapter shall preserve the appointment for two years after the date the appointment is terminated.

Sec. 252.015. ASSISTANT CAMPAIGN TREASURER. (a) Each specific-purpose committee for supporting or opposing a candidate for an office specified by Section 252.005(1) or a statewide or district measure and each general-purpose committee may appoint an assistant campaign treasurer by written appointment filed with the secretary of state.

(b) In the campaign treasurer's absence, the assistant campaign treasurer has the same authority as a campaign treasurer.

(c) Sections 252.011, 252.012, 252.013, and 252.014 apply to the appointment and removal of an assistant campaign treasurer.

CHAPTER 253. RESTRICTIONS ON CONTRIBUTIONS AND EXPENDITURES

SUBCHAPTER A. GENERAL RESTRICTIONS

Sec. 253.001. CONTRIBUTION AND EXPENDITURE IN ANOTHER'S NAME PROHIBITED

Sec. 253.002. UNLAWFUL DIRECT CAMPAIGN EXPENDITURE

Sec. 253.003. UNLAWFULLY MAKING OR ACCEPTING CONTRIBUTION

Sec. 253.004. UNLAWFULLY MAKING EXPENDITURE

Sec. 253.005. EXPENDITURE FROM UNLAWFUL CONTRIBUTION

[Sections 253.006–253.030 reserved for expansion]

SUBCHAPTER B. CANDIDATES, OFFICEHOLDERS, AND
POLITICAL COMMITTEES

Sec. 253.031. CONTRIBUTION AND EXPENDITURE WITHOUT CAMPAIGN TREASURER PROHIBITED

Sec. 253.032. LIMITATION ON CONTRIBUTION BY OUT-OF-STATE COMMITTEE

Sec. 253.033. CASH CONTRIBUTIONS EXCEEDING \$100 PROHIBITED

Sec. 253.034. RESTRICTIONS ON CONTRIBUTIONS DURING REGULAR LEGISLATIVE SESSION

Sec. 253.035. RESTRICTIONS ON PERSONAL USE OF CONTRIBUTIONS

Sec. 253.036. OFFICEHOLDER CONTRIBUTIONS USED IN CONNECTION WITH CAMPAIGN

Sec. 253.037. RESTRICTIONS ON CONTRIBUTION OR EXPENDITURE BY GENERAL-PURPOSE COMMITTEE

[Sections 253.038–253.060 reserved for expansion]

SUBCHAPTER C. INDIVIDUALS

Sec. 253.061. DIRECT EXPENDITURE OF \$100 OR LESS

Sec. 253.062. DIRECT EXPENDITURE EXCEEDING \$100

Sec. 253.063. TRAVEL EXPENSE

[Sections 253.064–253.090 reserved for expansion]

SUBCHAPTER D. CORPORATIONS AND LABOR ORGANIZATIONS

Sec. 253.091. CORPORATIONS COVERED

Sec. 253.092. TREATMENT OF INCORPORATED POLITICAL COMMITTEE

Sec. 253.093. CERTAIN ASSOCIATIONS COVERED

Sec. 253.094. CONTRIBUTIONS AND EXPENDITURES PROHIBITED

Sec. 253.095. PUNISHMENT OF AGENT

Sec. 253.096. CONTRIBUTION ON MEASURE

Sec. 253.097. DIRECT EXPENDITURE ON MEASURE

Sec. 253.098. COMMUNICATION WITH STOCKHOLDERS OR MEMBERS

Sec. 253.099. NONPARTISAN VOTER REGISTRATION AND GET-OUT-THE-VOTE CAMPAIGNS

Sec. 253.100. EXPENDITURES FOR GENERAL-PURPOSE COMMITTEE

Sec. 253.101. UNLAWFUL CONTRIBUTION OR EXPENDITURE BY COMMITTEE

Sec. 253.102. COERCION PROHIBITED

Sec. 253.103. CORPORATE LOANS

[Sections 253.104–253.130 reserved for expansion]

SUBCHAPTER E. CIVIL LIABILITY

Sec. 253.131. LIABILITY TO CANDIDATES

Sec. 253.132. LIABILITY TO POLITICAL COMMITTEES

Sec. 253.133. LIABILITY TO STATE

CHAPTER 253. RESTRICTIONS ON CONTRIBUTIONS AND EXPENDITURES

SUBCHAPTER A. GENERAL RESTRICTIONS

Sec. 253.001. CONTRIBUTION AND EXPENDITURE IN ANOTHER'S NAME PROHIBITED. (a) A person may not knowingly make or authorize a political contribution or political expenditure in the name of or on behalf of another unless the person discloses the other's name in order for the proper disclosure to be made.

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

Sec. 253.002. UNLAWFUL DIRECT CAMPAIGN EXPENDITURE. (a) A person may not knowingly make or authorize a direct campaign expenditure.

(b) This section does not apply to:

- (1) an individual making an expenditure authorized by Subchapter C;
- (2) a corporation or labor organization making an expenditure authorized by Subchapter D;
- (3) a candidate making or authorizing an expenditure for the candidate's own election;
- (4) a political committee; or
- (5) a campaign treasurer or assistant campaign treasurer acting in an official capacity.

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

Sec. 253.003. UNLAWFULLY MAKING OR ACCEPTING CONTRIBUTION. (a) A person may not knowingly make a political contribution in violation of this chapter.

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

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

(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) 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 prohibited by Section 253.101.

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

[Sections 253.006–253.030 reserved for expansion]

SUBCHAPTER B. CANDIDATES, OFFICEHOLDERS, AND
POLITICAL COMMITTEES

Sec. 253.031. CONTRIBUTION AND EXPENDITURE WITHOUT CAMPAIGN TREASURER PROHIBITED. (a) A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect.

(b) A political committee may not knowingly accept a political contribution or make or authorize a political expenditure at a time when a campaign treasurer appointment for the committee is not in effect.

(c) A political committee may not knowingly make or authorize a campaign contribution or campaign expenditure supporting or opposing a candidate for an office specified by Section 252.005(1) in a primary or general election unless the committee's campaign treasurer appointment has been filed not later than the 30th day before the appropriate election day.

(d) This section does not apply to an out-of-state political committee unless the committee is subject to Chapter 252 under Section 251.005.

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

Sec. 253.032. LIMITATION ON CONTRIBUTION BY OUT-OF-STATE COMMITTEE. (a) In a reporting period, a candidate, officeholder, or political committee may not knowingly accept political contributions totaling more than \$500 from an out-of-state political committee unless, before accepting a contribution that would cause the total to exceed \$500, the candidate, officeholder, or political committee, as applicable, receives from the out-of-state committee:

(1) a written statement, certified by an officer of the out-of-state committee, listing the full name and address of each person who contributed more than \$100 to the out-of-state committee during the 12 months immediately preceding the date of the contribution; or

(2) a copy of the out-of-state committee's statement of organization filed as required by law with the Federal Election Commission and certified by the commission.

(b) This section does not apply to a contribution from an out-of-state political committee if the committee appointed a campaign treasurer under Chapter 252 before the contribution was made and is subject to the reporting requirements of Chapter 254.

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

(d) A candidate, officeholder, or political committee shall include the statement or copy required by Subsection (a) as a part of the report filed under Chapter 254 that covers the reporting period to which Subsection (a) applies.

(e) A candidate, officeholder, or political committee that accepts political contributions totaling \$500 or less from an out-of-state political committee shall include as part of the report filed under Chapter 254 that covers the reporting period in which the contribution is accepted:

(1) the same information for the out-of-state political committee required for general-purpose committees by Sections 252.002 and 252.003; or

(2) a copy of the out-of-state committee's statement of organization filed as required by law with the Federal Election Commission and certified by the commission.

Sec. 253.033. CASH CONTRIBUTIONS EXCEEDING \$100 PROHIBITED. (a) A candidate, officeholder, or specific-purpose committee may not knowingly accept from a contributor in a reporting period political contributions in cash that in the aggregate exceed \$100.

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

Sec. 253.034. RESTRICTIONS ON CONTRIBUTIONS DURING REGULAR LEGISLATIVE SESSION. (a) During the period beginning on the 30th day before the date a regular legislative session convenes and continuing through the day of final adjournment, a person may not knowingly make a political contribution to:

(1) a statewide officeholder;

(2) a member of the legislature; or

(3) a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or member of the legislature.

(b) A statewide officeholder, a member of the legislature, or a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or member of the legislature may not knowingly accept a political contribution during the period prescribed by Subsection (a).

(c) This section does not apply to a political contribution that was made and accepted with the intent that it be used:

(1) in an election held or ordered during the period prescribed by Subsection (a) in which the person accepting the contribution is a candidate if the contribution was made after the person appointed a campaign treasurer with the appropriate authority and before the person was sworn in for that office;

(2) to defray expenses incurred in connection with an election contest; or

(3) by a person who holds a state office or a member of the legislature if the person or member was defeated at the general election held immediately before the session is convened or by a specific-purpose political committee that supports or assists only that person or member.

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

Sec. 253.035. **RESTRICTIONS ON PERSONAL USE OF CONTRIBUTIONS.** (a) A person who accepts a political contribution as a candidate or officeholder may not convert the contribution to personal use.

(b) A specific-purpose committee that accepts a political contribution may not convert the contribution to the personal use of a candidate, officeholder, or former candidate or officeholder.

(c) The prohibitions prescribed by Subsections (a) and (b) include the personal use of an asset purchased with the contribution and the personal use of any interest and other income earned on the contribution.

(d) In this section, "personal use" means a use that primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate for or holder of a public office. The term does not include:

(1) payments made to defray ordinary and necessary expenses incurred in connection with activities as a candidate or in connection with the performance of duties or activities as a public officeholder, including payment of rent, interest, utility, and other reasonable housing or household expenses incurred in maintaining a residence in Travis County by members of the legislature who do not ordinarily reside in Travis County; or

(2) payments of federal income taxes due on interest and other income earned on political contributions.

(e) Subsection (a) applies only to political contributions accepted on or after September 1, 1983. Subsection (b) applies only to political contributions accepted on or after September 1, 1987.

(f) A person who converts a political contribution to his personal use in violation of this section is civilly liable to the state for an amount equal to the amount of the converted contribution plus reasonable court costs.

(g) A specific-purpose committee that converts a political contribution to the personal use of a candidate, officeholder, or former candidate or officeholder in violation of this section is civilly liable to the state for an amount equal to the amount of the converted contribution plus reasonable court costs.

(h) A candidate or officeholder who makes expenditures from his personal funds for campaign or officeholder purposes may reimburse his personal funds from political contributions in the amount of those expenditures.

(i) Except as provided by Subsection (j), "personal use" does not include the use of contributions for:

(1) defending a criminal or civil action brought against the person in his status as a candidate or officeholder; or

(2) participating in an election contest or participating in a civil action to determine a person's eligibility to be a candidate for, or elected or appointed to, a public office in this state.

(j) If the candidate or officeholder defending the criminal action is finally convicted or if the candidate or officeholder does not finally prevail in defending the civil action, excluding a contest or action described by Subsection (i)(2), the candidate or officeholder shall reimburse his political funds in the amount of expenditures made in defending the action. Political funds expended in participating in a contest or action described by Subsection (i)(2) or expended prior to settlement of a civil action brought against the person in his status as a candidate or officeholder are not required to be reimbursed under this subsection. The candidate or officeholder shall reimburse his political funds in the total amount of expenditures made in defending the action not later than two years after the date on which final judgment is rendered. A candidate or officeholder who fails to make the reimbursement as required by this subsection is considered to have converted contributions to his personal use.

(k) A candidate or officeholder or former candidate or officeholder shall report each reimbursement in the report required to be filed under this title that covers the period in which the reimbursement is made. A former candidate or officeholder who has not completed the reimbursement required by this section is considered to have unexpended political contributions for purposes of Subchapter H, Chapter 254.

Sec. 253.036. OFFICEHOLDER CONTRIBUTIONS USED IN CONNECTION WITH CAMPAIGN. An officeholder who lawfully accepts officeholder contributions may use those contributions in connection with the officeholder's campaign for elective office after appointing a campaign treasurer.

Sec. 253.037. RESTRICTIONS ON CONTRIBUTION OR EXPENDITURE BY GENERAL-PURPOSE COMMITTEE. (a) A general-purpose committee may not knowingly make or authorize a political contribution or political expenditure unless the committee has:

(1) filed its campaign treasurer appointment not later than the 60th day before the date the contribution or expenditure is made; and

(2) accepted political contributions from at least 10 persons.

(b) A general-purpose committee may not knowingly make a political contribution to another general-purpose committee unless the other committee is listed in the campaign treasurer appointment of the contributor committee.

(c) Subsection (a) does not apply to a general-purpose committee that accepts contributions from a multicandidate political committee (as defined by the Federal Election Campaign Act) that is registered with the Federal Election Commission, provided that the general-purpose committee is in compliance with Section 253.032.

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

[Sections 253.038–253.060 reserved for expansion]

SUBCHAPTER C. INDIVIDUALS

Sec. 253.061. DIRECT EXPENDITURE OF \$100 OR LESS. Except as otherwise provided by law, an individual not acting in concert with another person may make one or more direct campaign expenditures in an election from his own property if:

(1) the total expenditures on any one or more candidates or measures do not exceed \$100; and

(2) the individual receives no reimbursement for the expenditures.

Sec. 253.062. DIRECT EXPENDITURE EXCEEDING \$100. (a) Except as otherwise provided by law, an individual not acting in concert with another person may make one or more direct campaign expenditures in an election from his own property that exceed \$100 on any one or more candidates or measures if:

- (1) the individual complies with Chapter 254 as if the individual were a campaign treasurer of a political committee; and
- (2) the individual receives no reimbursement for the expenditures.

(b) An individual making expenditures under this section is not required to file a campaign treasurer appointment.

Sec. 253.063. TRAVEL EXPENSE. A direct campaign expenditure consisting of personal travel expenses incurred by an individual may be made without complying with Section 253.062(a)(1).

[Sections 253.064–253.090 reserved for expansion]

SUBCHAPTER D. CORPORATIONS AND LABOR ORGANIZATIONS

Sec. 253.091. CORPORATIONS COVERED. This subchapter applies only to corporations that are organized under the Texas Business Corporation Act, the Texas Non-Profit Corporation Act, federal law, or law of another state or nation.

Sec. 253.092. TREATMENT OF INCORPORATED POLITICAL COMMITTEE. If a political committee the only principal purpose of which is accepting political contributions and making political expenditures incorporates for liability purposes only, the committee is not considered to be a corporation for purposes of this subchapter.

Sec. 253.093. CERTAIN ASSOCIATIONS COVERED. (a) For purposes of this subchapter, the following associations, whether incorporated or not, are considered to be corporations covered by this subchapter: banks, trust companies, savings and loan associations or companies, insurance companies, reciprocal or interinsurance exchanges, railroad companies, cemetery companies, government-regulated cooperatives, stock companies, and abstract and title insurance companies.

(b) For purposes of this subchapter, the members of the associations specified by Subsection (a) are considered to be stockholders.

Sec. 253.094. CONTRIBUTIONS AND EXPENDITURES PROHIBITED. (a) A corporation or labor organization may not make a political contribution or political expenditure that is not authorized by this subchapter.

(b) A corporation or labor organization may not make a political contribution or political expenditure in connection with a recall election, including the circulation and submission of a petition to call an election.

(c) A person who violates this section commits an offense. An offense under this section is a felony of the third degree.

Sec. 253.095. PUNISHMENT OF AGENT. An officer, director, or other agent of a corporation or labor organization who commits an offense under this subchapter is punishable for the grade of offense applicable to the corporation or labor organization.

Sec. 253.096. CONTRIBUTION ON MEASURE. A corporation or labor organization may make campaign contributions from its own property in connection with an election on a measure only to a political committee for supporting or opposing measures exclusively.

Sec. 253.097. DIRECT EXPENDITURE ON MEASURE. A corporation or labor organization not acting in concert with another person may make one or more direct campaign expenditures from its own property in connection with an election on a measure if the corporation or labor organization makes the expenditures in accordance with Section 253.061 or 253.062 as if the corporation or labor organization were an individual.

Sec. 253.098. COMMUNICATION WITH STOCKHOLDERS OR MEMBERS. (a) A corporation or labor organization may make one or more direct campaign expendi-

tures from its own property for the purpose of communicating directly with its stockholders or members, as applicable, or with the families of its stockholders or members.

(b) An expenditure under this section is not reportable under Chapter 254.

Sec. 253.099. NONPARTISAN VOTER REGISTRATION AND GET-OUT-THE-VOTE CAMPAIGNS. (a) A corporation or labor organization may make one or more expenditures to finance nonpartisan voter registration and get-out-the-vote campaigns aimed at its stockholders or members, as applicable, or at the families of its stockholders or members.

(b) An expenditure under this section is not reportable under Chapter 254.

Sec. 253.100. EXPENDITURES FOR GENERAL-PURPOSE COMMITTEE. (a) A corporation, acting alone or with one or more other corporations, may make one or more political expenditures to finance the establishment or administration of a general-purpose committee.

(b) A corporation may make political expenditures to finance the solicitation of political contributions to a general-purpose committee assisted under Subsection (a) from the stockholders, employees, or families of stockholders or employees of one or more corporations.

(c) A labor organization may engage in activity authorized for a corporation by Subsections (a) and (b). For purposes of this section, the members of a labor organization are considered to be corporate stockholders.

(d) An expenditure under this section is not reportable by the general-purpose committee as a political contribution under Chapter 254.

Sec. 253.101. UNLAWFUL CONTRIBUTION OR EXPENDITURE BY COMMITTEE. (a) A political committee assisted by a corporation or labor organization under Section 253.100 may not make a political contribution or political expenditure in whole or part from money that is known by a member or officer of the political committee to be dues, fees, or other money required as a condition of employment or condition of membership in a labor organization.

(b) A person who violates this section commits an offense. An offense under this section is a felony of the third degree.

Sec. 253.102. COERCION PROHIBITED. (a) A corporation or labor organization or a political committee assisted by a corporation or labor organization under Section 253.100 commits an offense if it uses or threatens to use physical force, job discrimination, or financial reprisal to obtain money or any other thing of value to be used to influence the result of an election or to assist an officeholder.

(b) A political committee assisted by a corporation or labor organization under Section 253.100 commits an offense if it accepts or uses money or any other thing of value that is known by a member or officer of the political committee to have been obtained in violation of Subsection (a).

(c) An offense under this section is a felony of the third degree.

Sec. 253.103. CORPORATE LOANS. (a) A corporation may not make a loan to a candidate, officeholder, or political committee for campaign or officeholder purposes unless:

(1) the corporation has been legally and continuously engaged in the business of lending money for at least one year before the loan is made; and

(2) the loan is made in the due course of business.

(b) This section does not apply to a loan covered by Section 253.096.

(c) A person who violates this section commits an offense. An offense under this section is a felony of the third degree.

[Sections 253.104–253.130 reserved for expansion]

SUBCHAPTER E. CIVIL LIABILITY

Sec. 253.131. LIABILITY TO CANDIDATES. (a) *A person who knowingly makes or accepts a campaign contribution or makes a campaign expenditure in violation of this chapter is liable for damages as provided by this section.*

(b) *If the contribution or expenditure is in support of a candidate, each opposing candidate whose name appears on the ballot is entitled to recover damages under this section.*

(c) *If the contribution or expenditure is in opposition to a candidate, the candidate is entitled to recover damages under this section.*

(d) *In this section, "damages" means:*

- (1) *twice the value of the unlawful contribution or expenditure; and*
- (2) *reasonable attorney's fees incurred in the suit.*

(e) *Reasonable attorney's fees incurred in the suit may be awarded to the defendant if judgment is rendered in the defendant's favor.*

Sec. 253.132. LIABILITY TO POLITICAL COMMITTEES. (a) *A corporation or labor organization that knowingly makes a campaign contribution to a political committee or a direct campaign expenditure in violation of Subchapter D is liable for damages as provided by this section to each political committee of opposing interest in the election in connection with which the contribution or expenditure is made.*

(b) *In this section, "damages" means:*

- (1) *twice the value of the unlawful contribution or expenditure; and*
- (2) *reasonable attorney's fees incurred in the suit.*

(c) *Reasonable attorney's fees incurred in the suit may be awarded to the defendant if judgment is rendered in the defendant's favor.*

Sec. 253.133. LIABILITY TO STATE. *A person who knowingly makes or accepts a political contribution or makes a political expenditure in violation of this chapter is liable for damages to the state in the amount of triple the value of the unlawful contribution or expenditure.*

CHAPTER 254. POLITICAL REPORTING

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[Sections 254.002–254.030 reserved for expansion]

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[Sections 254.043–254.060 reserved for expansion]

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SUBCHAPTER F. REPORTING BY GENERAL-PURPOSE COMMITTEE

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- Sec. 254.201. ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS*
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[Sections 254.206–254.230 reserved for expansion]

SUBCHAPTER I. CIVIL LIABILITY

- Sec. 254.231. LIABILITY TO CANDIDATES*
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CHAPTER 254. POLITICAL REPORTING

SUBCHAPTER A. RECORDKEEPING

Sec. 254.001. RECORDKEEPING REQUIRED. (a) Each candidate and each officeholder shall maintain a record of all reportable activity.

(b) Each campaign treasurer of a political committee shall maintain a record of all reportable activity.

(c) The record must contain the information that is necessary for filing the reports required by this chapter.

(d) A person required to maintain a record under this section shall preserve the record for at least two years beginning on the filing deadline for the report containing the information in the record.

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

[Sections 254.002–254.030 reserved for expansion]

SUBCHAPTER B. POLITICAL REPORTING GENERALLY

Sec. 254.031. GENERAL CONTENTS OF REPORTS. (a) Except as otherwise provided by this chapter, each report filed under this chapter must include:

(1) the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions;

(2) the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate if that rate is below prime on the day the loan is made, and the full name of the person or financial institution making the loans and of each guarantor of the loans;

(3) the amount of political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures;

(4) the amount of each payment made during the reporting period from a political contribution if the payment is not a political expenditure, the full name and address of the person to whom the payment is made, and the date and purpose of the payment;

(5) the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$50 or less made during the reporting period; and

(6) the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period.

(b) If no reportable activity occurs during a reporting period, the person required to file a report shall indicate that fact in the report.

Sec. 254.032. NONREPORTABLE PERSONAL TRAVEL EXPENSE. A political contribution consisting of personal travel expense incurred by an individual is not required to be reported under this chapter if the individual receives no reimbursement for the expense.

Sec. 254.033. NONREPORTABLE PERSONAL SERVICE. A political contribution consisting of an individual's personal service is not required to be reported under this chapter if the individual receives no compensation for the service.

Sec. 254.034. TIME OF ACCEPTING CONTRIBUTION. (a) A determination to accept or refuse a political contribution that is received by a candidate, officeholder, or political committee shall be made not later than the end of the reporting period during which the contribution is received.

(b) If the determination to accept or refuse a political contribution is not made before the time required by Subsection (a), for purposes of this chapter, the contribution is considered to have been accepted on the last day of that reporting period.

(c) A political contribution that is received but not accepted shall be returned to the contributor not later than the 30th day after the deadline for filing a statement for the reporting period during which the contribution is received. A contribution not returned within that time is considered to be accepted.

(d) A candidate, officeholder, or political committee commits an offense if the person knowingly fails to return a political contribution as required by Subsection (c).

(e) An offense under this section is a Class A misdemeanor.

Sec. 254.035. TIME OF MAKING EXPENDITURE. (a) For purposes of reporting under this chapter, a political expenditure is not considered to have been made until

the amount is readily determinable by the person making the expenditure, except as provided by Subsection (b).

(b) If the character of an expenditure is such that under normal business practice the amount is not disclosed until receipt of a periodic bill, the expenditure is not considered made until the date the bill is received.

Sec. 254.036. FORM OF REPORT; AFFIDAVIT. (a) Each report filed under this chapter must be on a form prescribed by the secretary of state and must be written in black ink or typed with black typewriter ribbon unless the report is a computer printout. If the report is a computer printout, the printout must conform to the same format and paper size as the form prescribed by the secretary of state.

(b) Each report filed under this chapter must be accompanied by an affidavit executed by the person required to file the report. The affidavit must contain the statement: "I swear, or affirm, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code."

Sec. 254.037. FILING DEADLINE. The deadline for filing a report required by this chapter is 5 p.m. on the last day permitted under this chapter for filing the report.

Sec. 254.038. TELEGRAM REPORT BY CERTAIN CANDIDATES AND POLITICAL COMMITTEES. (a) In addition to other reports required by this chapter, the following persons shall file additional reports during the period beginning the ninth day before election day and ending at 12 noon on the second day before election day:

(1) a candidate for state senator who has an opponent whose name is to appear on the ballot and who accepts political contributions from a person that in the aggregate exceed \$1,000 during that reporting period;

(2) a candidate for state representative who has an opponent whose name is to appear on the ballot and who accepts political contributions from a person that in the aggregate exceed \$200 during that reporting period;

(3) a specific-purpose committee for supporting or opposing a candidate for state senator and that accepts political contributions from a person that in the aggregate exceed \$1,000 during that reporting period; and

(4) a specific-purpose committee for supporting or opposing a candidate for state representative and that accepts political contributions from a person that in the aggregate exceed \$200 during that reporting period.

(b) Each report required by this section must include the amount of the contributions specified by Subsection (a), the full name and address of the person making the contributions, and the dates of the contributions.

(c) A report under this section shall be filed by telegram or by hand with the secretary of state not later than 48 hours after the contribution is accepted.

(d) Section 254.036 does not apply to a report required by this section.

Sec. 254.039. TELEGRAM REPORT BY CERTAIN GENERAL-PURPOSE COMMITTEES. (a) In addition to other reports required by this chapter, a general-purpose committee that makes direct campaign expenditures supporting or opposing either a single candidate that in the aggregate exceed \$1,000 or a group of candidates that in the aggregate exceed \$15,000 during the period beginning the ninth day before election day and ending at 12 noon on the second day before election day shall file a report by telegram or by hand with the secretary of state not later than 48 hours after the expenditure is made.

(b) Each report required by this section must include the amount of the expenditures, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures.

(c) Section 254.036 does not apply to a report required by this section.

Sec. 254.040. PRESERVATION OF REPORTS. Each report filed under this chapter shall be preserved by the authority with whom it is filed for at least two years after the date it is filed.

Sec. 254.041. CRIMINAL PENALTY FOR UNTIMELY OR INCOMPLETE REPORT. (a) A person who is required by this chapter to file a report commits an offense if the person knowingly fails:

(1) to file the report on time; or

(2) to include in the report information that is required by this title to be included.

(b) Except as provided by Subsection (c), an offense under this section is a Class C misdemeanor.

(c) A violation of Subsection (a)(2) by a candidate or officeholder is a Class A misdemeanor if the report fails to include information required by Section 254.061(3) or Section 254.091(2), as applicable.

Sec. 254.042. CIVIL PENALTY FOR LATE REPORT. (a) The secretary of state shall determine from any available evidence whether a report, other than a telegram report under Section 254.038 or 254.039, required to be filed with the secretary under this chapter is late. On making that determination, the secretary shall immediately mail a notice of the determination to the person required to file the report.

(b) If a report is determined to be late, the person required to file the report is civilly liable to the state for \$100. If the penalty is not paid by the 10th day after the date the notice is mailed under Subsection (a), the secretary of state shall notify the attorney general to initiate suit to recover the civil penalty.

(c) A penalty paid voluntarily under this section shall be deposited in the State Treasury to the credit of the General Revenue Fund.

(d) Section 256.005(b) does not apply to the procedure for collecting a penalty under this section.

[Sections 254.043–254.060 reserved for expansion]

SUBCHAPTER C. REPORTING BY CANDIDATE

Sec. 254.061. ADDITIONAL CONTENTS OF REPORTS. In addition to the contents required by Section 254.031, each report by a candidate must include:

(1) the candidate's full name and address, the office sought, and the identity and date of the election for which the report is filed;

(2) the campaign treasurer's name, residence or business street address, and telephone number;

(3) for each political committee from which the candidate received notice under Section 254.128 or 254.161:

(A) the committee's full name and address;

(B) an indication of whether the committee is a general-purpose committee or a specific-purpose committee; and

(C) the full name and address of the committee's campaign treasurer; and

(4) the full name and address of each individual acting as a campaign treasurer of a political committee under Section 253.062 from whom the candidate received notice under Section 254.128 or 254.161.

Sec. 254.062. CERTAIN OFFICEHOLDER ACTIVITY INCLUDED. If an officeholder who becomes a candidate has reportable activity that is not reported under Subchapter D before the end of the period covered by the first report the candidate is required to file under this subchapter, the reportable activity shall be included in the first report filed under this subchapter instead of in a report filed under Subchapter D.

Sec. 254.063. SEMIANNUAL REPORTING SCHEDULE FOR CANDIDATE. (a) A candidate shall file two reports for each year as provided by this section.

(b) The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the candidate's campaign treasurer appointment

is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through June 30.

(c) The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through December 31.

Sec. 254.064. **ADDITIONAL REPORTS OF OPPOSED CANDIDATE.** (a) In addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports.

(b) The first report shall be filed not later than the 30th day before election day. The report covers the period beginning the day the candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under this chapter, as applicable, and continuing through the 40th day before election day.

(c) The second report shall be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day.

(d) If a person becomes an opposed candidate after a reporting period prescribed by Subsection (b) or (c), the person shall file his first report not later than the regular deadline for the report covering the period during which the person becomes an opposed candidate. The period covered by the first report begins the day the candidate's campaign treasurer appointment is filed.

(e) In addition to other required reports, an opposed candidate in a runoff election shall file one report for that election. The runoff election report shall be filed not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day.

Sec. 254.065. **FINAL REPORT.** (a) If a candidate expects no reportable activity in connection with the candidacy to occur after the period covered by a report filed under this subchapter, the candidate may designate the report as a "final" report.

(b) The designation of a report as a final report:

(1) relieves the candidate of the duty to file additional reports under this subchapter, except as provided by Subsection (c); and

(2) terminates the candidate's campaign treasurer appointment.

(c) If, after a candidate's final report is filed, reportable activity with respect to the candidacy occurs, the candidate shall file the appropriate reports under this subchapter and is otherwise subject to the provisions of this title applicable to candidates. A report filed under this subsection may be designated as a final report.

Sec. 254.066. **AUTHORITY WITH WHOM REPORTS FILED.** Reports under this subchapter shall be filed with the authority with whom the candidate's campaign treasurer appointment is required to be filed.

[Sections 254.067–254.090 reserved for expansion]

SUBCHAPTER D. REPORTING BY OFFICEHOLDER

Sec. 254.091. **ADDITIONAL CONTENTS OF REPORTS.** In addition to the contents required by Section 254.031, each report by an officeholder must include:

(1) the officeholder's full name and address and the office held; and

(2) for each political committee from which the officeholder received notice under Section 254.123 or 254.161:

(A) the committee's full name and address;

(B) an indication of whether the committee is a general-purpose committee or a specific-purpose committee; and

(C) *the full name and address of the committee's campaign treasurer.*

Sec. 254.092. CERTAIN OFFICEHOLDER EXPENDITURES EXCLUDED. An officeholder is not required to report officeholder expenditures made from the officeholder's personal funds.

Sec. 254.093. SEMIANNUAL REPORTING SCHEDULE FOR OFFICEHOLDER.

(a) *An officeholder shall file two reports for each year as provided by this section.*

(b) *The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the officeholder takes office, or the first day after the period covered by the last report required to be filed under this chapter, as applicable, and continuing through June 30.*

(c) *The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the officeholder takes office, or the first day after the period covered by the last report required to be filed under this chapter, as applicable, and continuing through December 31.*

Sec. 254.094. REPORT FOLLOWING APPOINTMENT OF CAMPAIGN TREASURER. (a) An officeholder who appoints a campaign treasurer shall file a report as provided by this section.

(b) *The report covers the period beginning the first day after the period covered by the last report required to be filed under this chapter or the day the officeholder takes office, as applicable, and continuing through the day before the date the officeholder's campaign treasurer is appointed.*

(c) *The report shall be filed not later than the 15th day after the date the officeholder's campaign treasurer is appointed.*

Sec. 254.095. REPORT NOT REQUIRED. If at the end of any reporting period prescribed by this subchapter an officeholder who is required to file a report with an authority other than the secretary of state has not accepted political contributions that in the aggregate exceed \$500 or made political expenditures that in the aggregate exceed \$500, the officeholder is not required to file a report covering that period.

Sec. 254.096. OFFICEHOLDER WHO BECOMES CANDIDATE. An officeholder who becomes a candidate is subject to Subchapter C during each period covered by a report required to be filed under Subchapter C.

Sec. 254.097. AUTHORITY WITH WHOM REPORTS FILED. Reports under this subchapter shall be filed with the authority with whom a campaign treasurer appointment by a candidate for the office held by the officeholder is required to be filed.

[Sections 254.098–254.120 reserved for expansion]

SUBCHAPTER E. REPORTING BY SPECIFIC-PURPOSE COMMITTEE

Sec. 254.121. ADDITIONAL CONTENTS OF REPORTS. In addition to the contents required by Section 254.031, each report by a campaign treasurer of a specific-purpose committee must include:

- (1) *the committee's full name and address;*
- (2) *the full name, residence or business street address, and telephone number of the committee's campaign treasurer;*
- (3) *the identity and date of the election for which the report is filed, if applicable;*
- (4) *the name of each candidate and each measure supported or opposed by the committee, indicating for each whether the committee supports or opposes;*
- (5) *the name of each officeholder assisted by the committee; and*
- (6) *the amount of each political expenditure in the form of a political contribution that is made to a candidate, officeholder, or another political committee and that is returned to the committee during the reporting period, the name of the person to whom the expenditure was originally made, and the date it is returned.*

Sec. 254.122. INVOLVEMENT IN MORE THAN ONE ELECTION BY CERTAIN COMMITTEES. If a specific-purpose committee for supporting or opposing more than

one candidate becomes involved in more than one election for which the reporting periods prescribed by Section 254.124 overlap, the reportable activity that occurs during the overlapping period is not required to be included in a report filed after the first report in which the activity is required to be reported.

Sec. 254.123. SEMIANNUAL REPORTING SCHEDULE FOR COMMITTEE. (a) *The campaign treasurer of a specific-purpose committee shall file two reports for each year as provided by this section.*

(b) *The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the committee's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through June 30.*

(c) *The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the committee's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through December 31.*

Sec. 254.124. ADDITIONAL REPORTS OF COMMITTEE FOR SUPPORTING OR OPPOSING CANDIDATE OR MEASURE. (a) *In addition to other required reports, for each election in which a specific-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports.*

(b) *The first report shall be filed not later than the 30th day before election day. The report covers the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable, and continuing through the 40th day before election day.*

(c) *The second report shall be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day.*

(d) *If a specific-purpose committee supports or opposes a candidate or measure in an election after a reporting period prescribed by Subsection (b) or (c), the committee's campaign treasurer shall file the first report not later than the regular deadline for the report covering the period during which the committee becomes involved in the election. The period covered by the first report begins the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable.*

(e) *In addition to other required reports, the campaign treasurer of a specific-purpose committee that supports or opposes a candidate in an election and an ensuing runoff election shall file one report for the runoff election. The runoff election report shall be filed not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day.*

Sec. 254.125. FINAL REPORT OF COMMITTEE FOR SUPPORTING OR OPPOSING CANDIDATE OR MEASURE. (a) *If a specific-purpose committee for supporting or opposing a candidate or measure expects no reportable activity in connection with the election to occur after the period covered by a report filed under this subchapter, the committee's campaign treasurer may designate the report as a "final" report.*

(b) *The designation of a report as a final report:*

(1) *relieves the campaign treasurer of the duty to file additional reports under this subchapter, except as provided by Subsection (c); and*

(2) *terminates the committee's campaign treasurer appointment.*

(c) *If, after a committee's final report is filed, reportable activity with respect to the election occurs, the committee must file the appropriate reports under this subchapter and is otherwise subject to the provisions of this title applicable to political committees. A report filed under this subsection may be designated as a final report.*

Sec. 254.126. DISSOLUTION REPORT OF COMMITTEE FOR ASSISTING OFFICEHOLDER. (a) *If a specific-purpose committee for assisting an officeholder expects no reportable activity to occur after the period covered by a report filed under this subchapter, the committee's campaign treasurer may designate the report as a "dissolution" report.*

(b) *The filing of a report designated as a dissolution report:*

(1) *relieves the campaign treasurer of the duty to file additional reports under this subchapter; and*

(2) *terminates the committee's campaign treasurer appointment.*

(c) *A dissolution report must contain an affidavit, executed by the committee's campaign treasurer, that states that all the committee's reportable activity has been reported.*

Sec. 254.127. TERMINATION REPORT. (a) *If the campaign treasurer appointment of a specific-purpose committee is terminated, the terminated campaign treasurer shall file a termination report.*

(b) *A termination report is not required if the termination occurs on the last day of a reporting period under this subchapter and a report for that period is filed as provided by this subchapter.*

(c) *The report covers the period beginning the day after the period covered by the last report required to be filed under this subchapter and continuing through the day the campaign treasurer appointment is terminated.*

(d) *The report shall be filed not later than the 10th day after the date the campaign treasurer appointment is terminated.*

(e) *Reportable activity contained in a termination report is not required to be included in any subsequent report of the committee that is filed under this subchapter. The period covered by the committee's first report filed under this subchapter after a termination report begins the day after the date the campaign treasurer appointment is terminated.*

Sec. 254.128. NOTICE TO CANDIDATE AND OFFICEHOLDER OF CONTRIBUTIONS AND EXPENDITURES. (a) *If a specific-purpose committee accepts political contributions or makes political expenditures for a candidate or officeholder, the committee's campaign treasurer shall deliver written notice of that fact to the affected candidate or officeholder not later than the end of the period covered by the report in which the reportable activity occurs.*

(b) *The notice must include the full name and address of the political committee and its campaign treasurer and an indication that the committee is a specific-purpose committee.*

(c) *A campaign treasurer commits an offense if he fails to comply with this section. An offense under this section is a Class A misdemeanor.*

Sec. 254.129. NOTICE OF CHANGE IN COMMITTEE STATUS. (a) *If a specific-purpose committee changes its operation and becomes a general-purpose committee, the committee's campaign treasurer shall deliver written notice of the change in status to the authority with whom the specific-purpose committee's reports under this chapter are required to be filed.*

(b) *The notice shall be delivered not later than the next deadline for filing a report under this subchapter that:*

(1) *occurs after the change in status; and*

(2) *would be applicable to the political committee if the committee had not changed its status.*

(c) *The notice must indicate the filing authority with whom future filings are expected to be made.*

(d) *A campaign treasurer commits an offense if he fails to comply with this section. An offense under this section is a Class B misdemeanor.*

Sec. 254.130. AUTHORITY WITH WHOM REPORTS FILED. Reports filed under this subchapter shall be filed with the authority with whom the political committee's campaign treasurer appointment is required to be filed.

[Sections 254.131–254.150 reserved for expansion]

SUBCHAPTER F. REPORTING BY GENERAL-PURPOSE COMMITTEE

Sec. 254.151. ADDITIONAL CONTENTS OF REPORTS. In addition to the contents required by Section 254.031, each report by a campaign treasurer of a general-purpose committee must include:

- (1) the committee's full name and address;
- (2) the full name, residence or business street address, and telephone number of the committee's campaign treasurer;
- (3) the identity and date of the election for which the report is filed, if applicable;
- (4) the name of each identified candidate or measure or classification by party of candidates supported or opposed by the committee, indicating whether the committee supports or opposes each listed candidate, measure, or classification by party of candidates;
- (5) the name of each identified officeholder or classification by party of officeholders assisted by the committee;
- (6) the principal occupation of each person from whom political contributions that in the aggregate exceed \$50 are accepted during the reporting period; and
- (7) the amount of each political expenditure in the form of a political contribution made to a candidate, officeholder, or another political committee that is returned to the committee during the reporting period, the name of the person to whom the expenditure was originally made, and the date it is returned.

Sec. 254.152. TIME FOR REPORTING CERTAIN EXPENDITURES. If a general-purpose committee makes a political expenditure in the form of a political contribution to another general-purpose committee or to an out-of-state political committee and the contributing committee does not intend that the contribution be used in connection with a particular election, the contributing committee shall include the expenditure in the first report required to be filed under this subchapter after the expenditure is made.

Sec. 254.153. SEMIANNUAL REPORTING SCHEDULE FOR COMMITTEE. (a) The campaign treasurer of a general-purpose committee shall file two reports for each year as provided by this section.

(b) The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the committee's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through June 30.

(c) The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the committee's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through December 31.

Sec. 254.154. ADDITIONAL REPORTS OF COMMITTEE INVOLVED IN ELECTION. (a) In addition to other required reports, for each election in which a general-purpose committee is involved, the committee's campaign treasurer shall file two reports.

(b) The first report shall be filed not later than the 30th day before election day. The report covers the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable, and continuing through the 40th day before election day.

(c) The second report shall be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day.

(d) If a general-purpose committee becomes involved in an election after a reporting period prescribed by Subsection (b) or (c), the committee's campaign treasurer shall file the first report not later than the regular deadline for the report covering the period during which the committee becomes involved in the election. The period covered by the first report begins the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable.

(e) In addition to other required reports, the campaign treasurer of a general-purpose committee involved in an election and an ensuing runoff election shall file one report for the runoff election. The runoff election report shall be filed not earlier than the 10th day or later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day.

Sec. 254.155. **OPTION TO FILE MONTHLY; NOTICE.** (a) As an alternative to filing reports under Sections 254.153 and 254.154, a general-purpose committee may file monthly reports.

(b) To be entitled to file monthly reports, the committee must deliver written notice of the committee's intent to file monthly to the secretary of state not earlier than January 1 or later than January 15 of the year in which the committee intends to file monthly. The notice for a committee formed after January 15 must be delivered at the time the committee's campaign treasurer appointment is filed.

(c) A committee that files monthly reports may revert to the regular filing schedule prescribed by Sections 254.153 and 254.154 by delivering written notice of the committee's intent not earlier than January 1 or later than January 15 of the year in which the committee intends to revert to the regular reporting schedule. The notice must include a report of all political contributions accepted and all political expenditures made that were not previously reported.

Sec. 254.156. **CONTENTS OF MONTHLY REPORTS.** Each monthly report filed under this subchapter must comply with Sections 254.031 and 254.151 except that the maximum amount of a political contribution, expenditure, or loan that is not required to be individually reported is \$10 in the aggregate.

Sec. 254.157. **MONTHLY REPORTING SCHEDULE.** (a) The campaign treasurer of a general-purpose committee filing monthly reports shall file a report not later than the first day of the month following the period covered by the report.

(b) A monthly report covers the period beginning the 26th day of each month and continuing through the 25th day of the following month, except that the period covered by the first report begins January 1 and continues through January 25.

Sec. 254.158. **EXCEPTION TO MONTHLY REPORTING SCHEDULE.** If the campaign treasurer appointment of a general-purpose committee filing monthly reports is filed after January 1 of the year in which monthly reports are filed, the period covered by the first monthly report begins the day the appointment is filed and continues through the 25th day of the month in which the appointment is filed unless the appointment is filed the 25th or a succeeding day of the month. In that case, the period continues through the 25th day of the month following the month in which the appointment is filed.

Sec. 254.159. **DISSOLUTION REPORT.** If a general-purpose committee expects no reportable activity to occur after the period covered by a report filed under this subchapter, the report may be designated as a "dissolution" report as provided by Section 254.126 for a specific-purpose committee and has the same effect.

Sec. 254.160. **TERMINATION REPORT.** If the campaign treasurer appointment of a general-purpose committee is terminated, the campaign treasurer shall file a termination report as prescribed by Section 254.127 for a specific-purpose committee.

Sec. 254.161. NOTICE TO CANDIDATE AND OFFICEHOLDER OF CONTRIBUTIONS AND EXPENDITURES. If a general-purpose committee accepts political contributions or makes political expenditures for a candidate or officeholder, notice of that fact shall be given to the affected candidate or officeholder as provided by Section 254.128 for a specific-purpose committee.

Sec. 254.162. NOTICE OF CHANGE IN COMMITTEE STATUS. If a general-purpose committee changes its operation and becomes a specific-purpose committee, notice of the change in status shall be given to the secretary of state as provided by Section 254.129 for a specific-purpose committee.

Sec. 254.163. AUTHORITY WITH WHOM REPORTS FILED. Reports filed under this subchapter shall be filed with the secretary of state.

[Sections 254.164–254.180 reserved for expansion]

SUBCHAPTER G. MODIFIED REPORTING PROCEDURES; \$500 MAXIMUM IN CONTRIBUTIONS OR EXPENDITURES

Sec. 254.181. MODIFIED REPORTING AUTHORIZED. (a) An opposed candidate or specific-purpose committee required to file reports under Subchapter C or E may file a report under this subchapter instead if the candidate or committee does not intend to accept political contributions that in the aggregate exceed \$500 or to make political expenditures that in the aggregate exceed \$500 in connection with the election.

(b) The amount of a filing fee paid by a candidate is excluded from the \$500 maximum expenditure permitted under this section.

Sec. 254.182. DECLARATION OF INTENT REQUIRED. (a) To be entitled to file reports under this subchapter, an opposed candidate or specific-purpose committee must file with the campaign treasurer appointment a written declaration of intent not to exceed \$500 in political contributions or political expenditures in the election.

(b) The declaration of intent must contain a statement that the candidate or committee understands that if the \$500 maximum for contributions and expenditures is exceeded, the candidate or committee is required to file reports under Subchapter C or E, as applicable.

Sec. 254.183. MAXIMUM EXCEEDED. (a) An opposed candidate or specific-purpose committee that exceeds \$500 in political contributions or political expenditures in the election shall file reports as required by Subchapter C or E, as applicable.

(b) If a candidate or committee exceeds the \$500 maximum after the filing deadline prescribed by Subchapter C or E for the first report required to be filed under the appropriate subchapter, the candidate or committee shall file a report not later than 48 hours after the maximum is exceeded.

(c) A report filed under Subsection (b) covers the period beginning the day the campaign treasurer appointment is filed and continuing through the day the maximum is exceeded.

(d) The reporting period for the next report filed by the candidate or committee begins on the day after the last day of the period covered by the report filed under Subsection (b).

Sec. 254.184. APPLICABILITY OF REGULAR REPORTING REQUIREMENTS. (a) Subchapter C or E, as applicable, applies to an opposed candidate or specific-purpose committee filing under this subchapter to the extent that the appropriate subchapter does not conflict with this subchapter.

(b) A candidate or committee filing under this subchapter is not required to file any reports of political contributions and political expenditures other than the semiannual reports required to be filed not later than July 15 and January 15.

[Sections 254.185–254.200 reserved for expansion]

SUBCHAPTER H. UNEXPENDED CONTRIBUTIONS

Sec. 254.201. ANNUAL REPORT OF UNEXPENDED CONTRIBUTIONS. (a) This section applies to:

(1) a former officeholder who has unexpended political contributions after filing the last report required to be filed by Subchapter D; or

(2) a person who was an unsuccessful candidate who has unexpended political contributions after filing the last report required to be filed by Subchapter C.

(b) A person covered by this section shall file an annual report for each year in which the person retains unexpended contributions.

Sec. 254.202. FILING OF REPORT; CONTENTS. (a) A person shall file the report required by Section 254.201 not earlier than January 1 or later than January 15 of each year following the year in which the person files a final report under this chapter.

(b) The report shall be filed with the authority with whom the person's campaign treasurer appointment was required to be filed.

(c) The report must include:

(1) the person's full name and address;

(2) the full name and address of each person to whom a payment from unexpended political contributions was made during the previous year;

(3) the date, amount, and purpose of each payment made under Subdivision (2);

(4) the total amount of unexpended political contributions as of December 31 of the previous year; and

(5) the total amount of interest and other income earned on unexpended political contributions during the previous year.

Sec. 254.203. RETENTION OF CONTRIBUTIONS. (a) A person may not retain political contributions covered by this title, assets purchased with the contributions, or interest and other income earned on the contributions for more than six years after the date the person either ceases to be an officeholder or candidate or files a final statement under this chapter, whichever is later.

(b) If the person becomes an officeholder or candidate within the six-year period, the prohibition in Subsection (a) does not apply until the person again ceases to be an officeholder or candidate.

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

Sec. 254.204. DISPOSITION OF UNEXPENDED CONTRIBUTIONS. (a) At the end of the six-year period prescribed by Section 254.203, the former officeholder or candidate shall remit any unexpended political contributions to one or more of the following:

(1) the political party with which the person was affiliated when the person's name last appeared on a ballot;

(2) a candidate or political committee;

(3) the comptroller of public accounts for deposit in the State Treasury;

(4) one or more persons from whom political contributions were received, in accordance with Subsection (d);

(5) a recognized tax-exempt, charitable organization formed for educational, religious, or scientific purposes; or

(6) a public or private postsecondary educational institution or an institution of higher education as defined by Section 61.003(8), Education Code, solely for the purpose of assisting or creating a scholarship program.

(b) A person who disposes of unexpended political contributions under Subsection (a)(2) shall report each contribution as if he were a campaign treasurer of a specific-purpose committee.

(c) Political contributions disposed of under Subsection (a)(3) may be appropriated only for financing primary elections.

(d) The amount of political contributions disposed of under Subsection (a)(4) to one person may not exceed the aggregate amount accepted from that person during the last two years that the candidate or officeholder accepted contributions under this title.

Sec. 254.205. REPORT OF DISPOSITION OF UNEXPENDED CONTRIBUTIONS. (a) Not later than the 30th day after the date the six-year period prescribed by Section 254.203 ends, the person required to dispose of unexpended political contributions shall file a report of the disposition.

(b) The report shall be filed with the authority with whom the person's campaign treasurer appointment was required to be filed.

(c) The report must include:

- (1) the person's full name and address;
- (2) the full name and address of each person to whom a payment from unexpended political contributions is made; and
- (3) the date and amount of each payment reported under Subdivision (2).

[Sections 254.206–254.230 reserved for expansion]

SUBCHAPTER I. CIVIL LIABILITY

Sec. 254.231. LIABILITY TO CANDIDATES. (a) A candidate or campaign treasurer or assistant campaign treasurer of a political committee who fails to report in whole or in part a campaign contribution or campaign expenditure as required by this chapter is liable for damages as provided by this section.

(b) Each opposing candidate whose name appears on the ballot is entitled to recover damages under this section.

(c) In this section, "damages" means:

- (1) twice the amount not reported that is required to be reported; and
- (2) reasonable attorney's fees incurred in the suit.

(d) Reasonable attorney's fees incurred in the suit may be awarded to the defendant if judgment is rendered in the defendant's favor.

Sec. 254.232. LIABILITY TO STATE. A candidate, officeholder, or campaign treasurer or assistant campaign treasurer of a political committee who fails to report in whole or in part a political contribution or political expenditure as required by this chapter is liable in damages to the state in the amount of triple the amount not reported that is required to be reported.

CHAPTER 255. REGULATING POLITICAL ADVERTISING AND CAMPAIGN COMMUNICATIONS

Sec. 255.001. REQUIRED DISCLOSURE ON POLITICAL ADVERTISING

Sec. 255.002. RATES FOR POLITICAL ADVERTISING

Sec. 255.003. UNLAWFUL USE OF PUBLIC FUNDS FOR POLITICAL ADVERTISING

Sec. 255.004. TRUE SOURCE OF COMMUNICATION

Sec. 255.005. MISREPRESENTATION OF IDENTITY

Sec. 255.006. MISLEADING USE OF OFFICE TITLE

CHAPTER 255. REGULATING POLITICAL ADVERTISING AND
CAMPAIGN COMMUNICATIONS

Sec. 255.001. REQUIRED DISCLOSURE ON POLITICAL ADVERTISING. (a) A person may not knowingly enter into a contract or other agreement to print, publish, or broadcast political advertising that does not indicate in the advertising:

(1) that it is political advertising;

(2) the full name of either the individual who personally entered into the contract or agreement with the printer, publisher, or broadcaster or the person that individual represents; and

(3) in the case of advertising that is printed or published, the address of either the individual who personally entered into the agreement with the printer or publisher or the person that individual represents.

(b) This section does not apply to tickets or invitations to political fund-raising events or to campaign buttons, pins, hats, or similar campaign materials.

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

Sec. 255.002. RATES FOR POLITICAL ADVERTISING. (a) The rate charged for political advertising by a radio or television station may not exceed:

(1) during the 45 days preceding a general or runoff primary election and during the 60 days preceding a general or special election, the broadcaster's lowest unit charge for advertising of the same class, for the same time, and for the same period; or

(2) at any time other than that specified by Subdivision (1), the amount charged other users for comparable use of the station.

(b) The rate charged for political advertising that is printed or published may not exceed the lowest charge made for comparable use of the space for any other purposes.

(c) In determining amounts charged for comparable use, the amount and kind of space or time used, number of times used, frequency of use, type of advertising copy submitted, and any other relevant factors shall be considered.

(d) Discounts offered by a newspaper or magazine to its commercial advertisers shall be offered on equal terms to purchasers of political advertising from the newspaper or magazine.

(e) A person commits an offense if the person knowingly demands or receives or knowingly pays or offers to pay for political advertising more consideration than permitted by this section.

(f) An offense under this section is a Class C misdemeanor.

Sec. 255.003. UNLAWFUL USE OF PUBLIC FUNDS FOR POLITICAL ADVERTISING. (a) An officer or employee of a political subdivision may not spend or authorize the spending of public funds for political advertising.

(b) This section does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure.

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

Sec. 255.004. TRUE SOURCE OF COMMUNICATION. (a) A person commits an offense if, with intent to injure a candidate or influence the result of an election, the person enters into a contract or other agreement to print, publish, or broadcast political advertising that purports to emanate from a source other than its true source.

(b) A person commits an offense if, with intent to injure a candidate or influence the result of an election, the person knowingly represents in a campaign communication that the communication emanates from a source other than its true source.

(c) An offense under this section is a Class A misdemeanor.

Sec. 255.005. MISREPRESENTATION OF IDENTITY. (a) A person commits an offense if, with intent to injure a candidate or influence the result of an election, the person misrepresents his identity or, if acting or purporting to act as an agent, misrepresents the identity of the agent's principal, in political advertising or a campaign communication.

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

Sec. 255.006. MISLEADING USE OF OFFICE TITLE. (a) A person commits an offense if the person knowingly enters into a contract or other agreement to print, publish, or broadcast political advertising with the intent to represent to an ordinary and prudent person that a candidate holds a public office he does not hold at the time the agreement is made.

(b) A person commits an offense if the person knowingly represents in a campaign communication that a candidate holds a public office he does not hold at the time the representation is made.

(c) A person other than an officeholder commits an offense if the person knowingly uses a representation of the Great Seal of Texas in political advertising.

(d) An offense under this section is a Class A misdemeanor.

CHAPTER 256. CITIZEN COMPLAINT

Sec. 256.001. CITIZEN COMPLAINT REFERRED TO PROSECUTING AUTHORITY

Sec. 256.002. NOTICE OF COMPLAINT TO ACCUSED

Sec. 256.003. RESPONSE TO COMPLAINT BY ACCUSED

Sec. 256.004. PRELIMINARY REVIEW BY SECRETARY OF STATE

Sec. 256.005. REFERRAL OF COMPLAINT TO PROSECUTING ATTORNEY

Sec. 256.006. AVAILABILITY OF ALTERNATIVE ENFORCEMENT PROCEDURES

Sec. 256.007. MALICIOUS COMPLAINT

CHAPTER 256. CITIZEN COMPLAINT

Sec. 256.001. CITIZEN COMPLAINT REFERRED TO PROSECUTING AUTHORITY. (a) If any person files a complaint with the secretary of state alleging one or more of the following violations of this title, the secretary shall act on the complaint as provided by this chapter:

(1) a violation of Section 253.031 in which the authority with whom the accused is required to file a campaign treasurer appointment is the secretary of state;

(2) a violation of Section 254.041 in which the report involved in the violation is required to be filed with the secretary of state; or

(3) the making or accepting of a political contribution or the making of a political expenditure in violation of this title by a person required to file reports with the secretary of state.

(b) To be effective for action under this chapter, a complaint must:

(1) be signed and sworn to by the complainant;

(2) state the name and residence address of the accused and identify the election involved, if any; and

(3) identify a violation specified by Subsection (a) and state facts indicating that the accused has committed the violation.

Sec. 256.002. NOTICE OF COMPLAINT TO ACCUSED. (a) On receipt of a complaint under this chapter, the secretary of state shall deliver written notice of the filing of the complaint, by registered or certified mail, restricted delivery, return receipt requested, to the person accused of the violation.

(b) The notice must include a statement informing the accused person of the deadline for filing a written response to the complaint.

(c) A copy of the complaint and a copy of this chapter shall be included with delivery of the notice.

Sec. 256.003. RESPONSE TO COMPLAINT BY ACCUSED. (a) A person accused of a violation in a complaint filed under this chapter may file a written response to the complaint with the secretary of state.

(b) The response must be filed on or before the 15th day after the date of mailing shown on the notice of the complaint.

Sec. 256.004. PRELIMINARY REVIEW BY SECRETARY OF STATE. On receipt of a complaint under this chapter, the secretary of state shall review the complaint to determine whether there is reasonable cause to suspect that the alleged violation occurred.

Sec. 256.005. REFERRAL OF COMPLAINT TO PROSECUTING ATTORNEY. (a) If, after reviewing a complaint filed under this chapter, the secretary of state determines that there is reasonable cause to suspect that the alleged violation occurred, the secretary shall promptly refer the complaint to the appropriate prosecuting attorney. The secretary shall deliver to the prosecuting attorney the accused's response to the complaint, if timely, and certified copies of other pertinent documents in the secretary's possession.

(b) If the alleged violation involves an election in which the accused is a candidate, a candidate's campaign treasurer, or the campaign treasurer of a political committee supporting or opposing a candidate, the secretary of state shall delay referral until the day after election day or, if an ensuing runoff involving the accused is held, until the day after runoff election day. However, if the election involved in the violation is a primary election and the accused is involved in the succeeding general election, the referral shall be delayed until the day after general election day.

(c) If the alleged violation is one for which the accused is subject to liability for damages to the state, the secretary of state shall promptly deliver to the attorney general a copy of each document delivered to the prosecuting attorney.

Sec. 256.006. AVAILABILITY OF ALTERNATIVE ENFORCEMENT PROCEDURES. Action taken under this chapter does not affect the availability of other procedures for investigation of violations and enforcement of this title.

Sec. 256.007. MALICIOUS COMPLAINT. (a) A person who maliciously and without reasonable cause files a complaint under this chapter is liable for damages incurred by the person against whom the complaint is filed.

(b) If a suit is filed pursuant to a complaint filed under this chapter, a suit for damages under this section may not be filed until the suit on the complaint has been disposed of.

~~[TITLE 15. REGULATING POLITICAL FUNDS
AND CAMPAIGNS~~

~~[CHAPTER 251. REGULATING POLITICAL FUNDS
AND CAMPAIGNS~~

~~[Sec. 251.001. DEFINITIONS. As used in this chapter~~

~~[(1) "Candidate" is defined as any person who has knowingly and willingly taken affirmative action for the purpose of seeking nomination or election to any public office which is required by law to be determined by an election. Some examples of affirmative action are:~~

~~[(A) Filing of application for a position on a ballot.~~

~~[(B) Filing of application for nomination by a convention.~~

~~[(C) Independent candidate's declaration of intent.~~

~~[(D) Public announcement of a definite intent to run for office at a particular election, either with or without designating the specific office to be sought.~~

~~[(E) Statement of definite intent and solicitation of support through letters or other modes of communication, prior to a public announcement.~~

~~[(F) Solicitation of or acceptance of a contribution for use in a future election.~~

~~[(G) Seeking the nomination of an executive committee of a political party to fill a vacancy.~~

~~[(H) Filing of a designation of a campaign treasurer. The filing of a designation of a campaign treasurer does not constitute candidacy or an announcement of candidacy for purposes of the automatic resignation provisions of Article XVI, Section 65, or Article XI, Section 11, of the Texas Constitution.~~

~~[(2) "Office holder" is defined as any person serving in a public office as defined herein and any other constitutionally designated member of the Executive Department.~~

~~[(3) "Corporation" is defined as every organization organized or operating under authority of the Texas Business Corporation Act or the Texas Non-Profit Corporation Act, any corporation or association organized by authority of any law of Congress or of any other state or nation than Texas, national, state, private or unincorporated banks, trust companies, building and loan associations or companies, insurance companies, reciprocal or interinsurance exchanges, railroad companies, cemetery companies, cooperatives, abstract and title insurance companies, and stock companies. However, any political committee whose only principal purpose is to accept contributions and to make expenditures, as defined in this section, shall not be deemed to be a corporation under the provisions of this chapter if such committee is incorporated for liability purposes only. Incorporation of a political committee shall not relieve any person of any liability, duty, or obligation created pursuant to any provision of this Code.~~

~~[(4) "Contribution" is defined as:~~

~~[(A) any advance, loan, deposit or transfer of funds, goods, services or any other thing of value, or any contract or obligation, whether enforceable or unenforceable, to transfer any funds, goods, services, or anything of value to any candidate, or political committee, which advance or other such item is involved in an election; providing that an individual or group of persons is involved in an election upon the receipt of a contribution or the making of an expenditure which was given or made and received with the intent that it be used or held for some election and that the receipt of or making of the contribution or expenditure may occur before, during, or after an election; or as~~

~~[(B) any advance, deposit or transfer of funds, goods, services or anything of value or creation of any contract or obligation, enforceable or unenforceable, to transfer any funds, goods, services, or anything of value knowingly accepted by any office holder for the purpose of assisting such person in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision. "Contribution" does not include an honorarium to a public servant that is excluded from the application of penal sanction by Section 36.10(3) of the Penal Code.~~

~~[(5) "Expenditures" is defined as any payments made or obligations incurred:~~

~~[(A) by a candidate, or political committee, when such payments or obligations are involved in an election; or~~

~~[(B) by an office holder, when such payments are made in the performance of duties or activities in connection with the office which are nonreimbursable by the state or the political subdivision.~~

~~["Involved in an election" has the same meaning as in (4) above.~~

~~[(6) "Election" is defined as any election held to nominate or elect a candidate to any public office. It shall also include any election at which a measure is submitted to the people.~~

~~[(7) "Public office" is defined as any office created by or under authority of the laws of this state, that is filled by the voters.~~

~~[(8) “State office” is defined as any public office of the state government which is to be filled by the choice of the voters of the entire state, except presidential electors.~~

~~[(9) “District office” is defined as any public office of the state government, less than state-wide, which is to be filled by the choice of the voters residing in more than one county, and the offices of State Senator, State Representative, and State Board of Education.~~

~~[(10) “County office” is defined as any public office of the state or county government which is to be filled by the choice of the voters residing in only one county or less than one county, except for those offices specifically enumerated as district offices above.~~

~~[(11) “Municipal office” is defined as any public office of any incorporated city, town, or village which is to be filled by the choice of the voters.~~

~~[(12) “Office of a political subdivision” is defined as any public office of any political subdivision of this state which is organized as a body politic and has a governing board or body, except counties, cities, towns and villages, which is to be filled by the choice of the voters residing in that subdivision.~~

~~[(13) “Measure” is defined as any proposal submitted to the people for their approval or rejection at an election, including any proposed law, Act or part of an Act of the legislature, revision of or amendment to the constitution, local, special, or municipal legislation or proposition or ballot question.~~

~~[(14) “Person” is defined as an individual, corporation, partnership, labor union or labor organization, or any unincorporated association, firm, committee, club, or other organization or group of persons including any group of persons associated with a political party or element thereof.~~

~~[(15) “Political committee” is defined as any group of persons:~~

~~[(A) formed to collect contributions or make expenditures in support for or in opposition to a candidate or candidates, whether presently identifiable or not, or a measure or measures, whether presently identifiable or not, on a ballot in a public election; or~~

~~[(B) formed to collect contributions or make expenditures for office holders whether presently identifiable or not.~~

~~[(16) “Specific purpose political committee” is defined as:~~

~~[(A) any political committee which accepts only contributions and/or makes only expenditures in support for or in opposition to candidates who are identifiable and for whom the office(s) to be sought are known and any political committee only accepting contributions and/or making expenditures in support for or in opposition to measures which are identifiable; or~~

~~[(B) any political committee which accepts only contributions and/or makes only expenditures in assisting identifiable office holders.~~

~~[(17) “General purpose political committee” is defined as:~~

~~[(A) any political committee which accepts contributions and/or makes expenditures in support for or in opposition to candidates who are indefinite in identity or for whom the office(s) to be sought are unknown and any political committee which accepts contributions and/or makes expenditures in support for or in opposition to measures which are indefinite in identity; or~~

~~[(B) any political committee which accepts contributions and/or makes expenditures in assisting office holders, who are not identified.~~

~~[(18) “Political advertising” is defined as anything in favor of or in opposition to any candidate for public office or office of a political party, or in favor of or in opposition to any political party, or in favor of or in opposition to the success of any public officer, or in favor of or in opposition to any measure submitted to a vote of the people, which is communicated in any of the following forms:~~

~~[(A) anything published in a newspaper, magazine, or journal or broadcast over a radio or television station in consideration of money or other thing of value; or~~

~~[(B) any handbill, pamphlet, circular, flier, commercial billboard sign, bumper sticker, or similar printed material.~~

~~[The term does not include nonpolitical letterheads, ordinary printed invitations to and tickets for fund-raising events or other affairs, campaign pins, buttons, fingernail files, matchbooks, emblems, hats, pencils, and similar materials.~~

~~[Sec. 251.002.— APPOINTMENT OF CAMPAIGN TREASURER. (a) Notwithstanding the following subsections of this section, no designation of a campaign treasurer shall be required in order that an office holder accept contributions or make expenditures as defined in Sections 251.001(4)(B) and (5)(B). Unexpended campaign contributions, as defined in Section 251.001(4)(A), which are lawfully accepted, may be used by an office holder for expenditures in connection with the office pursuant to Section 251.001(5)(B). Notwithstanding the requirement set forth in Subsection (f)(1) of this section, any contribution as defined in Section 251.001(4)(B) that has been lawfully accepted prior to the designation of a campaign treasurer may be utilized as campaign contributions after such designation.~~

~~[(b)(1) Every candidate for nomination to or election to a state or district office and every specific purpose political committee in any such election or in an election involving a statewide or district measure and every general purpose political committee shall designate a campaign treasurer by written appointment filed with the Secretary of State, and may also designate assistant campaign treasurers for each county by written appointment to be filed either with the county clerk of said county, or the Secretary of State.~~

~~[(2) Each specific purpose political committee in an election involving a state or district office or a statewide or district measure and each general purpose political committee may also designate an assistant campaign treasurer to act in the absence of the political committee's campaign treasurer. The written appointment of the assistant campaign treasurer must be filed with the Secretary of State.~~

~~[(c) Every candidate for nomination to or election to a county office and every specific purpose political committee in any such election or in an election involving a county measure shall designate a campaign treasurer by written appointment to be filed with the county clerk of such county.~~

~~[(d) Every candidate for nomination to or election to a municipal office or an office of a political subdivision and every specific purpose political committee in any such election or in an election involving a measure of a municipality or political subdivision shall designate a campaign treasurer by written appointment to be filed with the clerk or secretary of the municipality or political subdivision and, if the political subdivision extends beyond the boundaries of one county, may also designate assistant campaign treasurers for each county affected by such candidacy.~~

~~[(e) Any campaign treasurer or assistant campaign treasurer designated as provided in this Section may be removed by the candidate or political committee at any time by the written appointment of a successor filed in the manner provided for the original designations.~~

~~[(f)(1) Except as expressly permitted in this chapter, no contribution as defined in Section 251.001(4)(A) shall be accepted nor any expenditure, as defined in Section 251.001(5)(A), including the paying of any filing fee, made by an individual until he has filed the name of his campaign treasurer with the appropriate authority. No contribution shall be accepted nor any expenditure made by a political committee until it has filed the name of its campaign treasurer with the appropriate authority. If it is not otherwise possible for a candidate or specific purpose political committee to determine which authority is appropriate for the filing of campaign treasurer designation, then a filing with the Secretary of State shall be sufficient, but only until such time as the appropriate authority may be determined in accordance with Subsections (b), (c), and (d) of this Section.~~

~~[(2) It is unlawful for a political committee to make a contribution or an expenditure in support for or in opposition to a candidate for a state or district office in a primary or general election unless the committee's designation of campaign treasurer has been filed before the 30th day preceding the appropriate election day.~~

~~[(g) It shall be unlawful for any candidate, political committee, campaign treasurer, assistant campaign treasurer, or any other person to expend funds from any unlawful contributions.~~

~~[(h) Nothing in this Act shall be construed to prohibit a candidate from appointing himself or herself as the campaign treasurer.~~

~~[(i) An individual intending to become a candidate for public office may file a designation of campaign treasurer before taking any affirmative action for the purpose of seeking nomination or election.~~

~~[(j) A designation of a campaign treasurer or an assistant campaign treasurer shall be deemed to be timely filed if it is placed in the United States Post Office properly addressed to the appropriate authority within the time limits applicable to such designation. The postmark will be prima facie evidence of the date that such statement was deposited with the post office. The person filing the designation may show by competent evidence that the actual date of posting was to the contrary. No charge shall be made for filing designations of campaign treasurer or assistant campaign treasurer with any authority.~~

~~[Sec. 251.003. CAMPAIGN CONTRIBUTIONS. (a) It shall be lawful for an individual not acting in concert with any other person to expend a sum in a campaign which shall not in the aggregate exceed \$100 per election for any lawful purpose out of his own funds to aid or defeat any candidate or measure, where the sum is not to be repaid to him. Such a sum will not be reportable to any authority unless it constitutes a contribution. If an individual not acting in concert with any person wishes to expend more than \$100 for any lawful purpose out of his own funds to aid or defeat any candidate or candidates or measures, he may do so either by making a contribution or by complying with all of the provisions of this chapter as if he were a campaign treasurer of a political committee.~~

~~[(b) It shall be lawful for any individual to donate his own personal services and personal traveling expenses to aid or defeat any candidate or measure and such a donation shall not constitute a contribution or expenditure, as defined in Section 251.001 only so long as he either is not compensated or reimbursed for same.~~

~~[(c) It shall be unlawful for any person to make any contribution or expenditure in the name of another or on behalf of another without revealing that fact in order that the proper disclosure may be made.~~

~~[(d) Except as expressly permitted by Subsections (a), (b), and (c) of this Section it shall be unlawful for any person, other than a candidate, his campaign treasurer, or assistant campaign treasurer, or the campaign treasurer of a political committee, to make or authorize any campaign expenditure. Except as provided in Subsections (a), (b), and (c) of this Section, campaign expenditures must be made by the candidate, campaign treasurer, or assistant campaign treasurer, or the campaign treasurer of a political committee.~~

~~[(e)1) It shall be lawful for a corporation or a labor organization to expend its own funds for the purpose of aiding or defeating a measure by making a contribution to a political committee that supports or opposes measures exclusively.~~

~~[(2) It shall be lawful for a corporation or labor organization, not acting in concert with any other person, to make direct expenditures from its own funds for the purpose of aiding or defeating a measure by complying with this Section as if the corporation or labor organization were an individual.~~

~~[Sec. 251.004. FORM OF CONTRIBUTION. It is unlawful for a person except a general purpose political committee to accept a single contribution from a person in the form of cash that exceeds \$100.~~

~~[Sec. 251.005. RESTRICTION ON CONTRIBUTIONS TO CERTAIN OFFICE HOLDERS DURING REGULAR SESSION. (a) It is unlawful for a person to make a contribution to a person who holds a state office or to a member of the legislature, or to a specific purpose political committee that supports or assists a person who holds a state office or a member of the legislature, during a period beginning on the 30th day before the day a regular session of the legislature is convened and continuing through the day of final adjournment.~~

~~[(b) It is unlawful for a person who holds a state office, a member of the legislature, or a specific purpose political committee that supports or assists either a person who holds a state office or a member of the legislature to accept a contribution during the period prescribed in Subsection (a) of this section.~~

~~[(c) This section does not apply to a contribution that was made and accepted with the intent that it be used in an election held or called during the period prescribed in Subsection (a) of this section in which the person accepting the contribution is a candidate if the contribution was made after the person has designated a campaign treasurer for the office sought and before the person was sworn in to that office.~~

~~[Sec. 251.006. STATE OFFICER-ELECT AND LEGISLATOR-ELECT CONSIDERED OFFICE-HOLDER. (a) For purposes of this chapter, a state officer-elect or a member-elect of the legislature is considered an office-holder beginning on the day after the day of the general or special election in which the officer-elect or member-elect was elected.~~

~~[(b) This section does not relieve the state officer-elect or the member-elect of any reporting responsibilities he may have as a candidate under Section 251.011.~~

~~[Sec. 251.007. PROHIBITION OF PERSONAL USE OF CONTRIBUTIONS. (a) A person who accepts a contribution as a candidate or office-holder shall not convert such contributions to personal use except as authorized by the State Ethics Advisory Commission.~~

~~[(b) In this section, "personal use" means a use which primarily furthers individual or family purposes not connected with the performance of duties or activities as a candidate for or holder of a public office. The term does not include any payments made to defray ordinary and necessary expenses incurred in connection with activities as a candidate or in connection with the performance of duties or activities as a holder of public office including payment of rent, interest, utility, and other reasonable housing or household expenses incurred in maintaining a residence in Travis County by members of the legislature who do not ordinarily reside in Travis County.~~

~~[(c) This section applies only to contributions accepted on or after September 1, 1983.~~

~~[(d) A person who converts a contribution to his personal use in violation of this section is civilly liable to the State of Texas for an amount equal to the amount of the converted contribution plus reasonable court costs.~~

~~[Sec. 251.008. CIVIL REMEDY. (a) Any person who knowingly makes or knowingly accepts an unlawful campaign contribution or who knowingly makes an unlawful expenditure in support of a candidate shall be civilly liable to each opposing candidate whose name appeared on the ballot in the election in which the unlawful contribution or expenditure was involved for double the amount or value of such unlawful campaign contribution or expenditure and reasonable attorneys fees for collecting same.~~

~~[(b) Any person who knowingly makes or knowingly accepts an unlawful campaign contribution or expenditure not expressly supporting any candidate but opposing a particular candidate or candidates shall be civilly liable to each of such opposed candidates for double the amount or value of such unlawful campaign contribution or expenditure and reasonable attorneys fees for collecting same.~~

~~[(c) Any person who knowingly makes or knowingly accepts an unlawful contribution or expenditure shall, in addition to any other penalties, be civilly liable to the State of Texas for an amount equal to triple the amount or value of such unlawful contribution or expenditure.~~

~~[Sec. 251.009. CRIMINAL PENALTY. Any person who knowingly makes or knowingly accepts an unlawful contribution or who knowingly makes an expenditure in violation of this Chapter shall be guilty of a Class A misdemeanor unless otherwise provided by law.~~

~~[Sec. 251.010. CORPORATIONS AND LABOR ORGANIZATIONS NOT TO CONTRIBUTE. (a) It is unlawful for any corporation, as defined in Section 251.001, to make a contribution or expenditure, as defined in Section 251.001, or any labor organization to make a contribution or expenditure, or for any candidate, office-holder, political committee, or other person to knowingly accept any contribution prohibited by this section except~~

~~that a corporation or labor organization may make a contribution or expenditure for the purpose of aiding or defeating a measure in accordance with Section 251.003.~~

~~[(b) For the purpose of this section, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.~~

~~[(c) As used in this section, the phrase "contribution or expenditure" shall also include giving, lending, or paying any money or other thing of value, directly or indirectly, to any candidate, or political committee, campaign treasurer, assistant campaign treasurer, or any other person, for the purpose of aiding or defeating the nomination or election of any candidate; provided, however, that nothing in this section shall prevent the making of a loan or loans to any candidate, office holder, or political committee, for campaign or other lawful purposes by any corporation which is legally engaged in the business of lending money and which has conducted such business continuously for more than one year prior to the making of such loan, provided the loan is made in the due course of business and is not directly or indirectly a contribution. As used in this chapter, the phrase "contribution or expenditure" shall not include expenditures for the following purposes: communications, on any subject, by a corporation to its stockholders and their families or, if the corporation is an association, to its members and their families, or by a labor organization to its members and their families; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or, if the corporation is an association, at its members and their families, or by a labor organization aimed at its members and their families; or the establishment, administration and solicitation of contributions from the members and their families of one or more labor organizations, or from the stockholders, employees and their families of one or more corporations, or from the members and their families of one or more associations to a separate segregated fund or other general purpose political committee to be utilized for political purposes by one or more corporations or one or more labor organizations. It is provided that it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, or financial reprisals, or by threats thereof, or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in a commercial transaction.~~

~~[(d) Any corporation or labor organization making or promising a gift, loan, or payment to any candidate, political committee, campaign treasurer, assistant campaign treasurer, or other person in violation of this section shall be civilly liable for double the amount or value of such loan or gift, promised or made, to each opponent of the candidate, or political committee, opposed by such gift, loan, or payment. An opponent of the candidate is an opposing candidate whose name appeared on the ballot in the election in which the unlawful gift, loan, or payment was involved. The corporation or labor organization shall be civilly liable to the State of Texas for an amount equal to triple the amount or value of any unlawful gift, loan, or payment to any candidate, office holder, political committee, campaign treasurer, or assistant campaign treasurer.~~

~~[(e) Any corporation or labor organization that violates Subsection (a), (b), or (c) of this section shall be guilty of a felony of the third degree.~~

~~[(f) Every officer or director of any corporation or labor organization who shall consent to any such unlawful gift, loan, or payment or such unlawful promise to give, lend, or pay by the corporation or labor organization shall be guilty of a felony of the third degree.~~

~~[(g) Any candidate, office holder, political committee, campaign treasurer, or assistant campaign treasurer who knowingly accepts such unlawful gift, loan, or payment from a corporation or labor organization shall be guilty of a felony of the third degree.~~

~~[Sec. 251.011. RECORDS AND SWORN STATEMENT. (a) Each candidate, office holder, and political committee, or a campaign treasurer representing the same, is hereby required to keep an accurate record of contributions received, and of all expenditures~~

made. Such record shall contain all information hereinafter required to be reported by such candidate, office holder, or political committee.

~~[(b) Each candidate whose name is printed on the ballot, each person who, after having become a candidate, has withdrawn as a candidate, each write-in candidate taking affirmative action in an election and each political committee involved in an election concerning a candidate or measure shall file sworn statements as required herein. Each office holder and political committee as defined in Section 251.001(15)(B), (16)(B), or (17)(B) shall file sworn statements as required herein.~~

~~[(c)(1) Each statement filed by a candidate, office holder, political committee, or the political committee's campaign treasurer must list all contributions received and all expenditures made during the period covered by the statement as described in Subsection (i) of this section. Each statement must include, for the period covered, the following information:~~

~~[(A) the full name and complete address of each person from whom contributions in an aggregate amount of more than \$50 were received, and the date and amount of the contributions;~~

~~[(B) the full name and complete address of each person to whom any expenditures aggregating more than \$50 were made, and the date, amount, and purpose of the expenditures;~~

~~[(C) the full name and complete address of each person to whom a payment that is not an expenditure was made, if the payment was made from a contribution, and the date, amount, and purpose of the payment;~~

~~[(D) the full name and complete address of each person who assisted in obtaining credit or a loan of money for or on behalf of the candidate, office holder, or political committee, or who guaranteed or otherwise agreed to assume any financial obligation for or on behalf of the candidate, office holder, or political committee, if the benefit of the credit, the proceeds of the loan, or the guarantee or assumption of the obligation was to be involved, directly or indirectly, in an election, and the date and total value of the credit, loan, or guarantee or assumption;~~

~~[(E) a total of all contributions of \$50 and less received and a total of all expenditures of \$50 and less made;~~

~~[(F) a total of all contributions received and all expenditures made; and~~

~~[(G) the total of unexpended contributions received or the outstanding indebtedness from expenditures made as of the end of the period covered by the previous statement required to be filed under this section.~~

~~[(2) Each statement filed by a candidate or a political committee must include the campaign treasurer's name, business or residence street address, and telephone number.~~

~~[(3) Each statement filed by a general-purpose political committee or its campaign treasurer must include the principal occupation of each person from whom contributions in an aggregate amount of more than \$50 were received in the period covered by the statement.~~

~~[(4) Each statement filed by a political committee or its campaign treasurer must include the amount of each expenditure in the form of a contribution made to a candidate, office holder, or another political committee that was returned to the political committee during the period covered by the statement, the name of the person to whom the expenditure was originally made, and the date it was returned.~~

~~[(5) A contribution received but not accepted is not required to be reported pursuant to this section. A determination of whether to accept a contribution that is received by a candidate, office holder, campaign treasurer, or assistant campaign treasurer shall be made before the end of the reporting period during which the contribution was received. If the determination on accepting the contribution is not made before that time, it is considered accepted on the last day of the reporting period for purposes of reporting pursuant to this section. The candidate, office holder, campaign treasurer, or assistant campaign treasurer who received a contribution that was not accepted shall return it to~~

~~the contributor not later than the 30th day after the deadline for filing a statement for the reporting period during which the contribution was received. A candidate, office holder, campaign treasurer, or assistant campaign treasurer commits a Class A misdemeanor if he knowingly fails to return a contribution as required by this subdivision.~~

~~[(6) For purposes of the time and manner of reporting, an expenditure need not be considered to have been made until the amount is readily determinable or, if the character of the expenditure is such that normal business practice is not to disclose the amount until the next periodic bill is received, then the expenditure need not be considered to have been made until the date of receipt of the bill.~~

~~[(d) In addition to the filing of a sworn statement under this section, the information required to be reported on the statement regarding contributions from a person that in the aggregate exceed \$1,000 to an opposed candidate for the office of state senator or to a specific purpose political committee organized in support of or in opposition to any candidate for the office of state senator or \$200 to an opposed candidate for the office of state representative or to a specific purpose political committee organized in support of or in opposition to any candidate for the office of state representative and that are knowingly accepted during the period beginning on the ninth day before election day and ending at 12:00 noon on the second day before election day shall be reported by such candidate or specific purpose political committee by telegram or delivered by hand to the secretary of state within 48 hours of acceptance.~~

~~[(e)(1) A general-purpose political committee must file a statement of organization with the secretary of state at the time it files the name of its campaign treasurer. The name of a general-purpose political committee may not be the same as, or deceptively similar to, the name of any other general-purpose political committee whose statement of organization is filed with the secretary of state. If there is a change in the information required to be included in the statement of organization, the political committee shall file an amended statement of organization with the secretary of state not later than the 30th day after the change occurs. The statement of organization must include the political committee's campaign treasurer's name, business or residence street address, and telephone number, and the following information:~~

~~[(A) the name of each corporation, labor organization, or other association or legal entity that directly establishes, administers, or controls the political committee, if applicable; or~~

~~[(B) the name of each person that determines to whom the political committee makes contributions or for what purposes the political committee makes expenditures.~~

~~[(2) Each political committee receiving contributions or making expenditures on behalf of a candidate, or office holder, shall notify the candidate, or office holder, as to the name and address of the political committee and its campaign treasurer, if one is required. The candidate, or office holder, shall include within each statement required by this code a list identifying the name and address of each such political committee and its campaign treasurer, if one is required. "On behalf of" means the knowing acceptance of a contribution for a candidate(s), or office holder(s), or the making of an expenditure for a candidate(s), or office holder(s). Any campaign treasurer, candidate, office holder, or other person managing a political committee, who violates the provisions of this subdivision shall be guilty of a Class A misdemeanor.~~

~~[(3) In reporting a contribution received from a political committee not in this state, the information for the contributing committee that is required by Subdivision (1) of this subsection shall be included unless a copy of the committee's statement of organization filed with the Federal Election Commission is filed under Subsection (h) of this section.~~

~~[(f) Such statements shall be accompanied by the following affidavit verified by the person filing the statement:~~

~~["I do solemnly swear that the foregoing statement, filed herewith, is in all things true and correct, and fully shows all information required to be reported by me pursuant to the Political Funds Reporting and Disclosure Act of 1975."]~~

~~[(g) The statement and oath shall be filed as follows: for a county office, or a measure submitted at an election called by a county, with the county clerk of the county; for a district office or a state office, or statewide measure, or other constitutionally designated members of the Executive Department, with the secretary of state; for a municipal office, or a measure submitted at an election called by a municipality, with the city secretary or city clerk of the municipality; and for an office of a political subdivision, or a measure submitted at an election called by a political subdivision other than a county or municipality, with the secretary of the governing body of the political subdivision. General purpose political committees shall file the required sworn statements and oaths with the Secretary of State. The deadline for filing any statement required under this section is 5 p.m. of the last day designated in the pertinent subsection for filing the statement. When the last day of filing falls on a Saturday or Sunday or an official state holiday enumerated in Article 4591, Revised Statutes, the deadline for filing is extended to 5 p.m. of the next day which is not a Saturday or Sunday or enumerated holiday. A statement shall be deemed to be timely filed if it is placed in the United States Post Office or in the hands of a common or contract carrier properly addressed to the appropriate authority within the time limits applicable to the statement. The postmark or receipt mark (if received by a common or contract carrier) will be prima facie evidence of the date that such statement was deposited with the post office or carrier. The person making the report may show by competent evidence that the actual date of posting was to the contrary.~~

~~[(h) In the event a political committee has elected to comply with the provisions applicable to political committees within this state, the requirements of this paragraph shall not be applicable. A candidate, office holder, or political committee shall not accept a contribution aggregating more than \$500 in a reporting period from a political committee not in this state unless the contribution is accompanied by either: (1) a written statement which sets forth the full name and complete address of each person who contributed more than \$100 to such committee during the preceding twelve months and which is certified by an officer of the contributing political committee; or (2) a certified copy of the contributing political committee's statement of organization filed as required by law with the Federal Election Commission. A correct copy of any such statement shall be included with the statement filed on which the contribution is reported. For the purpose of reporting, "political committee not in this state" shall mean any political committee expending 80 percent or more of its expenditures in any combination of elections outside of this state and federal offices not voted on in this state within the immediately preceding twelve-month period.~~

~~[(i)(1)(A) Candidates and the campaign treasurers of specific purpose political committees as defined in Section 251.001(16)(A) shall file sworn statements at the times required in Subdivision (4) of this subsection.~~

~~[(B)(i) Office holders and specific purpose political committees assisting office holder(s) as defined in Section 251.001(16)(B) shall file sworn statements on or before July 15 and on or before January 15 of each year of all contributions received and all expenditures made during the six calendar months preceding the statements in accordance with the provisions of Subsection (c) of this section but reporting only such contributions accepted and expenditures made that have not been previously reported.~~

~~[(ii) In addition to the statements required in Subsection (i)(1)(B)(i) above, any such office holder shall file additional statements to cover all contributions received and expenditures made by such office holder for that period of time prior to the designation of a campaign treasurer by such office holder, and after such designation all contributions and expenditures are to be reported pursuant to Subsection (i)(1)(A). The statements required by this subsection shall be filed not later than the 15th day following the designation of a campaign treasurer.~~

~~[(2) Campaign treasurers of general purpose political committees shall file sworn statements at times required in Subdivision (5) of this subsection.~~

~~[(3) If the operations of a political committee necessitate a change in the applicability of Subdivision (1) or (2) of this subsection, the campaign treasurer of such political~~

~~committee shall make such change and declare the identity of the authorities with whom future filings are expected to be made by filing (a) notification(s) with the authority(ies) with whom such committee has previously been required to file sworn statements. Failure to file such notice(s), when such change has been properly made, before the next applicable deadline for filing sworn statements under the formerly applicable sections, shall constitute a Class B misdemeanor.~~

~~[(4)(A) Every candidate and every specific purpose political committee shall file two sworn statements for each year in which the candidate or the specific purpose political committee is not involved in an election. The two sworn statements shall be filed on or before July 15 of each nonelection year and on or before January 15 following a nonelection year. The period reported in the first such statement begins on January 1 or the day of campaign treasurer designation, as applicable, and ends on and includes June 30. The period reported in the second such statement begins on July 1 and ends on and includes December 31.~~

~~[(B)(i) Every opposed candidate and every specific purpose political committee shall file three sworn statements relating to the election in which such person is involved in addition to any statement as provided in Subdivision (4)(B)(iii) of this subsection. The three sworn statements shall be filed not later than the 30th day prior to the election, not later than the 7th day prior to the election, and not later than the 30th day after the election, respectively. The period reported in the first such statement shall begin on the day of campaign treasurer designation or on the day after the end of the period covered by the last required statement, as applicable, and end on and include the 40th day prior to the election. The period reported in the second such statement shall begin on the 30th day before the election and end on and include the 10th day before the election. The period reported in the third such statement shall begin on the 9th day before the election and end on and include the 25th day after the election. In the event an opposed candidate or a specific purpose political committee becomes involved in an election after the end of any period covered by the regular reports otherwise required herein, the first applicable sworn statement shall be filed at the next regularly required deadline and its reporting period shall begin on the date of designation of campaign treasurer or on the day after the end of the period covered by the last required statement, as applicable.~~

~~[(ii) In lieu of any third statement required by Subdivision (4)(B)(i) of this subsection, which falls on the 30th day after any general, primary, or special election, whenever a candidate or specific purpose political committee is involved in a run-off election, not later than the 7th day before the run-off election, the candidate or specific purpose political committee shall file a statement of all previously unreported contributions and expenditures through the 10th day before the run-off election. The next statement required shall be filed not later than the 30th day after the run-off election and shall report all contributions received and all expenditures made during a period beginning on the 9th day before the run-off election and ending on the 25th day after the run-off election.~~

~~[(iii) Each year after the last deadline for filing a statement of contributions and expenditures under Subdivision (4)(B)(i) of this subsection, an additional statement shall be filed, provided, however, if there have been no expenditures made or contributions knowingly accepted since the last required reporting period, or if any contributions knowingly accepted and any expenditures made have all been reported under Subsection (i)(1)(B) of this section, there shall be no filing required. The annual statement shall be filed on or before January 15 (following the last filing) and the period shall cover all previously unreported contributions and expenditures through and including the 31st day of December.~~

~~[(C) Every unopposed candidate shall file two sworn statements during the year in which an election occurs in which the unopposed candidate is involved. The statements shall be filed on or before July 15 of the year in which the election occurs and on or before January 15 of the year following the election. The period reported in the first such statement begins on January 1 or the day of campaign treasurer~~

designation, as applicable, and ends on and includes June 30. The period reported in the second such statement begins on July 1 and ends on and includes December 31.

~~[(5) All general purpose political committees shall file sworn statements as designated either in this subdivision or in Subdivision (6) of this subsection;~~

~~[(A) On January 15th of each year, a statement of all contributions received and all expenditures made during the previous calendar year which have not been previously reported;~~

~~[(B) Not earlier than the 40th day and not later than the 30th day before the date of an election in which the general purpose committee is involved, a statement of all contributions received and all expenditures made during the period from the date on which the general purpose political committee filed a designation of a campaign treasurer through the 40th day before the date of the election which have not been previously reported;~~

~~[(C) Not earlier than the 10th day and not later than the 7th day before the date of an election in which the general purpose political committee is involved, a statement of all contributions received and all expenditures made through the 10th day before the date of the election which have not been previously reported;~~

~~[(D) Not earlier than the 25th day and not later than the 30th day after the date of an election in which the general purpose political committee is involved, a statement of all contributions received and all expenditures made since the date covered by the last report filed under this subsection;~~

~~[(E) Whenever a general purpose political committee is involved in a run-off election, in lieu of the statement to be filed by not later than the 30th day after the first election, the committee shall file a statement on the 7th day before the date of the run-off election showing all contributions received and all expenditures made since the date of the last report filed under this subsection;~~

~~[(F) In the event a general purpose political committee becomes involved in an election after the end of any periods covered by the regular reports otherwise required herein, the first applicable sworn statement shall be filed at the next regularly required deadline and its reporting period shall begin on the date of designation of campaign treasurer.~~

~~[(6) In lieu of the sworn statements required under Subdivision (5) of this subsection, a general purpose political committee may elect to file sworn monthly statements of all contributions received and all expenditures made which have not been previously reported by filing the sworn statements designated herein:~~

~~[(A) A notice of intent to file monthly statements shall be filed between January 1 and January 15 of the first year in which the committee intends to file monthly statements. However, a general purpose political committee formed after January 15 of any particular year may upon designation of its campaign treasurer file at the same time a notice of intent to file monthly statements pursuant to this paragraph. The filing remains effective until notice of intent to revert to the regular filing schedule is filed pursuant to Paragraph (C) of this subdivision.~~

~~[(B) On the first day of each calendar month, even if there has been no activity, a statement of all previously unreported contributions received and all previously unreported expenditures made through the 25th day of the preceding month. Any general purpose political committee filing under the procedures of this subdivision shall include in each statement the dates and amounts and the full name and complete address of each person from whom contributions in an aggregate amount of more than \$10 has been received or borrowed during the reporting period. Each statement shall also include the dates and amounts and the full names and complete addresses of all persons to whom any expenditures aggregating more than \$10 were made during the appropriate reporting period and the purpose of such expenditures.~~

~~[(C) If a general purpose political committee electing to file sworn monthly statements wishes to revert to filing the sworn statements required under Subdivision (5) of this subsection, such committee must file its intent to do so between~~

January 1 and January 15 in addition to a statement of all contributions received and expenditures made which have not previously been reported.

~~[(7) Candidates for offices created under laws of the United States are specifically exempted from the requirements of this section. It is provided, however, that they shall file copies of any reports required by federal laws with the secretary of state on the same date they file such reports with the appropriate federal authorities.~~

~~[(8) Final Statement. A candidate or political committee may cease filing sworn statements regarding a campaign after a final statement has been filed and designated as such. Any of the required sworn statements may constitute a final statement if its filing results in the completion of the reporting of all contributions and expenditures involved in an election, together with the appropriate related information, required to be reported.~~

~~[(9) In the event a general purpose political committee makes a contribution to either another general purpose political committee or an out of state political committee, and cannot thereby make the determination of the appropriate times to make filings of sworn statements, such contributing general purpose political committee shall be deemed to have complied with the requirements of this Section by filing a sworn statement with the Secretary of State fully reporting such contribution (as an expenditure) no later than the next succeeding filing deadline for the January 15th annual statement.~~

~~[(10) In the event a campaign treasurer of a political committee is terminated, either voluntarily or by action of the political committee, he shall file a sworn statement no later than the 10th day after such termination, reporting all appropriate matters for the period from the end of the period reported in the preceding sworn statement through the day of his termination. Any subsequent sworn statement which is to be filed by a successor campaign treasurer need not report those matters included in the previous campaign treasurer's termination statement.~~

~~[(j)(1) If any candidate, office holder, or campaign treasurer of a political committee fails to file a sworn statement containing all information required by this chapter, such person shall be guilty of a Class C misdemeanor.~~

~~[(2) Any candidate, office holder, campaign treasurer, assistant campaign treasurer, or other person managing a political committee who swears falsely in a filed statement is subject to the provisions of Section 37.02 of the Penal Code.~~

~~[(k) Any candidate or campaign treasurer or assistant campaign treasurer of a political committee who fails to report in whole or in part any contribution or expenditure as provided in the foregoing provisions of this Section shall be liable for double the amount or value of such unreported contribution or expenditure or unreported portion thereof, to each opposing candidate in the election in which same should have been reported. Each of such opposing candidates shall also recover reasonable attorneys' fees for collecting the above liquidated damages.~~

~~[(l) Any candidate, office holder, or campaign treasurer or assistant campaign treasurer of a political committee who fails to report in whole or in part any contribution or expenditure as provided in this Section, shall be civilly liable to the State of Texas for an amount equal to triple the amount or value of such unreported contribution or unreported expenditure.~~

~~[(m) Statements filed under this Section shall be open to public inspection. They shall be preserved for a period of two years, after which they may be destroyed unless a court of competent jurisdiction has ordered their further preservation.~~

~~[(n) No charge shall be levied for the filing of any report required by this section.~~

~~[(o) No charge greater than that authorized by the State Purchasing and General Services Commission for copies of similar documents filed with state agencies shall be charged for copies of any reports required to be filed by this section.~~

~~[(p) A statement filed under this section shall be written in black ink or typed with black typewriter ribbon, on a form prescribed by the secretary of state, unless the statement is a computer printout.~~

not intend to accept contributions exceeding \$500 or to make expenditures exceeding \$500 in the election.

~~[(b) When designating a campaign treasurer, the candidate or political committee shall file a declaration of intent not to exceed \$500 in contributions or expenditures with the authority with whom the candidate or political committee is required to file a designation of campaign treasurer. The declaration of intent must contain a statement that the candidate or political committee understands that if the \$500 maximum for contributions or expenditures is exceeded, sworn statements must be filed in accordance with Section 251.011.~~

~~[(c) The candidate or political committee shall file a sworn statement not later than the 30th day after election day. The reporting period covered by the statement begins on the day of the campaign treasurer designation and ends on the 25th day after election day.~~

~~[(d) A candidate or political committee that exceeds the \$500 maximum shall file sworn statements as required by Section 251.011. If a candidate or political committee exceeds the maximum after the filing deadline prescribed by Section 251.011 for the first sworn statement required to be filed under that section, the candidate or political committee shall file a sworn statement not later than 48 hours after the maximum is exceeded. The reporting period covered by the statement begins on the day of the campaign treasurer designation and ends on the day the maximum is exceeded. The reporting period for the next sworn statement filed by the candidate or political committee begins on the day following the last day of the period covered by the first sworn statement.~~

~~[(e) The amount of a filing fee paid by a candidate is excluded from the \$500 maximum expenditure permitted under this section.~~

~~[(f) Section 251.011 applies to a candidate or political committee filing in accordance with this section to the extent that Section 251.011 does not conflict with this section.~~

~~[Sec. 251.014. CIVIL PENALTY FOR LATE STATEMENT FILED WITH SECRETARY OF STATE. (a) The secretary of state shall determine from any available evidence whether a sworn statement required to be filed with him under Section 251.011 is late. On making that determination, the secretary shall immediately mail a notice of the determination to the person responsible for filing the statement and to the appropriate attorney for the state.~~

~~[(b) If a statement is determined to be late, the person responsible for filing the statement is civilly liable to the state for \$100. The appropriate attorney for the state may not initiate suit for the penalty until the 10th day after the date the notice is mailed under Subsection (a) of this section. If the penalty is paid before the 10th day after the mailing, the secretary of state shall notify the appropriate attorney for the state, and the civil suit under this section may not be initiated.~~

~~[(c) A penalty paid voluntarily under this section shall be deposited to the credit of the general revenue fund.~~

~~[(d) This section is cumulative of any other available sanctions for late filings of sworn statements.~~

~~[(e) The prohibitions prescribed by Section 251.017(d) on the reporting by the secretary of state of alleged violations of this chapter while a candidate is engaged in campaign activities do not apply to the procedures for collecting a penalty under this section.~~

~~[Sec. 251.015. POLITICAL ADVERTISING. (a) It is unlawful for any person knowingly to enter into a contract or transaction to print, publish, or broadcast any political advertising which does not disclose thereon that it is political advertising and which does not state thereon the name of the person who personally entered into the contract or transaction with the printer, publisher, or broadcaster, or the person represented by such agent and, in the case of advertising that is printed or published, the address of the agent or the person represented by the agent. A violation of this provision shall constitute a Class A misdemeanor. However, in the event the political advertisement conveys the impression that it emanates from a source other than its true source for the purpose of injuring any candidate or influencing the vote in any election, the candidate, campaign treasurer, assistant campaign treasurer or any other person purchasing or contracting for the furnishing of such political advertisement in support of or in opposition to any~~

candidate or measure, who knowingly violates this subsection shall be guilty of a felony of the third degree.

~~[(b) Any advertising medium or any officer or agent thereof who willfully demands or receives for any political advertising any money or other thing of value in excess of the sum due for such service, or any person who pays or offers to pay for such service any money or other thing of value in excess of the sum due, or any person who pays or offers to pay any money or other thing of value for the publication or broadcasting of political advertising except as advertising or production matter, shall be fined not more than \$100. No advertising medium may charge a rate for political advertising in excess of the following:~~

~~[(1) For advertising broadcast over a radio or television station, including a community antenna or cable television system, the rate charged shall not exceed the lowest unit charge of the station for the same class, condition and amount of time for the same period;~~

~~[(2) For advertising printed or published by any other medium, the rate charged shall not exceed the lowest charge made for comparable use of such space for other purposes. The rate shall take into account the amount of space used, the number of times used, the frequency of use, and the kind of space used, as well as the type of advertising copy submitted by or on behalf of a candidate, or political committee. All discount privileges otherwise offered by a newspaper or magazine to advertisers shall be available upon equal terms to all candidates, or political committees.~~

~~[(c) It is unlawful for an officer or employee of any political subdivision of this state to expend or authorize the expenditure of the funds of such political subdivision for the purpose of political advertising. The provisions of this subsection shall not apply to any advertising which describes the factual reasons for a measure and which does not advocate the passage or defeat of such measure.~~

~~[(d) It is the legislative intent to impose both civil and criminal responsibility on persons, corporations, partnerships, labor unions, or labor organizations, or any unincorporated associations, firms, committees, clubs, or other organizations, or groups of persons, including any groups of persons associated with a political party or element thereof, for violations of this section.~~

~~[Sec. 251.016. CAMPAIGN COMMUNICATIONS. (a)(1) It is unlawful for an individual to misrepresent his identity or, if acting or purporting to act as an agent for any person, to misrepresent the identity of that person in any written or oral communication relating to the campaign of a candidate for nomination or election to a public office or election to the office of a political party or relating to the success or defeat of any ballot measure with the intent to injure any candidate or to influence the vote on the measure.~~

~~[(2) It is unlawful for any person to issue any communication relating to the candidacy of a person for nomination or election to a public office or election to the office of a political party or relating to the success or defeat of any ballot measure, which purports to emanate from any source other than its true source.~~

~~[(b)(1) It is unlawful for any candidate for nomination or election to a public office to use the title of an office in his political advertising when the use of such title could reasonably be construed to lead the voters to believe that the candidate is the holder of an office, unless the candidate is the holder of the office at the time the representation is made.~~

~~[(2) It is unlawful for any person to print, publish, or broadcast any political advertising, or to make any written or oral commercial communication, relating to the campaign of a candidate for nomination or election to a public office which states, implies, or otherwise represents that the candidate is the holder of an office, unless the candidate is the holder of the office at the time the representation is made.~~

~~[(c) A violation of this section is a Class A misdemeanor.~~

~~[Sec. 251.017. REGULATION OF ILLEGAL ACTS; PROVIDING DUTIES FOR SECRETARY OF STATE. (a) Filing complaint with Secretary of State. Any citizen of this state may file with the Secretary of State a complaint alleging that a person has committed one or more of the following violations of this chapter:~~

~~[(1) Failure to file a statement of contributions and expenditures that is required to be filed with the Secretary of State, or late filing of a statement with the Secretary of State.~~

~~[(2) Filing of a statement of contributions and expenditures with the Secretary of State that does not conform to law.~~

~~[(3) Accepting a contribution or making an expenditure before the filing of a designation of a campaign treasurer in an election in which the designation is required to be filed with the Secretary of State.~~

~~[(4) Making or accepting an unlawful contribution or making an unlawful expenditure.~~

~~[(b) Form and contents of complaint. A complaint must:~~

~~[(1) be signed and sworn to by the complainant as containing allegations that are true and correct and made on personal knowledge; and~~

~~[(2) state the name of the person accused, the election involved, if any, and the alleged violation; and~~

~~[(3) allege facts indicating that the person accused has committed a violation.~~

~~[(e) Notice to the accused. Upon receipt of a complaint meeting the requirements of Subsections (a) and (b) of this section, the Secretary of State shall give notice by registered or certified mail, restricted delivery, return receipt requested, to the person who is the subject of the complaint:~~

~~[(1) informing the person that the complaint has been filed;~~

~~[(2) attaching a copy of the complaint;~~

~~[(3) requesting the person to make a written response within 15 days after the date shown on the notice (the date of mailing); and~~

~~[(4) attaching a copy of this section.~~

~~[(d) Referral to prosecuting attorney and Attorney General.~~

~~[(1) If the accused is a candidate or the campaign treasurer of a candidate or of a political committee supporting a candidate, the Secretary of State shall not report any alleged violations to the prosecuting attorney or to the Attorney General while the candidate is still engaged in the campaign in the specific election in which the alleged violation is said to have occurred or in a subsequent runoff or general election for the same term of office.~~

~~[(2) After a lapse of 25 days from the date of a notice pursuant to Subsection (e) or after a lapse of 25 days from an election described in (d)(1) above of this section, if it appears that the person accused in the complaint may have failed to comply with the relevant provisions of law, the Secretary of State shall forward to the appropriate prosecuting attorney the original complaint and the accused's response (if any) to the notice, together with certified copies of all pertinent records filed with the Secretary of State, in order that appropriate action may be taken.~~

~~[(3) If the alleged violation is one for which a civil penalty accrues in favor of the state, the Secretary of State shall also forward to the Attorney General certified copies of the original complaint, the accused's response, and all pertinent records filed with the Secretary of State, in order that appropriate action be taken.~~

~~[(e) Malicious complaints. A civil action for damages exists against the complainant in favor of any person against whom a complaint is filed maliciously and without probable cause, after the termination of any resulting prosecution. In addition, a person who makes a false allegation in a complaint is subject to the provisions of the Penal Code relating to the offense of perjury.~~

~~[(f) The procedures outlined in this section are cumulative of other available procedures for investigation and enforcement of violations of this chapter. Nothing in this section shall be taken as precluding the filing of a complaint directly with a prosecuting attorney or as precluding investigations and prosecutions by a prosecuting attorney and actions by the Attorney General for recovery of civil penalties without a referral from the Secretary of State.~~

~~[(g) Duties of Secretary of State.~~

~~[(1) It shall be the duty of the Secretary of State to prescribe forms for any instruments required to be filed by this code, regardless of whether the instruments are to be filed with the Secretary of State or with some other authority, and to make such forms available to persons required to file such statements and information with the Secretary of State, or any other authority.~~

~~[(2) It shall be the duty of the Secretary of State to furnish such forms to the following: the State Executive Committee of any political party, the clerk of each county, the duly elected chairman of each county political subdivision or authority holding an election under this code.~~

~~[(3) The State Executive Committee, county clerk, county chairman, and secretary or clerk shall make available to all candidates, office-holders, or political committees the forms provided by the Secretary of State.~~

~~[(4) It shall be the duty of the Secretary of State to interpret and administer the provisions of this Act in the exercise of his authority stated in Section 31.003 and to make such interpretations and administrative rulings available to any person upon request.~~

~~[(5) Not later than the fifth day before each applicable deadline, the Secretary of State shall notify each person responsible for filing sworn statements with the Secretary under Section 251.011 of the deadline for filing a statement.~~

~~[(6) After January 1 of each year, the Secretary of State shall submit to the Governor and members of the legislature a report with respect to the preceding calendar year containing:~~

~~[(A) each interpretation, ruling, or opinion issued under Subdivision (4) of this subsection;~~

~~[(B) a statement of each violation of this chapter that has been reported to the Secretary of State and referred to the appropriate official for prosecution;~~

~~[(C) a statement of any difficulties encountered in the administration of this chapter; and~~

~~[(D) any suggested legislation to conform this chapter to pertinent court decisions or interpretations, rulings, or opinions issued by the Secretary of State.~~

~~[(h) Review of sworn statements.~~

~~[(1) Periodically, the Secretary of State shall review the sworn statements filed with the Secretary under this chapter.~~

~~[(2) If the Secretary of State determines that a person has failed to comply with this chapter, the Secretary shall notify the person by certified mail of the determination of noncompliance.~~

~~[(3) The notice required by Subdivision (2) of this subsection shall include a statement that the person notified must take the action necessary to comply with this chapter not later than the 30th day after the date the notice was mailed.~~

~~[(4) The Secretary of State shall maintain a listing of those persons who fail to comply with Subdivision (3) of this subsection. The listing is open to public inspection.~~

~~[Sec. 251.018. INJUNCTIONS. The district courts of this state shall have jurisdiction to issue injunctions to enforce the provisions of this code upon application by any citizen of this state.~~

~~[Sec. 251.019. VENUE FOR OFFENSES. Venue for any offense resulting from a violation of this chapter shall lie exclusively in the county of residence of the accused, except when the accused is a nonresident of Texas, in which case venue shall lie in Travis County.]~~

SECTION 2. This Act takes effect September 1, 1987.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

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constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 15, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1818 on May 31, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by a viva-voce vote.

Approved June 19, 1987.

Effective Sept. 1, 1987.