

TEXAS ETHICS COMMISSION

CHAPTER 302, GOVERNMENT CODE

SPEAKER OF THE HOUSE OF REPRESENTATIVES



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CHAPTER 302. SPEAKER OF THE HOUSE OF REPRESENTATIVES

SUBCHAPTER A. ELECTION OF SPEAKER

§ 302.001. Election

When the house of representatives first convenes in regular session and a quorum is present and has been qualified, the house shall elect a speaker unless a majority of the members present decides to defer the election.

SUBCHAPTER B. CANDIDATE FOR SPEAKER: CAMPAIGN FINANCE

§ 302.011. Definitions

In this subchapter:

- (1) “Speaker candidate” means a member of or candidate for the house of representatives who has announced his candidacy for or who by his actions, words, or deeds seeks election to the office of speaker of the house of representatives.
- (2) “Campaign expenditure” means the expenditure of money or the use of services or any other thing of value to aid or defeat the election of a speaker candidate.
- (3) “Campaign funds” means the speaker candidate’s personal funds that are devoted to the campaign for speaker and any money, services, or other things of value that are contributed or loaned to the speaker candidate for use in the candidate’s campaign for speaker.

§ 302.012. Records

- (a) Each speaker candidate shall keep records of all information required to be filed under this subchapter.
- (b) The records must be kept separate from the records required under the Texas Election Code for the speaker candidate’s campaign for any other public office.

§ 302.0121. Declaration of Speaker Candidacy

- (a) Each speaker candidate shall file a declaration of candidacy with the Texas Ethics Commission as provided by this section.
- (b) A declaration of speaker candidacy must:
 - (1) be in writing;
 - (2) identify the legislative session as to which the candidacy relates; and
 - (3) include:

- (A) the speaker candidate's name;
 - (B) the speaker candidate's residence or business street address; and
 - (C) the speaker candidate's telephone number.
- (c) Except as provided by Subsection (e), a speaker candidate may not knowingly accept a contribution, loan, or promise of a contribution or loan in connection with the speaker candidacy or make or authorize a campaign expenditure at a time when a declaration of candidacy for the candidate is not in effect.
- (d) A declaration of speaker candidacy terminates on the earlier of:
- (1) the date the speaker candidate files a written statement with the Texas Ethics Commission stating that the candidate has terminated the candidacy; or
 - (2) the date a speaker is elected for the legislative session as to which the speaker candidate filed the statement.
- (e) A former speaker candidate whose declaration of speaker candidacy is terminated under Subsection (d) may make a campaign expenditure in connection with a debt incurred during the period the former speaker candidate's declaration of candidacy was in effect.

§ 302.013. Filing of Statement of Contributions, Loans, and Expenditures

- (a) Each speaker candidate shall file a sworn statement with the Texas Ethics Commission listing the information required by Section 302.014.
- (b) Each speaker candidate shall file the statement on:
- (1) the first filing date after the date on which the speaker candidate files the declaration of candidacy required by Section 302.0121;
 - (2) each filing date during the candidacy; and
 - (3) each filing date until all campaign loans have been repaid.
- (c) The filing dates are the first day of January, March, May, July, September, and November and the day before each regular or called session of the legislature convenes.
- (d) Each speaker candidate shall file the statement by computer diskette, modem, or other means of electronic transfer, using computer software provided by the Texas Ethics Commission or computer_software that meets commission specifications for a standard file format.

- (e) The Texas Ethics Commission shall implement an electronic filing system under Subsection (d) not later than September 1, 2004. The commission by rule shall identify the date on which the requirement that a statement must be made as required by Subsection (d) takes effect and the first reporting period under Subsection (c) for which a statement must be made as required by Subsection (d). This subsection expires January 1, 2005.

§ 302.014. Contents of Statement

Each statement must list the following information for the period since the last filing date:

- (1) each contribution of money the speaker candidate or the speaker candidate's agent, servant, staff member, or employee received for the campaign, the complete name and address of the contributor, and the date and amount of the contribution;
- (2) each contribution of services and other things of value other than money that the speaker candidate or the speaker candidate's agent, servant, staff member, or employee received for the campaign, the nature of the contribution, the complete name and address of the contributor, and the date and value of the contribution;
- (3) each loan made to the speaker candidate or to the speaker candidate's agent, servant, staff member, or employee for the campaign, including all loans listed in previous filings that are as yet unpaid or that were paid during the period covered by the present filing, the complete name and address of the lender and each person other than the speaker candidate who is responsible on the note, the date and amount of the note, the intended source of funds to repay the note, and any payments already made on the note and the source of the payments; and
- (4) each expenditure of campaign funds that the speaker candidate or the speaker candidate's agent, servant, staff member, or employee made for the campaign, the complete name and address of each person to whom a payment of more than \$10 was made, and the purpose of each expenditure.

§ 302.015. Requisites of Filing

- (a) Except as provided by Subsection (b), a statement is considered to be filed in compliance with this subchapter if the postmark shows that it was sent to the Texas Ethics Commission at its official post office address by registered or certified mail from any point in this state before the filing deadline.
- (b) A statement required to be filed on the day before a regular or called session convenes must actually be delivered and in the possession of the Texas Ethics Commission not later than *midnight* of that day.

§ 302.016. Public Records

- (a) Each statement filed under this subchapter is public information and shall be preserved for two years after the election for which it was filed.

- (b) Unless a court of competent jurisdiction orders further preservation, a statement may be destroyed after the two-year period prescribed by Subsection (a).

§ 302.017. Contributions and Loans from Organizations

- (a) Except as provided by Subsection (b), a corporation, partnership, association, firm, union, foundation, committee, club, or other organization or group of persons may not contribute or lend or promise to contribute or lend money or other things of value to a speaker candidate or to any other person, directly or indirectly, to aid or defeat the election of a speaker candidate.
- (b) This section does not apply to a loan made in the due course of business to a speaker candidate for campaign purposes by a corporation that is legally engaged in the business of lending money and that has continuously conducted the business for more than one year before making the loan to the speaker candidate.

§ 302.018. Contributions from Executive or Judicial Officers or Employees

An elected officer or employee of the executive or judicial branch of state government may not contribute personal services, money, or goods of value to a speaker candidate's campaign.

§ 302.019. Individual Contributions; Campaign Expenditures

- (a) Except as provided by Section 302.017 or 302.018, an individual other than the speaker candidate may contribute personal services and traveling expenses to aid or defeat a speaker candidate.
- (b) An individual other than the speaker candidate may expend a total of not more than \$100 for the cost of correspondence to aid or defeat the election of a speaker candidate.
- (c) Except as provided by Subsections (a) and (b), all campaign expenditures must be made by the speaker candidate from campaign funds.

§ 302.0191. Contributions and Expenditures from Political Contributions

A person, including a speaker candidate, may not make a contribution to a speaker candidate's campaign or an expenditure to aid or defeat a speaker candidate from:

- (1) political contributions accepted under Title 15, Election Code;
- (2) interest earned on political contributions accepted under Title 15, Election Code; or
- (3) an asset purchased with political contributions accepted under Title 15, Election Code.

§ 302.020. Permitted Expenditures

A speaker candidate may expend campaign funds for:

- (1) travel for the speaker candidate and the speaker candidate's immediate family and campaign staff;
- (2) the employment of clerks and stenographers;
- (3) clerical and stenographic supplies;
- (4) printing and stationery;
- (5) office rent;
- (6) telephone, telegraph, postage, freight, and express expenses;
- (7) advertising and publicity;
- (8) the expenses of holding political and other meetings designed to promote the candidacy;
- (9) the employment of legal counsel; and
- (10) the retirement of campaign loans.

§ 302.0201. Disposition of Unexpended Funds; Report

(a) A former speaker candidate may:

- (1) use unexpended campaign funds to retire debt incurred in connection with the speaker candidacy; or
- (2) remit unexpended campaign funds to one or more of the following:
 - (A) one or more persons from whom campaign funds were received, in accordance with Subsection (c); or
 - (B) a recognized charitable organization formed for educational, religious, or scientific purposes that is exempt from taxation under Section 501(c)(3), Internal

Revenue Code of 1986, and its subsequent amendments.

(b) A former speaker candidate may not retain contributions covered by this subchapter, assets purchased with the contributions, or interest and other income earned on the contributions for more than six years after the date the person ceases to be a speaker candidate or hold the office of speaker.

- (c) The amount of campaign funds disposed of under Subsection (a)(2)(A) to one person may not exceed the aggregate amount accepted from that person in connection with the former speaker candidate's most recent campaign for election to the office of speaker.
- (d) Not later than January 15 of each year, a former speaker candidate who retains unexpended campaign funds shall file a sworn report with the Texas Ethics Commission that includes:
 - (1) the full name and address of each person to whom a payment from unexpended campaign funds is made;
 - (2) the date and amount of each payment reported under Subdivision (1); and
 - (3) the information required by Section 302.014 as to any contribution, loan, or expenditure not previously reported on a statement filed under Section 302.013.
- (e) A report filed under this section covers, as applicable:
 - (1) the period:
 - (A) beginning on the date after the last day of the period covered by the most recent statement filed by the former speaker candidate under Section 302.013; and
 - (B) ending on December 31 of the preceding year; or
 - (2) the preceding calendar year.
- (f) A former speaker candidate shall file the report on an official form designed by the Texas Ethics Commission. Sections 302.015 and 302.016 apply to a report filed under this section.
- (g) For purposes of this section, a speaker candidate elected as speaker of the house of representatives is considered to be a former speaker candidate.

§ 302.021. Offenses and Penalties

- (a) A speaker candidate or former speaker candidate commits an offense if the person:
 - (1) knowingly fails to file the declaration of candidacy required by Section 302.0121;
 - (2) knowingly fails to file the statement required by Section 302.013;
 - (3) knowingly accepts a contribution, loan, or promise of a contribution or loan in violation of Section 302.0121(c);
 - (4) knowingly accepts a contribution, loan, or promise of a contribution or loan prohibited by Section 302.017 from a corporation, partnership, association, firm, union, foundation, committee, club, or other organization or group of persons;

- (5) knowingly accepts a contribution from a person who uses political contributions, interest earned on political contributions, or an asset purchased with political contributions to make the contribution in violation of Section 302.0191;
 - (6) expends campaign funds for any purpose other than those enumerated in Section 302.020;
 - (7) knowingly retains contributions, assets purchased with contributions, or interest or other income earned on contributions in violation of Section 302.0201(b); or
 - (8) knowingly fails to file the report of unexpended campaign funds as required by Section 302.0201(d).
- (b) An agent, officer, or director of a corporation, partnership, association, firm, union, foundation, committee, club, or other organization or group of persons commits an offense if the agent, officer, or director consents to a contribution, loan, or promise of a contribution or loan prohibited by this subchapter.
 - (c) A person commits an offense if the person conspires with another person to circumvent any provision of this subchapter.
 - (d) An individual other than the speaker candidate commits an offense if the individual, either acting alone or with another individual, expends or authorizes the expenditure of more than \$100 for correspondence to aid or defeat the election of a speaker candidate or expends funds for any purpose other than for personal services and traveling expenses to aid or defeat the election of a speaker candidate.
 - (e) A person commits an offense if the person contributes personal services, money, or goods in violation of Section 302.018.
 - (e-1) A person commits an offense if the person knowingly makes a contribution to a speaker candidate's campaign or an expenditure to aid or defeat a speaker candidate from political contributions, interest earned on political contributions, or an asset purchased with political contributions in violation of Section 302.0191.
 - (f) An offense under this section is a Class A misdemeanor.

§ 302.022. Prosecution by Indictment

Each prosecution under this subchapter must be brought by indictment rather than by complaint and information.

SUBCHAPTER C. LEGISLATIVE BRIBERY

§ 302.031. Definition

In this subchapter, “economic benefit” means anything reasonably regarded as economic gain or advantage, including a campaign contribution.

§ 302.032. Legislative Bribery: Promises or Threats

A person commits an offense if, with the intent to influence a member of or candidate for the house of representatives in casting a vote for speaker of the house of representatives, the person:

- (1) promises or agrees to cause:
 - (A) the appointment of a person to a chairmanship or vice-chairmanship of a house committee or subcommittee;
 - (B) the appointment of a person to a particular house committee or subcommittee, the Legislative Budget Board, the Texas Legislative Council, the Legislative Library Board, the Legislative Audit Committee, or any other position the speaker appoints;
 - (C) preferential treatment on any legislation or appropriation;
 - (D) the employment of a person; or
 - (E) economic benefit to a person; or
- (2) threatens to cause:
 - (A) the failure to appoint a person to a chairmanship or vice-chairmanship of a house committee or subcommittee;
 - (B) the failure to appoint a person to a particular house committee or subcommittee, the Legislative Budget Board, the Texas Legislative Council, the Legislative Library Board, the Legislative Audit Committee, or any other position the speaker appoints;
 - (C) unfavorable treatment on any legislation or appropriation;
 - (D) the refusal of or removal from employment of a person; or
 - (E) the withholding of economic benefit from a person.

§ 302.033. Legislative Bribery: Accepting Benefits

A member of or candidate for the house of representatives commits an offense if, on the representation or understanding that the member or candidate will cast a vote for a particular person for speaker of the house of representatives, the member or candidate solicits, accepts, or agrees to accept:

- (1) the appointment of or refusal to appoint a person to a chairmanship or vice-chairmanship of a house committee or subcommittee;
- (2) the appointment of or refusal to appoint a person to a particular house committee or subcommittee, the Legislative Budget Board, the Texas Legislative Council, the Legislative Library Board, the Legislative Audit Committee, or any other position the speaker appoints;
- (3) preferential or unfavorable treatment on any legislation or appropriation;
- (4) the employment of, refusal of employment of, or removal from employment of a person;
or
- (5) economic benefit to or withholding of economic benefit from a person.

§ 302.034. Penalty

An offense under this subchapter is a felony punishable by imprisonment for not less than two years nor more than five years.

§ 302.035. Permitted Communications, Discussions, and Advocacy

This subchapter does not prohibit:

- (1) a person from contacting or communicating with a member of or candidate for the house of representatives about a legislative matter; or
- (2) a member of or candidate for the house from discussing, taking a position on, or advocating any action on a substantive issue in a speaker's race or any other legislative matter.