



TEXAS ETHICS COMMISSION



TO: Judicial Candidates, Officeholders, and Political Committees

DATE: July 29, 2019 (Updated)

Notice Regarding Important Changes to the Judicial Campaign Fairness Act

Governor Abbott signed into law HB 3233, which significantly changes the Judicial Campaign Fairness Act ("JCFA"). The JCFA governs campaign finance for candidates for and holders of judicial offices. The following changes, made by the corresponding section of the bill, are effective as of June 2, 2019:

- The voluntary expenditure limits for judicial candidates and officeholders (JC/OHs) are repealed. The form "Judicial Declaration of Intent Regarding Expenditure Limits," part of the campaign treasurer appointment form, is no longer required or effective. (Section 17.)
- The notice requirement that was in place before a third-party could make a political expenditure for a judicial election that exceeded \$5,000 (known as the third-party expenditure limit) is repealed. (Section 17.)
- Based on the repeal of the voluntary expenditure limits and third-party limits, the TEC's executive director will no longer issue orders to lift limits for complying candidates based on noncompliance with the limits.
- The amount a statewide JC/OH may accept from a single GPAC per election is set at \$25,000. The limit is \$5,000 for all other judicial offices. (Section 6.)
- The aggregate limits that a J/COH can accept from all GPACs during an election remain in effect, but once the aggregate GPAC limit is reached, each other GPAC may only contribute up to \$50 to the JC/OH. (Section 6.)
- A contribution by the spouse of an individual is now NOT considered to be a contribution by the individual. Elec. Code § 253.158. For purposes of the limits, a contribution from an individual's child is still considered a contribution from the individual. (Section 7.)
- The "Code of Judicial Conduct may not prohibit, and a judicial candidate may not be penalized for, a joint campaign activity conducted by two or more judicial candidates." Elec. Code § 253.1612. (Section 9.)

- The combined limit on the amount that a judicial candidate or officeholder may spend from political contributions to reimburse certain relatives and to repay the candidate's or officeholder's political expenditures from personal funds is \$100,000 for statewide judicial offices and five times the individual contribution limits for all other judicial offices. Prior law prohibited the reimbursement of such loans from relatives. (Section 10.)
- Each primary, general, and run-off election is now considered a separate election for purposes of the contribution and reimbursement limits, regardless of whether the candidate is opposed or unopposed. Elec. Code § 253.1621. (Section 11.)
- Certain get-out-the-vote expenditures by state and county parties are not considered contributions to judicial candidates. Elec. Code § 253.171. (Section 14.)
- A judge appointed to fill a vacancy now may accept campaign and officeholder contributions (rather than just officeholder contributions) up to 60 days after appointment. (Section 3.)
- The individual contribution limits and the aggregate limits from law firms remain in effect, but the aggregate limits now apply to members of a "law firm group," which includes a law firm, a general-purpose committee established or controlled by the law firm, and the law firm's members and their spouses. (Sections 1, 4.)