

## **BILL ANALYSIS**

H.B. 3096  
By: Madden  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, the Texas Ethics Commission is authorized to fine a candidate who files a campaign contribution and expenditure report (report) late. The Sunset Advisory Commission, in evaluating the Texas Ethics Commission, has suggested more severe penalties for failure to comply with the reporting requirements. House Bill 3096 would increase the penalty for filing reports late with the Texas Ethics Commission.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 3096 amends the Election Code by providing that a person who files a required report of political contributions and expenditures late with the Texas Ethics Commission (commission) is civilly liable to the state for the amount of \$100. The bill provides that if the report is more than seven days late, the person is civilly liable to the state for \$100 for each day after the seventh day that the report is late. The bill prohibits the total penalty from exceeding \$50,000 for each report or from being increased after the date on which a person appeals or files an action to dispute the penalty.

HB 3096 removes the authority of the commission to determine the amount of the penalty for late reports by rule. The bill also deletes the requirement that the commission issue a warning of liability by registered mail to the person required to file the report if the report is more than 30 days late and the penalty associated with failure to file the report on the 10th day after the date on which the warning is received.

### **EFFECTIVE DATE**

September 1, 2003.