

By: Shapleigh

S.B. No. 649

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of political contributions and expenditures.

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

SECTION 1. Section 254.031, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(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) for each individual from whom the person or committee required to file the report has accepted political contributions that in the aggregate equal \$500 or more and that are accepted during the reporting period:

(A) the individual's principal occupation or job title; and

(B) the full name of the individual's primary employer, if any;

(3) the amount of loans that are made during the reporting period for campaign or officeholder purposes to the

1 person or committee required to file the report and that in the
2 aggregate exceed \$50, the dates the loans are made, the interest
3 rate, the maturity date, the type of collateral for the loans, if
4 any, the full name and address of the person or financial
5 institution making the loans, the full name and address, principal
6 occupation, and name of the employer of each guarantor of the loans,
7 the amount of the loans guaranteed by each guarantor, and the
8 aggregate principal amount of all outstanding loans as of the last
9 day of the reporting period;

10 (4) [~~(3)~~] the amount of political expenditures that in
11 the aggregate exceed \$50 and that are made during the reporting
12 period, the full name and address of the persons to whom the
13 expenditures are made, and the dates and purposes of the
14 expenditures;

15 (5) [~~(4)~~] the amount of each payment made during the
16 reporting period from a political contribution if the payment is
17 not a political expenditure, the full name and address of the person
18 to whom the payment is made, and the date and purpose of the
19 payment;

20 (6) [~~(5)~~] the total amount or a specific listing of
21 the political contributions of \$50 or less accepted and the total
22 amount or a specific listing of the political expenditures of \$50 or
23 less made during the reporting period;

24 (7) [~~(6)~~] the total amount of all political
25 contributions accepted and the total amount of all political
26 expenditures made during the reporting period; and

27 (8) [~~(7)~~] the name of each candidate or officeholder

who benefits from a direct campaign expenditure made during the reporting period by the person or committee required to file the report, and the office sought or held, excluding a direct campaign expenditure that is made by the principal political committee of a political party on behalf of a slate of two or more nominees of that party.

(c) A report under this chapter is considered to be in compliance with Subsection (a)(2) only if the person or committee required to file the report or the person's or committee's campaign treasurer shows that the person or committee has used reasonable efforts, as provided by Section 254.0312, to obtain, maintain, and report the information required by that subsection.

SECTION 2. Subchapter B, Chapter 254, Election Code, is amended by adding Section 254.0312 to read as follows:

Sec. 254.0312. REASONABLE EFFORTS. (a) A person or committee required to file a report under this subchapter is considered to have used reasonable efforts to obtain, maintain, and report the information required by Section 254.031(a)(2) if the person or the person's or committee's campaign treasurer complies with this section.

(b) Each written solicitation for political contributions from an individual must include a clear and conspicuous request for the individual's full name and address, the individual's principal occupation or job title, and the full name of the individual's primary employer.

(c) For each political contribution received from an individual that, when aggregated with all other political

1 contributions received from the individual during the reporting
2 period, equals \$500 or more and for which the information required
3 by Section 254.031(a)(2) is not provided, the person or committee
4 must make at least one oral or written request for the missing
5 information. A request under this subsection:

6 (1) must be made not later than the 30th day after the
7 date the contribution is received; and

8 (2) may not be made in conjunction with a solicitation
9 for an additional political contribution.

10 (d) A request under Subsection (c) that is made in writing
11 must include a clear and conspicuous statement that complies with
12 Subsection (b). A request that is made orally must be documented in
13 writing.

14 (e) A person or committee must report any information
15 required by Section 254.031(a)(2) that is not provided by the
16 individual making the contribution and that the person or committee
17 has in the person's or committee's records of political
18 contributions or previous reports under this chapter.

19 (f) A person or committee that receives information
20 required by Section 254.031(a)(2) after the filing deadline for the
21 report on which the contribution is reported must include the
22 missing information on the next report that the person or committee
23 is required to file under this chapter.

24 SECTION 3. Section 254.036(b), Election Code, is amended to
25 read as follows:

26 (b) Except as provided by Subsection [~~(c)~~] (d), (e), (f),
27 or (g), each report filed under this chapter with the commission

1 must be filed by computer diskette, modem, or other means of
2 electronic transfer, using computer software provided by the
3 commission or computer software that meets commission
4 specifications for a standard file format.

5 SECTION 4. Sections 254.0401(a) and (e), Election Code, are
6 amended to read as follows:

7 (a) The [~~Except as provided by Subsection (b), the~~]
8 commission shall make each report filed with the commission under
9 Section 254.036(b) available to the public on the Internet not
10 later than the second business day after the date the report is
11 filed.

12 (e) Before making a report filed under Section 254.036(b)
13 available on the Internet, the commission shall remove each
14 portion, other than the street name, city, state, and zip code, of
15 the address of a person listed as having made a political
16 contribution to the person filing the report. The address
17 information removed must remain available on the report maintained
18 in the commission's office but may not be available electronically
19 at that office.

20 SECTION 5. Sections 254.036(c) and 254.0401(b) and (c),
21 Election Code, are repealed.

22 SECTION 6. (a) Section 254.031, Election Code, as amended
23 by this Act, and Section 254.0312, Election Code, as added by this
24 Act, apply only to a report filed under Chapter 254, Election Code,
25 that covers a reporting period beginning on or after January 1,
26 2004. A report filed under Chapter 254, Election Code, that covers
27 a reporting period that begins before January 1, 2004, is covered by

1 the law in existence on the date the reporting period began, and the
2 former law is continued in effect for that purpose.

3 (b) Section 254.036, Election Code, as amended by this Act,
4 applies only to a report required to be filed under Chapter 254,
5 Election Code, on or after January 1, 2004. A report required to be
6 filed under Chapter 254, Election Code, before January 1, 2004, may
7 be filed in compliance with Section 254.036, Election Code, as that
8 section existed before amendment by this Act, and the former law is
9 continued in effect for that purpose.

10 (c) The change in law made by this Act to Section 254.0401,
11 Election Code, applies only to a report filed under Chapter 254,
12 Election Code, on or after September 1, 2003.

13 SECTION 7. This Act takes effect September 1, 2003.