

Amend CSSB 12 as follows by adding appropriately numbered SECTIONS to the bill and renumbering subsequent sequent SECTIONS accordingly:

SECTION \_\_. Section 254.036, Election Code, is amended to read as follows:

Sec. 254.036. FORM OF REPORT; AFFIDAVIT; MAILING OF FORMS.

(a) Each report filed under this chapter with an authority other than the commission must be on a form prescribed by the commission 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 commission.

(b) Except as provided by Subsection (c) or (d) ~~[(e), or (f)]~~, each report filed under this chapter with the commission must be filed by computer diskette, modem, or other means of electronic transfer, using computer software provided by the commission or computer software that meets commission specifications for a standard file format.

(c) ~~[A candidate, officeholder, or political committee that is required to file reports with the commission may file reports that comply with Subsection (a) if:~~

~~[(1) the candidate, officeholder, or campaign treasurer of the committee files with the commission an affidavit stating that the candidate, officeholder, or committee, an agent of the candidate, officeholder, or committee, or a person with whom the candidate, officeholder, or committee contracts does not use computer equipment to keep the current records of political contributions, political expenditures, or persons making political contributions to the candidate, officeholder, or committee; and~~

~~[(2) the candidate, officeholder, or committee does not, in a calendar year, accept political contributions that in the aggregate exceed \$20,000 or make political expenditures that in the aggregate exceed \$20,000.~~

~~[(c-1) An affidavit under Subsection (c) must be filed with each report filed under Subsection (a). The affidavit must include a statement that the candidate, officeholder, or political committee understands that the candidate, officeholder, or~~

~~committee shall file reports as required by Subsection (b) if:~~

~~[(1) the candidate, officeholder, or committee, a consultant of the candidate, officeholder, or committee, or a person with whom the candidate, officeholder, or committee contracts uses computer equipment for a purpose described by Subsection (c), or~~

~~[(2) the candidate, officeholder, or committee exceeds \$20,000 in political contributions or political expenditures in a calendar year.]~~

~~[(e)]~~ A candidate for an office described by Section 252.005(5) or a specific-purpose committee for supporting or opposing only candidates for an office described by Section 252.005(5) or a measure described by Section 252.007(5) may file reports that comply with Subsection (a).

(d) ~~[(f)]~~ An individual required to file a report with the commission in connection with a direct campaign expenditure to which Section 253.062 applies may file a report that complies with Subsection (a).

(e) ~~[(h)]~~ Each report filed under this chapter that is not filed by electronic transfer 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, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code." Each report filed under this chapter by electronic transfer must be under oath by the person required to file the report and must contain, in compliance with commission specifications, the digitized signature of the person required to file the report. A report filed under this chapter is considered to be under oath by the person required to file the report, and the person is subject to prosecution under Chapter 37, Penal Code, regardless of the absence of or a defect in the affidavit.

(f) ~~[(i)]~~ Each person required to file reports with the commission that comply with Subsection (b) shall file with the commission a written statement providing the manner of electronic transfer that the person will use to file the report. A statement under this subsection must be filed not later than the 30th day

before the filing deadline for the first report a person is required to file under Subsection (b). A person who intends to change the manner of filing described by the person's most recent statement shall notify the commission of the change not later than the 30th day before the filing deadline for the report to which the change applies. If a person does not file a statement under this subsection, the commission may accept as authentic a report filed in any manner that complies with Subsection (b). If the commission receives a report that is not filed in the manner described by the person's most recent statement under this subsection, the commission shall promptly notify the person in writing that the commission has received a report filed in a different manner than expected.

(g) [~~(j)~~] As part of the notification required by Section 251.033, the commission shall mail the appropriate forms to each person required to file a report with the commission during that reporting period.

(h) [~~(k)~~] The commission shall prescribe forms for purposes of legislative caucus reports under Section 254.0311 that are separate and distinct from forms for other reports under this chapter.

(i) [~~(l)~~] This section applies to a report that is filed electronically or otherwise.

SECTION \_\_. Section 572.030, Government Code, is amended to read as follows:

Sec. 572.030. Preparation and Mailing of Forms; Electronic Filing. (a) The commission shall design forms that may be used for filing the financial statement under this subchapter. The commission shall also accept submission of the financial statement required under this subchapter by electronic transfer.

(b) Except as provided by Subsection (d), the ~~[The]~~ commission shall mail two copies of the financial statement form to each individual required to file under this subchapter.

(c) Except as provided by Subsection (d), the ~~[The]~~ copies must be mailed:

(1) before the 30th day before the deadline for filing the financial statement under Section 572.026(a) or (c), except as otherwise provided by this subsection;

(2) not later than the 15th day after the applicable deadline for filing an application for a place on the ballot or a declaration of write-in candidacy for candidates required to file under Section 572.027(a), (b), or (c);

(3) not later than the seventh day after the date of appointment for individuals required to file under Section 572.026(b), or if the legislature is in session, sooner if possible; and

(4) not later than the fifth day after the date the certificate of nomination is filed for candidates required to file under Section 574.027(d).

(d) Individuals required to file a financial statement under this subchapter, may file by computer diskette, modem, or other means of electronic transfer, using computer software that meets commission specifications for a standard file format. Each report filed under this subsection must be under oath by the person required to file the report and must contain, in compliance with commission specifications, the digitized signature of the person required to file the report. A report filed by electronic transfer under this subsection is considered to be under oath by the person required to file the report, and the person is subject to prosecution under Chapter 37, Penal Code. Each person who files a report under this subsection shall file with the commission a written statement providing the manner of electronic transfer that the person will use to file the report. The statement must be filed not later than the 30th day before the filing deadline for the first report a person opts to file under this subsection. A person who intends to change the manner of filing described by the person's most recent statement shall notify the commission of the change not

later than the 30th day before the filing deadline for the report to which the change applies. If a person does not file a statement under this subsection, the commission may accept as authentic a report filed in any manner that complies with commission specifications. If the commission receives a report that is not filed in the manner described by the person's most recent statement under this subsection, the commission shall promptly notify the person in writing that the commission has received a report filed in a different manner than expected.

SECTION \_\_. Section 572.032, Government Code, is amended by amending Subsection (b) to read as follows:

(b) The commission shall provide electronic access to the statements on the commission's website ~~[During the one-year period following the filing of a financial statement, each time a person requests to see the financial statement, excluding the commission or a commission employee acting on official business, the commission shall place in the file a statement of the person's name and address, whom the person represents, and the date of the request. The commission shall retain that statement in the file for one year after the date the requested financial statement is filed].~~

SECTION \_\_\_\_ . Section 572.034, Government Code, is amended by amending Subsection (c) to read as follows:

(c) In a prosecution for failure to file a financial statement under this section, it is a defense that the individual did not receive copies of the financial statement form required by this subchapter to be mailed to the individual. This subsection is inapplicable to a prosecution for failure to file a financial statement under this section if the person required to file opts to file by electronic transfer as provided in Section 572.030(d).

SECTION \_\_\_\_ . (a) Section 254.036, Election Code, as amended by this Act, applies only to a report required to be filed under Chapter 254, Election Code, on or after September 1, 2005. A report required to be filed under Chapter 254, Election Code, before September 1, 2005, is governed by the law in effect on the date the report was required to be filed, and the former law is continued in effect for that purpose.

(b) Sections 572.030 and 572.034, as amended by this Act, apply only to a report required to be filed under Subchapter B, Chapter 572, Election Code, on or after September 1, 2005. A report required to be filed under Subchapter B, Chapter 572, Election Code, before September 1, 2005, is governed by the law in effect on the date the report was required to be filed, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_ . Section 305.027, Government Code, is amended by adding new Subsection (f) to read as follows:

(f) This section does not apply to either house of the legislature, a member of the legislature, the governor, or the lieutenant governor.