

BILL ANALYSIS

Senate Research Center
79R2328 ATP-D

H.B. 350
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State Affairs
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current Texas law, during the last nine days prior to an election, candidates and political committees who accept contributions or make expenditures over certain amounts are required to file reports of this activity with the Texas Ethics Commission (commission). These reports only require essential information, which to save time and effort, do not need to be submitted on an official commission form. During the 78th Legislature, Regular Session, 2003, changes were made to require all other contribution and expenditure reports to be filed electronically with the commission. The telegram reports were inadvertently exempted from this requirement, and are the only reports not currently required to be filed electronically.

H.B. 350 requires these reports to comply with the current electronic filings requirements, consistent with all other reports.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 254.038, Election Code, to read as follows:

Sec. 254.038. SPECIAL REPORT NEAR ELECTION BY CERTAIN CANDIDATES AND POLITICAL COMMITTEES.

SECTION 2. Amends Sections 254.038(c) and (d), Election Code, as follows:

(c) Requires a report under this section to be filed electronically, by telegram or telephonic facsimile machine, or by hand, in the form required by Section 254.036 (Form of Report; Affidavit; Mailing of Forms). Provides that the Texas Ethics Commission (commission) must receive the report no later than 5 p.m. of the first business day after the date the contribution is accepted. Provides that a report under this section is not required to be accompanied by the affidavit required under Section 254.036(h) or to be submitted on a form prescribed by the commission. Requires a report under this section that complies with Section 254.036(a) to be accompanied by an affidavit under Section 254.036(c)(1), unless the candidate or committee has submitted an affidavit under Section 254.036(c)(1) with another report filed in connection with the election for which a report is required under this section.

(d) Provides that to the extent of a conflict between this section and Section 254.036, this section controls. Deletes existing text providing that Section 254.036 does not apply to a report required by this section.

SECTION 3. Amends the heading to Section 254.039, Election Code, as follows:

Sec. 254.039. SPECIAL REPORT NEAR ELECTION BY CERTAIN GENERAL-PURPOSE COMMITTEES.

SECTION 4. Amends Sections 254.039(a) and (c), Election Code, as follows:

(a) Requires a general-purpose committee that makes direct campaign expenditures supporting or opposing either a single candidate that exceeds \$1,000 or a group that exceeds \$15,000 during a specific period, to file a report electronically, by telegram or telephonic facsimile machine, or by hand, in the form required by Section 254.036. Provides that the commission must receive the report not later than 48 hours after the expenditure is made. Provides that a report under this section is not required to be accompanied by the affidavit required under Section 254.036(h) or to be submitted on a form prescribed by the commission. Requires a report under this section that complies with Section 254.036(a) to be accompanied by an affidavit under Section 254.036(c)(1), unless the candidate or committee has submitted an affidavit under Section 254.036(c)(1) with another report filed in connection with the election for which a report is required under this section.

(c) Provides that to the extent of a conflict between this section and Section 254.036, this section controls. Deletes existing text providing that Section 254.036 does not apply to a report required by this section.

SECTION 5. Effective date: October 1, 2005.