

By: McCall

H.B. No. 2194

Substitute the following for H.B. No. 2194:

By: Berman

C.S.H.B. No. 2194

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the late filing of a special report of political  
3 contributions and expenditures; providing a civil penalty.

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

5 SECTION 1. Section 254.042, Election Code, is amended by  
6 amending Subsections (a) and (b) and adding Subsection (a-1) to  
7 read as follows:

8 (a) The commission shall determine from any available  
9 evidence whether a report, other than a special [~~telegram~~] report  
10 near an election under Section 254.038 or 254.039, required to be  
11 filed with the commission under this chapter is late. On making  
12 that determination, the commission shall immediately mail a notice  
13 of the determination to the person required to file the report.

14 (a-1) A person who files a late special report near an  
15 election under Section 254.038 or 254.039 is liable for a late  
16 report even if the commission does not mail the person a notice  
17 stating that the report is late.

18 (b) If a report other than a report under Section 254.038,  
19 254.039, 254.064(c), 254.124(c), or 254.154(c) or the first report  
20 under Section 254.063 or 254.123 that is required to be filed  
21 following the primary or general election is [~~determined to be~~]  
22 late, the person required to file the report is liable to the state  
23 for a civil penalty of \$500. If a report under Section 254.038,  
24 254.039, 254.064(c), 254.124(c), or 254.154(c) or the first report

1 under Section 254.063 or 254.153 that is required to be filed  
2 following the primary or general election is [~~determined to be~~  
3 late, the person required to file the report is liable to the state  
4 for a civil penalty of \$500 for the first day the report is late and  
5 \$100 for each day thereafter that the report is late. If a report is  
6 more than 30 days late, the commission shall issue a warning of  
7 liability by registered mail to the person required to file the  
8 report. If the penalty is not paid before the 10th day after the  
9 date on which the warning is received, the person is liable for a  
10 civil penalty in an amount determined by commission rule, but not to  
11 exceed \$10,000.

12 SECTION 2. Section 254.042, Election Code, as amended by  
13 this Act, applies only to a report under Chapter 254, Election Code,  
14 that is required to be filed on or after the effective date of this  
15 Act. A report under Chapter 254, Election Code, that is required to  
16 be filed before the effective date of this Act is governed by the  
17 law in effect on the date the report is required to be filed, and the  
18 former law is continued in effect for that purpose.

19 SECTION 3. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2007.