

By: McCall

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 under Section 254.038 or 254.039, required to be filed with the  
11 commission under this chapter is late. On making that  
12 determination, the commission shall immediately mail a notice of  
13 the determination to the person required to file the report.

14 (a-1) The commission is not required to make a determination  
15 under Subsection (a) as to whether a special report under Section  
16 254.038 or 254.039 is late. A person required to file a special  
17 report under Section 254.038 or 254.039 is liable for a late report  
18 absent notice from the commission under Subsection (a).

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

1 254.039, 254.064(c), 254.124(c), or 254.154(c) or the first report  
2 under Section 254.063 or 254.153 that is required to be filed  
3 following the primary or general election is [~~determined to be~~  
4 late, the person required to file the report is liable to the state  
5 for a civil penalty of \$500 for the first day the report is late and  
6 \$100 for each day thereafter that the report is late. If a report is  
7 more than 30 days late, the commission shall issue a warning of  
8 liability by registered mail to the person required to file the  
9 report. If the penalty is not paid before the 10th day after the  
10 date on which the warning is received, the person is liable for a  
11 civil penalty in an amount determined by commission rule, but not to  
12 exceed \$10,000.

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

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