

By: Zaffirini

S.B. No. 64

A BILL TO BE ENTITLED

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AN ACT

relating to the reporting of political contributions accepted or political expenditures made near an election; providing a civil penalty.

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

SECTION 1. Section 254.039, Election Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (a-2) to read as follows:

(a) In addition to other reports required by this chapter, a general-purpose committee shall file additional reports during the period beginning the ninth day before election day and ending at 12 noon on the second day before election day if the committee:

(1) accepts political contributions from a person that in the aggregate exceed \$5,000 during that reporting period; or

(2) ~~that~~ makes direct campaign expenditures supporting or opposing either a single candidate that in the aggregate exceed \$1,000 or a group of candidates that in the aggregate exceed \$15,000 during that reporting ~~the~~ period.

(a-1) A report under this section shall be filed ~~[beginning the ninth day before election day and ending at 12 noon on the second day before election day shall file a report]~~ electronically, by telegram or telephonic facsimile machine, or by hand, in the form required by Section 254.036. The commission must receive a report required under Subsection (a)(1) not later than 5 p.m. of the first

1 business day after the date the contribution is accepted. The  
2 commission must receive a ~~the~~ report required under Subsection  
3 (a)(2) not later than 48 hours after the expenditure is made. A  
4 report under this section is not required to be accompanied by the  
5 affidavit required under Section 254.036(h) or to be submitted on a  
6 form prescribed by the commission. A report under this section that  
7 complies with Section 254.036(a) must be accompanied by an  
8 affidavit under Section 254.036(c)(1) unless the committee has  
9 submitted an affidavit under Section 254.036(c)(1) with another  
10 report filed in connection with the election for which a report is  
11 required under this section.

12 (a-2) Each report required by Subsection (a)(1) must  
13 include the amount of the contributions specified by that  
14 subsection, the full name and address of the person making the  
15 contributions, and the dates of the contributions.

16 (b) Each report required by Subsection (a)(2) ~~[this~~  
17 ~~section]~~ must include the amount of the expenditures, the full name  
18 and address of the persons to whom the expenditures are made, and  
19 the dates and purposes of the expenditures.

20 SECTION 2. Subsection (a), Section 254.042, Election Code,  
21 is amended to read as follows:

22 (a) The commission shall determine from any available  
23 evidence whether a report~~[, other than a telegram report under~~  
24 ~~Section 254.038 or 254.039,~~] required to be filed with the  
25 commission under this chapter is late. On making that  
26 determination, the commission shall immediately mail a notice of  
27 the determination to the person required to file the report.

1           SECTION 3. (a) Section 254.039, Election Code, as amended  
2 by this Act, applies only to the reporting of a political  
3 contribution accepted on or after September 1, 2007. For purposes  
4 of Section 254.039, Election Code, as amended by this Act, a  
5 political contribution accepted before September 1, 2007, is not  
6 aggregated with a political contribution accepted on or after that  
7 date. The reporting of a political contribution accepted before  
8 September 1, 2007, is governed by the law in effect on the date the  
9 contribution was accepted, and the former law is continued in  
10 effect for that purpose.

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

19           SECTION 4. This Act takes effect September 1, 2007.