

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 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 ~~the~~ report under this section not later than 5 p.m. of the first

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

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

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

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

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

26 SECTION 3. (a) Section 254.039, Election Code, as amended
27 by this Act, applies only to the reporting of a political

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

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 64 passed the Senate on March 29, 2007, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 18, 2007, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 64 passed the House, with amendment, on May 15, 2007, by the following vote: Yeas 143, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor