

1-1 By: Zaffirini S.B. No. 64
1-2 (In the Senate - Filed November 13, 2006; January 23, 2007,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 21, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; March 21, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 64 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the reporting of political contributions accepted or
1-11 political expenditures made near an election; providing a civil
1-12 penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 254.039, Election Code, is amended by
1-15 amending Subsections (a) and (b) and adding Subsections (a-1) and
1-16 (a-2) to read as follows:

1-17 (a) In addition to other reports required by this chapter, a
1-18 general-purpose committee shall file additional reports during the
1-19 period beginning the ninth day before election day and ending at 12
1-20 noon on the second day before election day if the committee:

1-21 (1) accepts political contributions from a person that
1-22 in the aggregate exceed \$5,000 during that reporting period; or

1-23 (2) ~~that~~ makes direct campaign expenditures
1-24 supporting or opposing either a single candidate that in the
1-25 aggregate exceed \$1,000 or a group of candidates that in the
1-26 aggregate exceed \$15,000 during that reporting ~~the~~ period.

1-27 (a-1) A report under this section shall be filed ~~beginning~~
1-28 ~~the ninth day before election day and ending at 12 noon on the~~
1-29 ~~second day before election day shall file a report~~ electronically,
1-30 by telegram or telephonic facsimile machine, or by hand, in the form
1-31 required by Section 254.036. The commission must receive a report
1-32 required under Subsection (a)(1) not later than 5 p.m. of the first
1-33 business day after the date the contribution is accepted. The
1-34 commission must receive a ~~the~~ report required under Subsection
1-35 (a)(2) not later than 48 hours after the expenditure is made. A
1-36 report under this section is not required to be accompanied by the
1-37 affidavit required under Section 254.036(h) or to be submitted on a
1-38 form prescribed by the commission. A report under this section that
1-39 complies with Section 254.036(a) must be accompanied by an
1-40 affidavit under Section 254.036(c)(1) unless the committee has
1-41 submitted an affidavit under Section 254.036(c)(1) with another
1-42 report filed in connection with the election for which a report is
1-43 required under this section.

1-44 (a-2) Each report required by Subsection (a)(1) must
1-45 include the amount of the contributions specified by that
1-46 subsection, the full name and address of the person making the
1-47 contributions, and the dates of the contributions.

1-48 (b) Each report required by Subsection (a)(2) ~~this~~
1-49 ~~section~~ must include the amount of the expenditures, the full name
1-50 and address of the persons to whom the expenditures are made, and
1-51 the dates and purposes of the expenditures.

1-52 SECTION 2. Subsection (a), Section 254.042, Election Code,
1-53 is amended to read as follows:

1-54 (a) The commission shall determine from any available
1-55 evidence whether a report ~~, other than a telegram report under~~
1-56 ~~Section 254.038 or 254.039,~~ required to be filed with the
1-57 commission under this chapter is late. On making that
1-58 determination, the commission shall immediately mail a notice of
1-59 the determination to the person required to file the report.

1-60 SECTION 3. (a) Section 254.039, Election Code, as amended
1-61 by this Act, applies only to the reporting of a political
1-62 contribution accepted on or after September 1, 2007. For purposes
1-63 of Section 254.039, Election Code, as amended by this Act, a

2-1 political contribution accepted before September 1, 2007, is not
2-2 aggregated with a political contribution accepted on or after that
2-3 date. The reporting of a political contribution accepted before
2-4 September 1, 2007, is governed by the law in effect on the date the
2-5 contribution was accepted, and the former law is continued in
2-6 effect for that purpose.

2-7 (b) Subsection (a), Section 254.042, Election Code, as
2-8 amended by this Act, applies only to a report under Chapter 254,
2-9 Election Code, that is required to be filed on or after the
2-10 effective date of this Act. A report under Chapter 254, Election
2-11 Code, that is required to be filed before the effective date of this
2-12 Act is governed by the law in effect on the date the report is
2-13 required to be filed, and the former law is continued in effect for
2-14 that purpose.

2-15 SECTION 4. This Act takes effect September 1, 2007.

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