

BILL ANALYSIS

H.B. 677
By: Hartnett
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In the days preceding an election, a candidate may file a complaint with the Texas Ethics Commission alleging wrong-doing by the candidate's opponent. While the commission maintains the confidentiality of the actual facts of the complaint, the complainant is free to comment publicly on the allegations. Complaints, whether real or frivolous, can greatly compromise a candidate's public position, leaving the candidate little opportunity to respond to the allegations.

H.B. 677 makes an individual liable for reasonable and necessary attorney's fees and other costs incurred in defending against a complaint filed with the Texas Ethics Commission within 60 days of an election and reasonable and necessary attorney's fees and costs expended recovering those amounts if the commission determines that a violation has not occurred.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 677 amends the Government Code to make an individual who files a sworn complaint with the Texas Ethics Commission liable, if the commission determines that a violation within its jurisdiction has not occurred, for the respondent's reasonable and necessary attorney's fees and other costs incurred in defending against the complaint and the respondent's reasonable and necessary attorney's fees and other costs incurred in recovering such amounts. The bill makes its provisions applicable only if the complaint was filed after the 60th day before the date of an election and the respondent is a candidate in the election, a specific-purpose committee that supports only a candidate in the election, or the campaign treasurer of such a specific-purpose committee.

EFFECTIVE DATE

September 1, 2009.