

BILL ANALYSIS

C.S.H.B. 3924
By: Pena
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas does not have a statewide filing initiative through which local governmental entities and others involved in local government elections can file disclosure reports as they are required to do under law. A few large counties have implemented independent electronic filing and access systems. However, the majority of Texas counties cannot afford such a system. The purpose of this legislation is to increase transparency in the electoral process and contribute to the efficient and uniform disclosure of campaign finance reports.

C.S.H.B. 3924 authorizes the Texas Ethics Commission to allow the use of commission software and resources by a local governmental entity or officer, a candidate for an office of a local governmental entity, or certain specific-purpose committees. The bill also authorizes the commission to provide assistance to such entities and individuals by developing software, accepting disclosure reports for filing, and providing public access through the Internet and to enter into an intergovernmental contract with a local governmental entity to provide that assistance.

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

C.S.H.B. 3924 amends the Government Code to set forth the legislative purpose of furthering the objective of fully disclosing information relating to political contributions and expenditures made in connection with offices of and measures proposed by local governmental entities by facilitating the filing of reports of such political contributions and expenditures required by state election laws.

C.S.H.B. 3924 authorizes the Texas Ethics Commission, to fulfill this purpose and to facilitate the filing of such reports of political contributions and political expenditures, to allow the use of the commission's software and resources by a local governmental entity; a local government officer; a candidate for an office of a local governmental entity; or a specific-purpose committee for supporting or opposing a candidate for an office of a local governmental entity, assisting a local government officer, or supporting or opposing a measure proposed by a local governmental entity. The bill authorizes the commission to provide assistance to such entities or individuals by developing software to facilitate electronic filing of reports of political contributions and expenditures, maintaining such reports for electronic publishing and filing, and providing public access through the commission's Internet website to electronic reports of political contributions and expenditures filed by those entities or individuals. The bill authorizes the commission to enter into an intergovernmental contract with a local government entity to provide that assistance.

C.S.H.B. 3924 defines "local governmental entity," "local government officer," "measure," "political contribution," "political expenditure," and "specific-purpose committee."

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3924 differs from the original by including certain specific-purpose committees in the local governmental entities to which the Texas Ethics Commission is authorized to provide access to its software and other resources and by removing from those entities a person who petitions a local governmental entity and a person who enters or seeks to enter into a contract with a local governmental entity. The substitute removes language in the original that includes in the reports such entities may be authorized to file with the commission a report required by a rule or ordinance adopted by a local governmental entity, and clarifies that the reports which may be filed with the commission are reports required by state law regulating political funds and campaigns.

C.S.H.B. 3924 removes definitions in the original for "conflict of interest report" and "local government employee" and adds the definition for "measure."

C.S.H.B. 3924 differs from the original by applying the bill's provisions to the filing of reports of political contributions and expenditures, rather than disclosure statements and reports as in the original.

C.S.H.B. 3924 removes a provision in the original establishing that, unless expressly provided by other provisions governing the commission, those provisions do not apply to the filing of a disclosure statement or report under the provisions of this bill.

C.S.H.B. 3924 differs from the original by making technical corrections and conforming changes.