

By: Hartnett

H.B. No. 677

A BILL TO BE ENTITLED

AN ACT

1
2 relating to violations of laws administered and enforced by the
3 Texas Ethics Commission and to sworn complaints alleging such
4 violations.

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

6 SECTION 1. Subchapter C, Chapter 571, Government Code, is
7 amended by adding Section 571.0631 to read as follows:

8 Sec. 571.0631. RULES CONCERNING TECHNICAL AND CLERICAL
9 VIOLATIONS. The commission shall adopt rules defining technical and
10 clerical violations of laws within the commission's jurisdiction.

11 SECTION 2. Section 571.122, Government Code, is amended by
12 adding Subsection (b-1) to read as follows:

13 (b-1) An individual must be a resident of this state to be
14 eligible to file a sworn complaint with the commission. A copy of
15 one of the following documents must be attached to the complaint:

16 (1) the complainant's driver's license or personal
17 identification certificate issued under Chapter 521,
18 Transportation Code, or commercial driver's license issued under
19 Chapter 522, Transportation Code; or

20 (2) a utility bill, bank statement, government check,
21 paycheck, or other government document that:

22 (A) shows the name and address of the
23 complainant; and

24 (B) is dated not more than 30 days before the date

1 on which the complaint is filed.

2 SECTION 3. Subchapter E, Chapter 571, Government Code, is
3 amended by adding Section 571.1221 to read as follows:

4 Sec. 571.1221. DISMISSAL OF COMPLAINT FILED AT DIRECTION OR
5 URGING OF NONRESIDENT. At any stage of a proceeding under this
6 subchapter, the commission shall dismiss the complaint if the
7 commission determines that the complaint was filed at the direction
8 or urging of a person who is not a resident of this state.

9 SECTION 4. Subchapter E, Chapter 571, Government Code, is
10 amended by adding Section 571.142 to read as follows:

11 Sec. 571.142. LIABILITY FOR RESPONDENT'S COSTS. (a) This
12 section applies only to a sworn complaint if:

13 (1) the complaint was filed after the 30th day before
14 the date of an election;

15 (2) the respondent is a candidate in the election; and

16 (3) the complaint alleges a violation other than a
17 technical or clerical violation.

18 (b) If, in disposing of a sworn complaint to which this
19 section applies, the commission determines that a violation within
20 the commission's jurisdiction has not occurred and that the
21 complaint is groundless and without merit, the complainant is
22 liable for the respondent's reasonable and necessary attorney's
23 fees and other costs incurred in defending against the complaint.

24 (c) This section does not apply to a sworn complaint
25 regarding a reporting omission required by law.

26 SECTION 5. Section 571.122, Government Code, as amended by
27 this Act, and Sections 571.1221 and 571.142, Government Code, as

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1 added by this Act, apply only to a sworn complaint filed with the
2 Texas Ethics Commission on or after September 1, 2009.

3 SECTION 6. This Act takes effect September 1, 2009.