

AN ACT

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

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

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

Sec. 571.0631. RULES CONCERNING TECHNICAL AND CLERICAL VIOLATIONS. The commission shall adopt rules prescribing procedures for investigating and resolving technical and clerical violations of laws within the commission's jurisdiction. For registrations and reports filed under Chapter 305, the commission shall consider clerical violations to include obvious typographical errors. A registrant filing a registration or report under Chapter 305 may correct obvious typographical errors without penalty by filing either a corrected registration or report or an updated or amended registration or report.

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

(b-1) To be eligible to file a sworn complaint with the commission, an individual must be a resident of this state or must own real property in this state. A copy of one of the following documents must be attached to the complaint:

(1) the complainant's driver's license or personal

1 identification certificate issued under Chapter 521,
2 Transportation Code, or commercial driver's license issued under
3 Chapter 522, Transportation Code;

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

6 (A) shows the name and address of the
7 complainant; and

8 (B) is dated not more than 30 days before the date
9 on which the complaint is filed; or

10 (3) a property tax bill, notice of appraised value, or
11 other government document that:

12 (A) shows the name of the complainant;

13 (B) shows the address of real property in this
14 state; and

15 (C) identifies the complainant as the owner of
16 the real property.

17 SECTION 3. Subchapter E, Chapter 571, Government Code, is
18 amended by adding Section 571.142 to read as follows:

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

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

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

24 (3) the complaint alleges a violation other than a
25 technical or clerical violation.

26 (b) If, in disposing of a sworn complaint to which this
27 section applies, the commission determines that a violation within

1 the commission's jurisdiction has not occurred, the complainant is
2 liable for the respondent's reasonable and necessary attorney's
3 fees and other costs incurred in defending against the complaint.

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

6 SECTION 4. Section 571.122, Government Code, as amended by
7 this Act, and Section 571.142, Government Code, as added by this
8 Act, apply only to a sworn complaint filed with the Texas Ethics
9 Commission on or after September 1, 2009.

10 SECTION 5. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 677 was passed by the House on April 28, 2009, by the following vote: Yeas 107, Nays 36, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 677 on May 29, 2009, by the following vote: Yeas 129, Nays 2, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 677 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor