

By: Christian

H.B. No. 4066

A BILL TO BE ENTITLED

AN ACT

relating to sworn complaints filed with the Texas Ethics Commission.

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

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

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

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

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

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

(B) is dated not more than 30 days before the date on which the complaint is filed.

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

Sec. 571.1221. DISMISSAL OF COMPLAINT FILED AT DIRECTION OR URGING OF NONRESIDENT. At any stage of a proceeding under this subchapter, the commission shall dismiss the complaint if the

1 commission determines that the complaint was filed at the direction
2 or urging of a person who is not a resident of this state.

3 SECTION 3. Section 571.176, Government Code, is amended by
4 amending Subsections (a) and (b) and adding Subsections (a-1) and
5 (a-2) to read as follows:

6 (a) The commission may impose a civil penalty of not more
7 than \$10,000 for the filing of a frivolous or bad-faith complaint.
8 In this section [~~subsection~~], "frivolous or bad-faith complaint"
9 means a complaint that is:

10 (1) groundless or trivial; and

11 (2) brought in bad faith or [~~is groundless and~~
12 ~~brought~~] for the purpose of harassment.

13 (a-1) For purposes of this section, a complaint is trivial
14 if:

15 (1) the commission determines that each violation
16 alleged in the complaint that is found to have occurred is technical
17 or de minimis; and

18 (2) the only sanction the commission issues based on
19 the complaint is a confidential order under Section 571.172.

20 (a-2) For purposes of this section, a complaint that the
21 commission determines is groundless or trivial is presumed to have
22 been brought in bad faith or for the purpose of harassment if:

23 (1) the complaint was filed after the 60th day before
24 the date of an election;

25 (2) the respondent is:

26 (A) a candidate in the election;

27 (B) a specific-purpose committee, as defined by

Section 251.001, Election Code, that supports only a candidate in the election; or

(C) the campaign treasurer of a committee described by Paragraph (B); and

(3) the complainant is:

(A) an election opponent of the candidate named in the complaint or a person affiliated with the campaign of an election opponent of that candidate; or

(B) a person who filed the complaint at the direction or urging of a person described by Paragraph (A).

(b) In addition to other penalties:

(1) [7] a person who files a frivolous or bad-faith complaint is civilly liable to the respondent in an amount equal to the greater of \$10,000 or the amount of actual damages incurred by the respondent, including court costs and attorney fees; and

(2) a person who directs or urges another to file a frivolous or bad-faith complaint is civilly liable to the respondent in an amount equal to the greater of:

(A) the amount of actual damages incurred by the respondent, including court costs and attorney fees; or

(B) as applicable:

(i) \$50,000; or

(ii) \$100,000, if the commission finds that the person has made a concerted effort to prevent discovery of the person's involvement in the filing of the complaint.

SECTION 4. Sections 571.122 and 571.176, Government Code, as amended by this Act, and Section 571.1221, Government Code, as

1 added by this Act, apply only to a sworn complaint filed with the
2 Texas Ethics Commission on or after the effective date of this Act.
3 A sworn complaint filed with the Texas Ethics Commission before the
4 effective date of this Act is governed by the law in effect on the
5 date the complaint is filed, and the former law is continued in
6 effect for that purpose.

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.