

BILL ANALYSIS

H.B. 3093
By: Lewis
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a candidate who files a late or incomplete campaign finance report may be subject to certain criminal misdemeanor charges or, in certain cases, a civil penalty. Although the Texas Ethics Commission is granted some leeway in handling violations on a case-by-case basis, a candidate who makes a mistake in filing a report and who later goes back to amend and correct that report is not adequately protected. While the penalties are appropriate for time-sensitive reports due in the final weeks and days of an election, interested parties feel that the penalties are excessive and inappropriate for the routine semiannual reports due each year.

H.B. 3093 seeks to address this issue by providing certain protections, including an exemption from certain criminal penalties, to candidates who correct a filed semiannual report within a specified time or under certain conditions.

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. 3093 amends the Election Code to authorize a person who files a semiannual report of political contributions and expenditures to amend the report and establishes that a semiannual report amended before the eighth day after the date the original report was filed is considered to have been filed on the date on which the original report was filed. The bill provides that a semiannual report amended on or after the eighth day after the original report was filed is considered to have been filed on the date on which the original report was filed if the amendment is made before any complaint is filed with regard to the subject of the amendment and the original report was made in good faith and without an intent to mislead or to misrepresent the information contained in the report.

H.B. 3093 creates an exception to the provision of law making it an offense to knowingly fail to include in a report of political contributions and expenditures information that is required by state laws regulating political funds and campaigns that the information was required to be included in a semiannual report and the person amended the report in accordance with the bill's provisions.

EFFECTIVE DATE

September 1, 2011.