

BILL ANALYSIS

S.B. 1443
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Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Ethics Commission is required to send certain written notices relating to late filings of specified political reports by registered mail and certain written notices relating to sworn complaints filed with the commission by registered or certified mail, restricted delivery, return receipt requested. Due to the increase in postage rates and in the number of mailed notifications, these delivery methods have created a financial burden on the commission that affects the efficiency of its operations. S.B. 1443 seeks to address matters relating to those notices, decisions, and reports mailed by the commission, among other provisions.

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

S.B. 1443 amends the Election Code, in a provision making a person required to file certain political reports with the Texas Ethics Commission liable to the State of Texas for a civil penalty of \$500 if the report is determined to be late, to include among the reports exempt from such a penalty the first semiannual report of a general-purpose committee that is required to be filed following the primary or general election. The bill, in a provision making a person required to file certain political reports with the commission liable to the state for a civil penalty of \$500 for the first day the report is late and \$100 for each day thereafter that the report is late, includes among such reports the first semiannual report of a specific-purpose committee that is required to be filed following the primary or general election. The bill, in the requirement that the commission issue a warning of liability to a person who must file a report under those provisions if a report is more than 30 days late, specifies that the warning is issued by certified mail, rather than by registered mail.

S.B. 1443 amends the Government Code, in provisions of law relating to the mailing of certain notices, decisions, and reports relating to a sworn complaint filed with the commission, to require the written notice of such a filing to be sent by the commission to the respondent by registered or certified mail, restricted delivery, return receipt requested. The bill removes the requirement that each written notice, decision, and report required to be sent under provisions of law governing the Texas Ethics Commission be sent by such methods of delivery. The bill authorizes the commission to send the respondent any additional notices, decisions, or reports regarding the complaint by regular mail, rather than making that authorization applicable to any additional notices sent to a person after the required written notice has been sent using one of the prescribed delivery methods. The bill removes as a condition for the commission sending such additional notices by regular mail that the person has not notified the commission to send all notices regarding the complaint by registered or certified mail, restricted delivery, return receipt requested.

S.B. 1443 authorizes any written notice, decision, or report required to be sent to a complainant

under provisions of law governing the commission to be sent by regular mail or e-mail. The bill authorizes any notice regarding the status of a complaint that is required to be sent at least quarterly until final disposition of a complaint, in accordance with provisions of law, to be sent by e-mail.

EFFECTIVE DATE

September 1, 2011.