

## **BILL ANALYSIS**

Senate Research Center  
82R10281 EES-F

S.B. 1443  
By: Zaffirini  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of this legislation is to modify the methods of delivery authorized to be used by the Texas Ethics Commission (TEC) to send certain late filing and sworn complaint notifications.

Under current law, TEC is required to send by registered mail the second late filing notice to persons required to file campaign finance reports and to mail certain sworn complaint notices by registered or certified mail, restricted delivery, return receipt requested. Due to the increase in postage rates and in the number of mailed notifications, the delivery methods TEC is required by statute to use have contributed to budgetary constraints. The financial burden created by this increased cost of compliance can adversely affect the efficiency of TEC operations.

S.B. 1443 would authorize TEC to send notices using alternative delivery methods and reduce costs associated with mailing sworn complaint notices, relieving TEC from substantial burdens and allowing TEC to work more efficiently.

As proposed, S.B. 1443 amends current law relating to the mailing of notices, decisions, and reports by the Texas Ethics Commission.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 254.042(b), Election Code, as follows:

(b) Provides that, if a report other than a report under Section 254.064(c) (relating to the second report of an opposed candidate), 254.124(c) (relating to required reports filing date), or 254.154(c) (relating to second report of a committee supporting or opposing a candidate or measure) or the first report under Section 254.063 (Semiannual Reporting Schedule for Candidate), 254.123 (Semiannual Reporting Schedule for Committee), or 254.153 (Semiannual Reporting for Committee) that is required to be filed following the primary or general election is determined to be late, the person required to file the report is liable to the state for a civil penalty of \$500. Provides that, if a report under Section 254.064(c), 254.124(c), or 254.154(c) or the first report under Section 254.063, 254.123, or 254.153 that is required to be filed following the primary or general election is determined to be late, the person required to file the report is 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. Requires the Texas Ethics Commission (TEC), if a report is more than 30 days late, to issue a warning of liability by certified mail, rather than registered mail, to the person required to file the report. Provides that, if the penalty is not paid before the 10th day after the date on which the warning is received, the person is liable for a civil penalty in an amount determined by TEC rule, but not to exceed \$10,000.

SECTION 2. Amends Section 571.032, Government Code, as follows:

Sec. 571.032. MAILING OF NOTICES, DECISIONS, AND REPORTS. (a) Requires that written notice under Section 571.123(b) (relating to attempts by TEC to contact the respondent after a sworn complaint is filed) sent to a respondent by registered or certified mail, restricted delivery, return receipt requested. Authorizes TEC to send the respondent any additional notices, decisions, or reports regarding the complaint by regular mail. Deletes existing text authorizing TEC to send any additional notices regarding the complaint by regular mail unless the person has notified TEC to send all notices regarding the complaint by registered or certified mail, restricted delivery, return receipt requested.

(b) Authorizes any written notice, decision, or report required to be sent under this chapter to a complainant to be sent by regular mail or e-mail.

(c) Authorizes any notice regarding the status of a complaint required to be sent under Section 571.1351(c) (relating to notification of complaints) to be sent by e-mail.

SECTION 3. Effective date: September 1, 2011.