

By: Gallego

H.B. No. 1081

A BILL TO BE ENTITLED

AN ACT

relating to reports and complaints filed with the Texas Ethics Commission.

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

SECTION 1. Section 254.036(b), Election Code, is amended to read as follows:

(b) Except as provided by Subsection (c), (e), or (f), each report filed under this chapter with the commission must be filed:

(1) by computer diskette, modem, or other means of electronic transfer, using computer software provided by the commission or computer software that meets commission specifications for a standard file format; or

(2) using a secure Internet website maintained by the commission that meets the requirements of Section 571.0671, Government Code.

SECTION 2. Section 302.013(d), Government Code, is amended to read as follows:

(d) Each speaker candidate shall file the statement:

(1) by computer diskette, modem, or other means of electronic transfer, using computer software provided by the Texas Ethics Commission or computer software that meets commission specifications for a standard file format; or

(2) using a secure Internet website maintained by the Texas Ethics Commission that meets the requirements of Section

1 571.0671.

2 SECTION 3. Section 305.0064(a), Government Code, is amended  
3 to read as follows:

4 (a) Except as provided by Subsection (b), each registration  
5 filed under Section 305.005 and each report filed under Section  
6 305.006 must be filed:

7 (1) by computer diskette, modem, or other means of  
8 electronic transfer, using computer software provided by the  
9 commission or computer software that meets commission  
10 specifications for a standard file format; or

11 (2) using a secure Internet website maintained by the  
12 commission that meets the requirements of Section 571.0671.

13 SECTION 4. The heading to Section 571.0671, Government  
14 Code, is amended to read as follows:

15 Sec. 571.0671. REQUIREMENTS FOR ELECTRONIC FILING SOFTWARE  
16 OR INTERNET WEBSITE.

17 SECTION 5. Section 571.0671, Government Code, is amended by  
18 amending Subsections (a) and (c) and adding Subsection (d) to read  
19 as follows:

20 (a) Computer software provided or approved by the  
21 commission or the secure Internet website for use under Section  
22 254.036(b), Election Code, or Section 302.013 or 305.0064 must:

23 (1) use a standardized format for the entry of names,  
24 addresses, and zip codes;

25 (2) provide for secure and encoded transmission of  
26 data from the computer of a person filing a report to the computers  
27 used by the commission;

1           (3) be capable of being used by a person with basic  
2 computing skills;

3           (4) provide confirmation to a person filing a report  
4 that the report was properly received; and

5           (5) permit a person using a computer to prepare a  
6 report or to retrieve information from a report to import  
7 information to the report from a variety of computer software  
8 applications that meet commission specifications for a standard  
9 file format or export information from the report to a variety of  
10 computer software applications that meet commission specifications  
11 for a standard file format without the need to reenter information.

12           (c) The commission may provide software for use under  
13 Section 254.036(b), Election Code, or Section 302.013 or 305.0064  
14 by making the software available on the Internet. If the commission  
15 makes the software available on the Internet, the commission is not  
16 required to provide the software on computer diskettes, CD-ROMs, or  
17 other storage media without charge to persons required to file  
18 reports under that section, but may charge a fee for providing the  
19 software on storage media. A fee under this subsection may not  
20 exceed the cost to the commission of providing the software.  
21 Provision of software on the Internet under this subsection does  
22 not affect the duty of the commission to maintain a secure Internet  
23 website through which a person may electronically file reports  
24 without acquiring the software described by this section.

25           (d) The commission shall maintain a secure Internet website  
26 through which a person may directly electronically file reports  
27 with the commission under Section 254.036(b), Election Code, or

1 Section 302.013 or 305.0064 without acquiring the software  
2 described by this section. The website shall, in addition to  
3 meeting the requirements of Subsection (a), provide adequate  
4 controls to ensure that only the person required to file the report,  
5 or another person authorized by the person required to file the  
6 report, may enter or alter information or submit the report to the  
7 commission.

8 SECTION 6. Subchapter C, Chapter 571, Government Code, is  
9 amended by adding Sections 571.080 and 571.081 to read as follows:

10 Sec. 571.080. ASSISTANCE FOR FILER. The commission must  
11 provide a service that enables a person required to file a report  
12 with the commission to speak to or communicate electronically in  
13 real time with commission staff to assist the person in preparing  
14 and filing the report. This service must be continuously available  
15 beginning 24 hours before the time and date of a deadline for filing  
16 a report with the commission and ending on the deadline for filing  
17 the report.

18 Sec. 571.081. AVAILABILITY OF DIRECT TELEPHONE NUMBER OF  
19 COMMISSION STAFF TO FILER. An employee of the commission shall on  
20 request provide the employee's direct telephone number to a person  
21 required to file a report with the commission.

22 SECTION 7. Section 571.123(b), Government Code, is amended  
23 to read as follows:

24 (b) After a complaint is filed, the commission shall  
25 immediately attempt to contact and notify the respondent of the  
26 complaint by telephone or electronic mail. Not later than the  
27 fifth business day after the date a complaint is filed, the

1 commission shall send written notice to the complainant and the  
2 respondent. The written notice to the complainant and the  
3 respondent must:

4 (1) state whether the complaint complies with the form  
5 requirements of Section 571.122;

6 (2) state the procedure by which the respondent may  
7 designate an agent with whom commission staff may discuss the  
8 complaint;

9 (3) state that the respondent may request the direct  
10 telephone number of the commission staff member who will perform  
11 the processing of the complaint against the respondent; and

12 (4) [~~2~~] if applicable, include the information  
13 required by Section 571.124(e).

14 SECTION 8. Subchapter E, Chapter 571, Government Code, is  
15 amended by adding Sections 571.1231 and 571.1232 to read as  
16 follows:

17 Sec. 571.1231. DESIGNATION OF AGENT BY RESPONDENT. (a) A  
18 respondent to a complaint filed against the respondent may by  
19 writing submitted to the commission designate an agent with whom  
20 the commission staff may communicate regarding the complaint.

21 (b) For purposes of this subchapter, including Section  
22 571.140, communications with the respondent's agent designated  
23 under this section are considered communications with the  
24 respondent.

25 Sec. 571.1232. PROVISION OF TELEPHONE NUMBER TO RESPONDENT.  
26 On request, the commission shall provide to a respondent the direct  
27 telephone number of the commission staff member who will perform

1 the processing of the complaint against the respondent.

2           SECTION 9. As soon as practicable after the effective date  
3 of this Act, the Texas Ethics Commission shall establish the secure  
4 Internet website on which a report may be filed as provided by the  
5 changes in law made by this Act.

6           SECTION 10. This Act takes effect September 1, 2011.