

By: Williams

S.B. No. 1779

A BILL TO BE ENTITLED

1 AN ACT
2 relating to reports and complaints filed with and notices provided
3 by the Texas Ethics Commission.

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

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

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

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

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

16 SECTION 2. Section 254.042(b), Election Code, is amended to
17 read as follows:

18 (b) If a report other than a report under Section
19 254.064(c), 254.124(c), or 254.154(c) or the first report under
20 Section 254.063, ~~or~~ 254.123, or 254.153 that is required to be
21 filed following the primary or general election is determined to be
22 late, the person required to file the report is liable to the state
23 for a civil penalty of \$500. If a report under Section 254.064(c),
24 254.124(c), or 254.154(c) or the first report under Section

1 254.063, 254.123, or 254.153 that is required to be filed following
2 the primary or general election is determined to be late, the person
3 required to file the report is liable to the state for a civil
4 penalty of \$500 for the first day the report is late and \$100 for
5 each day thereafter that the report is late. If a report is more
6 than 30 days late, the commission shall issue a warning of liability
7 by certified [~~registered~~] mail to the person required to file the
8 report. If the penalty is not paid before the 10th day after the
9 date on which the warning is received, the person is liable for a
10 civil penalty in an amount determined by commission rule, but not to
11 exceed \$10,000.

12 SECTION 3. Section 302.013(d), Government Code, is amended
13 to read as follows:

14 (d) Each speaker candidate shall file the statement:
15 (1) by computer diskette, modem, or other means of
16 electronic transfer, using computer software provided by the Texas
17 Ethics Commission or computer software that meets commission
18 specifications for a standard file format; or
19 (2) using a secure Internet website maintained by the
20 Texas Ethics Commission that meets the requirements of Section
21 571.0671.

22 SECTION 4. Section 305.0064(a), Government Code, is amended
23 to read as follows:

24 (a) Except as provided by Subsection (b), each registration
25 filed under Section 305.005 and each report filed under Section
26 305.006 must be filed:
27 (1) by computer diskette, modem, or other means of

1 electronic transfer, using computer software provided by the
2 commission or computer software that meets commission
3 specifications for a standard file format; or

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

6 SECTION 5. Section 571.032, Government Code, is amended to
7 read as follows:

8 Sec. 571.032. MAILING OF NOTICES, DECISIONS, AND REPORTS.

9 (a) The [~~Except as provided by Subsection (b), each written~~
10 ~~notice, decision, and report required to be sent under this chapter~~
11 ~~shall be sent by registered or certified mail, restricted delivery,~~
12 ~~return receipt requested.~~

13 [~~(b) After~~] written notice under Section 571.123(b)
14 regarding the filing of a sworn complaint shall be [~~has been~~] sent
15 to a respondent by registered or certified mail, restricted
16 delivery, return receipt requested. The [~~person in the manner~~
17 ~~required by Subsection (a), the~~] commission may send the respondent
18 [~~person~~] any additional notices, decisions, or reports regarding
19 the complaint by regular mail [~~unless the person has notified the~~
20 ~~commission to send all notices regarding the complaint by~~
21 ~~registered or certified mail, restricted delivery, return receipt~~
22 ~~requested~~].

23 (b) Any written notice, decision, or report required to be
24 sent under this chapter to a complainant may be sent by regular mail
25 or e-mail.

26 (c) Any notice regarding the status of a complaint required
27 to be sent under Section 571.1351(c) may be sent by e-mail.

1 SECTION 6. The heading to Section 571.0671, Government
2 Code, is amended to read as follows:

3 Sec. 571.0671. REQUIREMENTS FOR ELECTRONIC FILING SOFTWARE
4 OR INTERNET WEBSITE.

5 SECTION 7. Section 571.0671, Government Code, is amended by
6 amending Subsections (a) and (c) and adding Subsection (d) to read
7 as follows:

8 (a) Computer software provided or approved by the
9 commission or the secure Internet website for use under Section
10 254.036(b), Election Code, or Section 302.013 or 305.0064 must:

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

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

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

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

20 (5) permit a person using a computer to prepare a
21 report or to retrieve information from a report to import
22 information to the report from a variety of computer software
23 applications that meet commission specifications for a standard
24 file format or export information from the report to a variety of
25 computer software applications that meet commission specifications
26 for a standard file format without the need to reenter information.

27 (c) The commission may provide software for use under

1 Section 254.036(b), Election Code, or Section 302.013 or 305.0064
2 by making the software available on the Internet. If the commission
3 makes the software available on the Internet, the commission is not
4 required to provide the software on computer diskettes, CD-ROMs, or
5 other storage media without charge to persons required to file
6 reports under that section, but may charge a fee for providing the
7 software on storage media. A fee under this subsection may not
8 exceed the cost to the commission of providing the software.
9 Provision of software on the Internet under this subsection does
10 not affect the duty of the commission to maintain a secure Internet
11 website through which a person may electronically file reports
12 without acquiring the software described by this section.

13 (d) The commission shall maintain a secure Internet website
14 through which a person may directly electronically file reports
15 with the commission under Section 254.036(b), Election Code, or
16 Section 302.013 or 305.0064 without acquiring the software
17 described by this section. The website shall, in addition to
18 meeting the requirements of Subsection (a), provide adequate
19 controls to ensure that only the person required to file the report,
20 or another person authorized by the person required to file the
21 report, may enter or alter information or submit the report to the
22 commission.

23 SECTION 8. Sections 571.1242(a) and (b), Government Code,
24 are amended to read as follows:

25 (a) If the alleged violation is a Category One violation:

26 (1) the respondent must respond to the notice required
27 by Section 571.123(b) not later than the 10th [~~business~~] day after

1 the date the respondent receives the notice; and

2 (2) if the matter is not resolved by agreement between
3 the commission and the respondent before the 30th [~~business~~] day
4 after the date the respondent receives the notice under Section
5 571.123(b), the commission shall set the matter for a preliminary
6 review hearing to be held at the next commission meeting for which
7 notice has not yet been posted.

8 (b) If the alleged violation is a Category Two violation:

9 (1) the respondent must respond to the notice required
10 by Section 571.123(b) not later than the 25th [~~business~~] day after
11 the date the respondent receives the notice under Section
12 571.123(b); and

13 (2) if the matter is not resolved by agreement between
14 the commission and the respondent before the 75th [~~business~~] day
15 after the date the respondent receives the notice under Section
16 571.123(b), the commission shall set the matter for a preliminary
17 review hearing to be held at the next commission meeting for which
18 notice has not yet been posted.

19 SECTION 9. Section 571.140, Government Code, is amended by
20 amending Subsection (a) and adding Subsection (b-2) to read as
21 follows:

22 (a) Except as provided by Subsection (b), [ex] (b-1), or
23 (b-2) or by Section 571.171, proceedings at a preliminary review
24 hearing performed by the commission, a sworn complaint, and
25 documents and any additional evidence relating to the processing,
26 preliminary review, preliminary review hearing, or resolution of a
27 sworn complaint or motion are confidential and may not be disclosed

1 unless entered into the record of a formal hearing or a judicial
2 proceeding, except that a document or statement that was previously
3 public information remains public information.

4 (b-2) The name and the county of residence of an individual
5 who files with the commission a sworn complaint is not confidential
6 if:

7 (1) the sworn complaint is the basis of a preliminary
8 review or hearing; and

9 (2) after the completion of the preliminary review or
10 hearing, the commission issues an order determining that a
11 violation other than a technical or de minimis violation has
12 occurred.

13 SECTION 10. Section 571.141, Government Code, is amended by
14 adding Subsection (a-1) to read as follows:

15 (a-1) For each order that the commission is required to make
16 a copy or summary of available on the Internet under Subsection (a),
17 the commission shall make available on the Internet the name and the
18 county of residence of any individual who filed with the commission
19 the sworn complaint that was the basis for the review or hearing.

20 SECTION 11. The changes in law made by this Act to Sections
21 571.1242, 571.140, and 571.141, Government Code, apply only to a
22 sworn complaint filed with the Texas Ethics Commission under
23 Section 571.122, Government Code, on or after the effective date of
24 this Act. A sworn complaint that is filed before that date is
25 governed by the law in effect on the date the complaint is filed,
26 and the former law is continued in effect for that purpose.

27 SECTION 12. As soon as practicable after the effective date

1 of this Act, the Texas Ethics Commission shall establish the secure
2 Internet website on which a report may be filed as provided by the
3 changes in law made by this Act.

4 SECTION 13. This Act takes effect September 1, 2011.