

**House Bill 1616**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 254.031(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by this chapter, each report filed under this chapter must include:

(1) the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions;

(2) the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period;

(3) the amount of political expenditures that in the aggregate exceed \$100 [~~\$50~~] and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures;

(4) the amount of each payment made during the reporting period from a political contribution if the payment is not a political expenditure, the full name and address of the person to whom the payment is made, and the date and purpose of the payment;

(5) the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a

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(1) the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions;

(2) the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50, the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period;

(3) the amount of political expenditures that in the aggregate exceed \$100 [~~\$50~~] and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures;

(4) the amount of each payment made during the reporting period from a political contribution if the payment is not a political expenditure, the full name and address of the person to whom the payment is made, and the date and purpose of the payment;

(5) the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a

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specific listing of the political expenditures of \$100 [~~\$50~~] or less made during the reporting period;

(6) the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period;

(7) the name of each candidate or officeholder who benefits from a direct campaign expenditure made during the reporting period by the person or committee required to file the report, and the office sought or held, excluding a direct campaign expenditure that is made by the principal political committee of a political party on behalf of a slate of two or more nominees of that party; [~~and~~]

(8) as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period;

(9) any of the following received during the reporting period resulting from the use of a political contribution or an asset purchased with a political contribution the amount of which exceeds \$100:

(A) credit;

(B) interest;

(C) rebate;

(D) refund;

(E) reimbursement; or

(F) return of a deposit fee;

(10) any proceeds of the sale of an asset received during the reporting period the amount of which exceeds \$100;

(11) any investment purchased with a political contribution received during the reporting period the amount of which

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specific listing of the political expenditures of \$100 [~~\$50~~] or less made during the reporting period;

(6) the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period;

(7) the name of each candidate or officeholder who benefits from a direct campaign expenditure made during the reporting period by the person or committee required to file the report, and the office sought or held, excluding a direct campaign expenditure that is made by the principal political committee of a political party on behalf of a slate of two or more nominees of that party; [~~and~~]

(8) as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period;

(9) any credit, interest, rebate, refund, reimbursement, or return of a deposit fee resulting from the use of a political contribution or an asset purchased with a political contribution received during the reporting period and the amount of which exceeds \$100;

(10) any proceeds of the sale of an asset purchased with a political contribution received during the reporting period and the amount of which exceeds \$100;

(11) any investment purchased with a political contribution received during the reporting period and the amount of which

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exceeds \$100;

(12) any other gain from a political contribution received during the reporting period the amount of which exceeds \$100; and

(13) the full name and address of each person from whom an amount described by Subdivisions (9), (10), (11), or (12) is received, the date the amount is received, and the purpose for which the amount is received.

SECTION 2. Subchapter B, Chapter 254, Election Code, is amended by adding Section 254.0405 to read as follows:

Sec. 254.0405. AMENDMENT OF FILED REPORT. (a) A person who files a semiannual report under this chapter may amend the report.

(b) A semiannual report that is 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.

(c) A semiannual report that is 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:

(1) the amendment is made before any complaint is filed with regard to the subject of the amendment; and

(2) the original report was made in good faith and without an intent to mislead or to misrepresent the information contained in the report.

**No equivalent provision.**

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exceeds \$100;

(12) any other gain from a political contribution received during the reporting period and the amount of which exceeds \$100; and

(13) the full name and address of each person from whom an amount described by Subdivision (9), (10), (11), or (12) is received, the date the amount is received, and the purpose for which the amount is received.

SECTION 2. Same as House version.

SECTION \_\_. Subchapter B, Chapter 254, Election Code, is amended by adding Section 254.0406 to read as follows:

Sec. 254.0406. CORRECTION OF FILED REPORT. A person who files a report under this chapter may correct the report if:

(1) the correction is made not later than the 14th business day

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after the person receives written notice of a complaint filed with the commission with regard to the report; and  
(2) the original report was made in good faith and without an intent to mislead or to misrepresent the information contained in the report. [FA1,3rd(3)]

SECTION 3. Section 254.041, Election Code, is amended by adding Subsection (d) to read as follows:

(d) It is an exception to the application of Subsection (a)(3) that:

(1) the information was required to be included in a semiannual report; and

(2) the person amended the report within the time prescribed by Section 254.0405(b) or under the circumstances described by Section 254.0405(c).

SECTION 3. Same as House version.

SECTION 4. Section 305.005, Government Code, is amended by adding Subsection (l) to read as follows:

(l) The registration form must include the full name and address of each person who compensates or reimburses the registrant or person acting as an agent for the registrant for services, including political consulting services, rendered by the registrant from:

(1) a political contribution as defined by Title 15, Election Code;

(2) interest received from a political contribution as defined by Title 15, Election Code; or

(3) an asset purchased with a political contribution as defined by Title 15, Election Code.

No equivalent provision.

SECTION 5. Subchapter C, Chapter 571, Government Code, is amended by adding Sections 571.080 and 571.081 to read as follows:

No equivalent provision.

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Sec. 571.080. ASSISTANCE FOR CERTAIN FILERS. The commission, using existing resources, must provide a service that enables a candidate or officeholder required to file a report with the commission under Section 254.063, 254.064, or 254.093, Election Code, to speak to commission staff to assist the person in preparing and filing the report. This service must be available beginning at 8 a.m. on the date of a deadline for filing a report with the commission and ending at the deadline for filing the report.

Sec. 571.081. AVAILABILITY OF DIRECT TELEPHONE NUMBER OF COMMISSION STAFF TO CERTAIN FILERS. An employee of the commission shall on request provide the employee's direct telephone number to a candidate or officeholder required to file a report with the commission.

SECTION 6. Section 571.122, Government Code, is amended by adding Subsection (e) to read as follows:

(e) It is not a valid basis of a complaint to allege that a report required under Chapter 254, Election Code, contains the improper name or address of a person from whom a political contribution was received if the name or address in the report is the same as the name or address that appears on the check for the political contribution.

SECTION 7. Subchapter E, Chapter 571, Government Code, is amended by adding Section 571.1222 to read as follows:

Sec. 571.1222. DISMISSAL OF COMPLAINT CHALLENGING CERTAIN INFORMATION IN POLITICAL REPORT. At any stage of a proceeding under this subchapter, the commission shall dismiss a complaint alleging that a report required under Chapter 254, Election Code, contains the improper name or address of a person from whom a political contribution was received if the name or

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SECTION 4. Same as House version.

SECTION 5. Same as House version.

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address in the report is the same as the name or address that appears on the check for the political contribution.

**No equivalent provision.**

SECTION 8. Section 571.123(b), Government Code, is amended to read as follows:

(b) After a complaint is filed, the commission shall immediately attempt to contact and notify the respondent of the complaint by telephone or electronic mail. Not later than the fifth business day after the date a complaint is filed, the commission shall send written notice to the complainant and the respondent. The written notice to the complainant and the respondent must:

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

(2) if the respondent is a candidate or officeholder, state the procedure by which the respondent may designate an agent with whom commission staff may discuss the complaint;

**(3) if the respondent is a candidate or officeholder, state that the respondent may request the direct telephone number of the commission staff member who will perform the processing of**

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SECTION \_\_. Subchapter E, Chapter 571, Government Code, is amended by adding Section 571.1223 to read as follows:

Sec. 571.1223. DISMISSAL OF COMPLAINT AFTER CORRECTION OF POLITICAL REPORT. If, not later than the 14th business day after a person receives written notice of a complaint alleging that the person failed to properly file a report required under Chapter 254, Election Code, the person corrects the report that is the basis of the complaint, the commission shall dismiss the complaint, provided that the original report was made in good faith and without an intent to mislead or to misrepresent the information contained in the report. [FA1,3rd(3)]

SECTION 6. Section 571.123(b), Government Code, is amended to read as follows:

(b) After a complaint is filed, the commission shall immediately attempt to contact and notify the respondent of the complaint by telephone or electronic mail. Not later than the fifth business day after the date a complaint is filed, the commission shall send written notice to the complainant and the respondent. The written notice to the complainant and the respondent must:

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

(2) if the respondent is a candidate or officeholder, state the procedure by which the respondent may designate an agent with whom commission staff may discuss the complaint; ~~and~~

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the complaint against the respondent; and  
(4) [(2)] if applicable, include the information required by Section 571.124(e).

SECTION 9. Subchapter E, Chapter 571, Government Code, is amended by adding Sections 571.1231 and 571.1232 to read as follows:

Sec. 571.1231. DESIGNATION OF AGENT BY CERTAIN RESPONDENTS. (a) This section applies only to a respondent who is a candidate or officeholder.

(b) A respondent to a complaint filed against the respondent may by writing submitted to the commission designate an agent with whom the commission staff may communicate regarding the complaint.

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

Sec. 571.1232. PROVISION OF TELEPHONE NUMBER TO CERTAIN RESPONDENTS. (a) This section applies only to a respondent who is a candidate or officeholder.

(b) On request, the commission shall provide to a respondent the direct telephone number of the commission staff member who will perform the processing of the complaint against the respondent.

SECTION 10. Section 145.003, Local Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

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(3) [(2)] if applicable, include the information required by Section 571.124(e); and

(4) if applicable, state that the respondent has 14 business days to correct the report that is the basis of the complaint, as provided by Section 254.0406, Election Code. [FA1,3rd(1),(2)]

SECTION 7. Subchapter E, Chapter 571, Government Code, is amended by adding Section 571.1231 to read as follows:

Sec. 571.1231. DESIGNATION OF AGENT BY CERTAIN RESPONDENTS. (a) This section applies only to a respondent who is a candidate or officeholder.

(b) A respondent to a complaint filed against the respondent may by writing submitted to the commission designate an agent with whom the commission staff may communicate regarding the complaint.

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

No equivalent provision.

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(a) Except as provided by Subsection (c), a [A] municipal officer or a candidate for a municipal office filled by election shall file a financial statement as required by this chapter.

(c) A municipal officer who does not receive compensation for serving as an officer or a candidate for such an office is not required to file a financial statement under this chapter.

**No equivalent provision.**

SECTION 11. Section 159.003(b), Local Government Code, is amended to read as follows:

(b) The statement must:

- (1) be filed with the county clerk of the county in which the officer, justice, or candidate resides; and
- (2) comply with Sections 572.022 and 572.023, Government Code, and with the requirements set forth by any commissioners court order requiring additional disclosures.

SECTION 12. Section 11.064, Education Code, is repealed.

SECTION 13. Section 159.034(c), Local Government Code, is repealed.

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SECTION \_\_. Section 571.124, Government Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

Except as provided by Subsection (g), the [The] commission staff shall promptly conduct a preliminary review on receipt of a written complaint that is in compliance with the form requirements of Section 571.122.

(g) The commission may not conduct a preliminary review of a complaint alleging that a person failed to properly file a report required under Chapter 254, Election Code, until the period for correcting the report has expired as provided by Section 254.0406, Election Code. [FA1,3rd(3)]

SECTION 8. Section 159.003(b), Local Government Code, is amended to read as follows:

(b) The statement must:

- (1) be filed with the county clerk of the county in which the officer, justice, or candidate resides; and
- (2) comply with Sections 572.022 and 572.023, Government Code, and with any order of the commissioners court of the county requiring additional disclosures.

**No equivalent provision.**

**No equivalent provision.**

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SECTION 14. Section 335.1085, Local Government Code, is repealed.

SECTION 15. (a) Section 254.031(a), Election Code, as amended by this Act, applies only to a report under Chapter 254, Election Code, that is required to be filed on or after the effective date of this Act. A report under Chapter 254, Election Code, that is required to be filed before the effective date of this Act is governed by the law in effect on the date the report is required to be filed, and the former law is continued in effect for that purpose.

(b) Section 305.005(l), Government Code, as added by this Act, applies only to compensation or reimbursement received by a registrant under Chapter 305, Government Code, on or after the effective date of this Act.

SECTION 16. The change in law made by this Act to Section 254.041, Election Code, applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 17. (a) Section 145.003, Local Government Code, as amended by this Act, applies only to the filing by a municipal officer or candidate of a financial statement that covers the 2011 or a later calendar year. The filing by a municipal officer or candidate of a financial statement that covers the 2010 calendar year is governed by the law in effect on January 1, 2011, and the former law is continued in effect

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**No equivalent provision.**

SECTION 9. Section 254.031(a), Election Code, as amended by this Act, applies only to a report under Chapter 254, Election Code, that is required to be filed on or after the effective date of this Act. A report under Chapter 254, Election Code, that is required to be filed before the effective date of this Act is governed by the law in effect on the date the report is required to be filed, and the former law is continued in effect for that purpose.

SECTION 10. Same as House version.

**No equivalent provision.**

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for that purpose.

(b) The repeal by this Act of Section 11.064, Education Code, applies only to the filing by a school district trustee of a financial statement that covers the 2011 or a later calendar year. The filing by a school district trustee of a financial statement that covers the 2010 calendar year is governed by the law in effect on January 1, 2011, and the former law is continued in effect for that purpose.

(c) The repeal by this Act of Section 335.1085, Local Government Code, applies only to the filing by a director of a venue district of a financial statement that covers the 2011 or a later calendar year. The filing by a director of a venue district of a financial statement that covers the 2010 calendar year is governed by the law in effect on January 1, 2011, and the former law is continued in effect for that purpose.

SECTION 18. This Act takes effect September 1, 2011.

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SECTION 11. Same as House version.

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