

BILL ANALYSIS

C.S.H.B. 1405
By: Leach
Government Transparency & Operation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties point out that campaign finance reports for candidates seeking elected office at the local level are public records. However, in many cases these documents are not readily accessible for public viewing online, resulting in an undue burden for citizens who wish to obtain the information. The parties report that over the past decade certain governmental entities have taken great strides toward improving transparency measures for their citizens by increasing online access to campaign finance reports, although most local governmental entities are not required by law to do so. C.S.H.B. 1405 seeks to provide for greater transparency for campaign reports.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 1405 amends the Election Code to decrease from 800,000 to 50,000 the minimum population threshold for a county to be subject to the requirement that the county clerk make a report of political contributions or expenditures filed with the clerk by a candidate, officeholder, or specific-purpose committee in connection with a county office or the office of county commissioner publicly available on the county's website not later than the fifth business day after the date the report is received. The bill limits the requirement to a county that maintains a website.

C.S.H.B. 1405 decreases from 500,000 to 50,000 the minimum population threshold for a municipality to be subject to the requirement that the city clerk make a report of political contributions or expenditures filed with the clerk by a candidate, officeholder, or specific-purpose committee in connection with the office of mayor or member of the municipality's governing body publicly available on the municipality's website not later than the fifth business day after the date the report is received. The bill limits the requirement to a municipality that maintains a website.

C.S.H.B. 1405 authorizes the authority with whom the report is filed, before making a report available on the Internet as required, to remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report and requires the removed address information to remain available on the report maintained in the authority's office. The bill requires such a report made available on the Texas Ethics

Commission's website or a county's or municipality's website, as applicable, to be accessible on the website until the fifth anniversary of the date the report is first made available.

C.S.H.B. 1405 revises a statutory provision requiring certain political reports filed by a member of a school district's board of trustees, a candidate for board membership, or a specific-purpose committee supporting, opposing, or assisting a candidate or member of a board of trustees to be posted on the school district's website if the school district is located wholly or partly in a municipality with a population of more than 500,000 with a student enrollment of more than 15,000 to remove the municipal population specification and to limit the provision's applicability to a school district that maintains a website. The bill requires a public junior college district that maintains a website and has a student enrollment of more than 15,000 to post certain political reports filed by a member of the public junior college district's governing body, a candidate for membership on the district's governing body, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of the district's governing body on the district's website.

C.S.H.B. 1405 requires such a political report relating to a public junior college district to be publicly available on the district's website not later than the fifth business day after the date the report is filed with the district. The bill extends to a public junior college district the authorization for a school district to remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report before making a report available on the Internet and requires the removed address information to remain available on the report maintained in the public junior college district's office. The bill requires such a report made available on a school district's or public junior college district's website to be accessible on that website until the fifth anniversary of the date the report is first made available.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1405 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 254.0401, Election Code, is amended by amending Subsections (a-1), (c), and (f) and adding Subsection (g) to read as follows:

(a-1) The county clerk of a county with a population of 50,000 ~~[800,000]~~ or more that maintains an Internet website shall make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee under this subchapter in connection with a county office or the office of county commissioner available to the public on the county's Internet website not later than the fifth business day after the date the report is received.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 254.0401, Election Code, is amended by amending Subsections (a-1) and (c) and adding Subsections (e-1) and (g) to read as follows:

(a-1) The county clerk of a county with a population of 50,000 ~~[800,000]~~ or more that maintains an Internet website shall make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee under this subchapter in connection with a county office or the office of county commissioner available to the public on the county's Internet website not later than the fifth business day after the date the report is received.

(c) The clerk of a municipality with a population of 50,000 [~~500,000~~] or more that maintains an Internet website shall make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee under this subchapter in connection with the office of mayor or member of the municipality's governing body available to the public on the municipality's Internet website not later than the fifth business day after the date the report is received.

(f) The commission or county or city clerk, as applicable, shall clearly state on the Internet website on which reports are provided that reports filed by an independent candidate, a third-party candidate, or a specific-purpose committee for supporting or opposing an independent or third-party candidate will not be available if the candidate or committee has not yet filed a report.

(g) A report made available on an Internet website under this section must be accessible on that website until the 10th anniversary of the date the report is first made available.

SECTION 2. The heading to Section 254.04011, Election Code, is amended.

SECTION 3. Section 254.04011, Election Code, is amended by amending Subsections (a) and (c) and adding Subsections (b-1) and (f) to read as follows:

(a) This section applies only to a school or public junior college district that maintains an Internet website and has [∴
[~~(1) — located wholly or partly in a municipality with a population of more than 500,000; and~~
[~~(2) — with~~] a student enrollment of more than

(c) The clerk of a municipality with a population of 50,000 [~~500,000~~] or more that maintains an Internet website shall make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee under this subchapter in connection with the office of mayor or member of the municipality's governing body available to the public on the municipality's Internet website not later than the fifth business day after the date the report is received.

(e-1) Before making a report available on the Internet as required by Subsection (a-1) or (c), the authority with whom the report is filed may remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report. The address information removed must remain available on the report maintained in the authority's office.

(g) A report made available on an Internet website under this section must be accessible on that website until the fifth anniversary of the date the report is first made available.

SECTION 2. Same as introduced version.

SECTION 3. Section 254.04011, Election Code, is amended by amending Subsections (a), (c), and (e) and adding Subsections (b-1) and (f) to read as follows:

(a) This section applies only to a school or public junior college district that maintains an Internet website and has [∴
[~~(1) — located wholly or partly in a municipality with a population of more than 500,000; and~~
[~~(2) — with~~] a student enrollment of more

15,000.

(b-1) A report filed under this chapter by a member of the governing body of a public junior college district, a candidate for membership on the governing body of a public junior college district, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a governing body of a public junior college district must be posted on the Internet website of the district.

(c) A report to which Subsection (b) or (b-1) applies must be available to the public on the Internet website not later than the fifth business day after the date the report is filed with the school district.

(f) A report made available on an Internet website under this section must be accessible on that website until the 10th anniversary of the date the report is first made available.

SECTION 4. Section 254.04011(e), Election Code, is repealed.

SECTION 5. The changes in law made by this Act to Sections 254.0401 and 254.04011, Election Code, apply only to a report of political contributions and expenditures that is required to be filed under Chapter 254, Election Code, on or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2015.

than 15,000.

(b-1) A report filed under this chapter by a member of the governing body of a public junior college district, a candidate for membership on the governing body of a public junior college district, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a governing body of a public junior college district must be posted on the Internet website of the district.

(c) A report to which Subsection (b) or (b-1) applies must be available to the public on the Internet website not later than the fifth business day after the date the report is filed with the school district.

(e) Before making a report available on the Internet under this section, the school district or public junior college district may remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report. If the address information is removed as permitted by this subsection, the information must remain available on the report maintained in the [school] district's office.

(f) A report made available on an Internet website under this section must be accessible on that website until the fifth anniversary of the date the report is first made available.

No equivalent provision.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.