

BILL ANALYSIS

S.B. 1437
By: Zaffirini
General Investigating & Ethics
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Given that electronic filing saves certain resources, a clear trend across state government and the private sector is emerging to reduce paper filing. Interested parties assert that an agency with such limited resources as the Texas Ethics Commission should leverage these technological advances to use its resources efficiently.

Currently, local officeholders and candidates are authorized to file personal financial statements with local authorities, but it is unclear whether they have to use locally developed software or can use the new web platform developed by the commission. Not all local authorities in Texas, especially in rural and smaller counties, have the resources to develop an electronic filing system. Consequently, electronic filing may not be widely adopted in these localities. There is concern that currently statewide candidates and officeholders may not file personal financial statements electronically. S.B. 1437 seeks to accelerate the adoption of electronic filing across the state, which would increase the statewide filing system's efficiency.

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

S.B. 1437 amends the Election Code to authorize a report filed under statutory provisions governing political reporting, as it relates to regulating political funds and campaigns, with an authority other than the Texas Ethics Commission to be filed electronically by using computer software developed by the commission if the authority with whom the report is required to be filed has adopted rules and procedures to provide for the filing of the report using the software.

S.B. 1437 amends the Government Code to require a personal financial statement filed with the commission to be filed 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. The bill requires each personal financial statement filed with a filing authority other than the commission that is not filed electronically to be accompanied by an affidavit executed by the person required to file the financial statement, and the bill prescribes the statement required to be contained in the affidavit. The bill establishes that a personal financial statement filed under statutory provisions governing personal financial disclosure, standards of conduct, and conflict of interest is considered to be under oath by the person required to file the financial statement and the bill subjects such a person to prosecution

under Penal Code provisions governing the offenses of perjury and other falsification, regardless of the absence of or a defect in the affidavit. The bill exempts a person who electronically files a financial statement with the commission or another filing authority from the requirement to include a notarized affidavit with the financial statement if the person has requested and received an electronic filing password under rules of the commission or other authority, as applicable, and if the person uses that password to file the financial statement.

S.B. 1437 amends the Local Government Code to authorize a financial statement filed by the mayor, a member of the governing body, the municipal attorney, or the city manager of a municipality with a population of 100,000 or more, or a candidate for such a municipal office filled by election, to be filed electronically by using computer software developed by the commission if the clerk or secretary of the municipality with whom the statement is required to be filed has adopted rules and procedures to provide for the filing of the statement using the software. The bill authorizes the rules adopted by a county clerk relating to the manner in which a county judge, county commissioner, or county attorney of a county with a population of 100,000 or more, or a candidate for such a county office, and the manner in which a justice of the peace of a county with a population of 125,000 or more, or a candidate for such office, is required to electronically file a financial statement and the required format of an electronically filed statement to allow a person to file a statement electronically by using computer software developed by the commission.

S.B. 1437 authorizes the rules adopted by an officer with whom a financial disclosure report is required to be filed by a sheriff, county tax assessor-collector, county clerk, district clerk, county treasurer, county auditor, county purchasing agent, constable, justice of the peace, or a master, magistrate, or referee appointed by a justice of the peace, candidates for such offices, and certain other county employees of a county with a population of 125,000 or more relating to the manner in which a person must electronically file a report and the required format of an electronically filed report to allow a person to file a report electronically by using computer software developed by the commission. The bill authorizes a financial statement filed by the judge of a statutory county court or statutory probate court, or a candidate for such office, to be filed electronically by using computer software developed by the commission if the county clerk with whom the statement is required to be filed has adopted rules and procedures to provide for the filing of the statement using the software.

EFFECTIVE DATE

September 1, 2015.