

By: Meyer

H.B. No. 3490

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the development of a reporting system for certain
3 complaints submitted to the Texas Ethics Commission; providing a
4 civil penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
6 SECTION 1. Subchapter E, Chapter 571, Government Code, is amended
7 by adding Section 571.1223 to read as follows:

8 Sec. 571.1223. COMPLAINT PROCEDURE. (a) The commission
9 shall develop and implement a procedure for an individual to submit
10 a complaint alleging that a person subject to Title 15, Election
11 Code, has made a materially false statement in political
12 advertising or a campaign communication with knowledge that it was
13 false or with reckless disregard of whether it was false or not.

14 (b) The commission shall review and investigate a complaint
15 submitted through the procedure developed under Subsection (a) and
16 determine whether the statement or communication in question was
17 materially false and made with knowledge that it was false or with
18 reckless disregard of whether it was false or not.

19 (c) In reviewing and investigating a complaint submitted
20 through the procedure developed under Subsection (a), the
21 commission shall notify all persons or organizations identified in
22 the complaint at the time the complaint is made and provide them the
23 opportunity to respond within a reasonable timeframe as determined
24 in rule by the commission.

1 (d) All information related to a complaint submitted under
2 the procedure adopted by the commission under subsection (a) or an
3 investigation remains confidential unless the commission makes a
4 determination that the statement or communication in question was
5 materially false and made with knowledge that it was false or with
6 reckless disregard of whether it was false or not.

7 (e) If the commission makes a determination under the
8 procedure developed under Subsection (a) that the statement or
9 communication in question was materially false and made with
10 knowledge that it was false or with reckless disregard of whether it
11 was false or not, the commission shall impose a civil penalty of
12 \$500 against the respondent.

13 (f) Disclosure of information which is confidential under
14 subsection (d) shall result in a civil penalty of \$500 per offense
15 imposed by the commission against the individual or organization
16 responsible for the disclosure.

17 (g) A complaint submitted through the procedure developed
18 under Subsection (a) is not subject to the provisions of this
19 subchapter governing a sworn complaint filed under Section [571.122](#).

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