

By: Hall

S.B. No. 1298

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the selection of the presiding officer of, voting
3 requirements for action by, and purpose of the Texas Ethics
4 Commission.

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

6 SECTION 1. Section 571.001, Government Code, is amended to
7 read as follows:

8 Sec. 571.001. PURPOSE. It is the policy of the legislature
9 to protect the constitutional privilege of free suffrage by
10 regulating elections and prohibiting undue influence while also
11 protecting the constitutional right of the governed to apply to
12 their government for the redress of grievances. The purpose of the
13 Texas Ethics Commission is as provided by Section 24a(c-1), Article
14 III, Texas Constitution [~~This chapter is intended to achieve those~~
15 ~~purposes and shall be construed to achieve the following~~
16 ~~objectives:~~

17 [~~(1) to control and reduce the cost of elections,~~

18 [~~(2) to eliminate opportunities for undue influence~~
19 ~~over elections and governmental actions,~~

20 [~~(3) to disclose fully information related to~~
21 ~~expenditures and contributions for elections and for petitioning~~
22 ~~the government,~~

23 [~~(4) to enhance the potential for individual~~
24 ~~participation in electoral and governmental processes, and~~

1 ~~[(5) to ensure the public's confidence and trust in its~~
2 ~~government]~~.

3 SECTION 2. Section 571.027(a), Government Code, is amended
4 to read as follows:

5 (a) A member of the commission may not participate in a
6 commission proceeding relating to any of the following actions if
7 the member is the subject of the action:

- 8 (1) a formal investigation by the commission;
9 (2) a sworn complaint filed with the commission; or
10 (3) a motion required to be adopted by vote of at least
11 four [~~six~~] members of the commission.

12 SECTION 3. Section 571.062(a), Government Code, is amended
13 to read as follows:

14 (a) The commission, on the affirmative vote of at least four
15 [~~six~~] members of the commission, may adopt rules to administer this
16 chapter or any other law administered and enforced by the
17 commission.

18 SECTION 4. Section 571.069(b), Government Code, is amended
19 to read as follows:

20 (b) The commission may by a vote of at least four [~~six~~]
21 commission members initiate a preliminary review as provided by
22 Section 571.124 or perform a complete audit of a statement or
23 report:

- 24 (1) if, before the 31st day after the date the
25 statement or report was originally due, the executive director does
26 not obtain from the person information that permits the executive
27 director to determine that the statement or report complies with

1 law;

2 (2) if a statement or report returned for resubmission
3 is not resubmitted within the time prescribed by Subsection (a); or

4 (3) on an affirmative vote of at least four [~~six~~]
5 commission members that a statement or report resubmitted under
6 Subsection (a), together with any corrections or additional
7 documentation, does not, in the opinion of the commission, comply
8 with the law requiring the statement or report.

9 SECTION 5. Section 571.121(a), Government Code, is amended
10 to read as follows:

11 (a) The commission may:

12 (1) hold hearings, on its own motion adopted by an
13 affirmative vote of at least four [~~six~~] commission members or on a
14 sworn complaint, and render decisions on complaints or reports of
15 violations as provided by this chapter; and

16 (2) agree to the settlement of issues.

17 SECTION 6. Section 571.124(b), Government Code, is amended
18 to read as follows:

19 (b) On a motion adopted by an affirmative vote of at least
20 four [~~six~~] commission members, the commission, without a sworn
21 complaint, may initiate a preliminary review of the matter that is
22 the subject of the motion.

23 SECTION 7. Section 571.1241(b), Government Code, is amended
24 to read as follows:

25 (b) The commission may reverse the executive director's
26 determination only on the affirmative vote of at least four [~~six~~]
27 members.

1 SECTION 8. Section 571.132(b), Government Code, is amended
2 to read as follows:

3 (b) The motion must be adopted by a vote of at least four
4 [~~six~~] members if the final decision is that a violation has occurred
5 or by three [~~five~~] members if the final decision is that a violation
6 has not occurred.

7 SECTION 9. Sections 571.137(a-1) and (b), Government Code,
8 are amended to read as follows:

9 (a-1) In connection with a preliminary review, the
10 commission, for good cause and as authorized by this chapter, may
11 subpoena documents and witnesses on application by the commission
12 staff and a motion adopted by a vote of at least four [~~six~~] members
13 of the commission, for the purpose of attempting to obtain from the
14 documents or witnesses specifically identified information, if the
15 commission reasonably believes that the specifically identified
16 information:

17 (1) is likely to be determinative as to whether the
18 subject of an investigation has violated a law within the
19 jurisdiction of the commission;

20 (2) can be determined from the documents or is known by
21 the witnesses; and

22 (3) is not reasonably available through a less
23 intrusive means.

24 (b) At the written request of at least four [~~six~~] members of
25 the commission, a peace officer shall serve a subpoena of the
26 commission in the manner prescribed for service of a district court
27 subpoena.

1 SECTION 10. Section 571.171(a), Government Code, is amended
2 to read as follows:

3 (a) On a motion adopted by an affirmative vote of at least
4 four [~~six~~] commission members, the commission may initiate civil
5 enforcement actions and refer matters to the appropriate
6 prosecuting attorney for criminal prosecution.

7 SECTION 11. Section 571.023, Government Code, is repealed.

8 SECTION 12. This Act takes effect on the date on which the
9 constitutional amendment proposed by the 84th Legislature, Regular
10 Session, 2015, to change the number, method of appointment, and
11 terms of members of the Texas Ethics Commission and providing for
12 the governance, purpose, and mission of the commission is approved
13 by the voters. If that amendment is not approved by the voters,
14 this Act has no effect.