

By: Zaffirini
(Davis of Harris)

S.B. No. 1437

A BILL TO BE ENTITLED

AN ACT

relating to the electronic filing of reports of political contributions and expenditures and of personal financial statements by certain officeholders and candidates and the content of those statements; creating a criminal offense.

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

SECTION 1. Section 254.036, Election Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) A report filed under this chapter with an authority other than the commission may 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.

SECTION 2. Section 571.0671, Government Code, is amended to read as follows:

Sec. 571.0671. REQUIREMENTS FOR ELECTRONIC FILING SOFTWARE. (a) Computer software provided or approved by the commission for use under Section 254.036(b), Election Code, or Section 302.013, ~~or~~ 305.0064, or 572.0291 must:

(1) use a standardized format for the entry of names, addresses, and zip codes;

(2) provide for secure and encoded transmission of data from the computer of a person filing a report to the computers

1 used by the commission;

2 (3) be capable of being used by a person with basic
3 computing skills;

4 (4) provide confirmation to a person filing a report
5 that the report was properly received; and

6 (5) permit a person using a computer to prepare a
7 report or to retrieve information from a report to import
8 information to the report from a variety of computer software
9 applications that meet commission specifications for a standard
10 file format or export information from the report to a variety of
11 computer software applications that meet commission specifications
12 for a standard file format without the need to reenter information.

13 (b) Before determining the specifications for computer
14 software developed, purchased, or licensed for use under Section
15 254.036, Election Code, or Section 302.013, ~~or~~ 305.0064, or
16 572.0291, the commission shall conduct at least one public hearing
17 to discuss the specifications. For at least 10 days following the
18 hearing, the commission shall accept public comments concerning the
19 software specifications.

20 (c) The commission may provide software for use under
21 Section 254.036(b), Election Code, or Section 302.013, ~~or~~
22 305.0064, or 572.0291 by making the software available on the
23 Internet. If the commission makes the software available on the
24 Internet, the commission is not required to provide the software on
25 computer diskettes, CD-ROMs, or other storage media without charge
26 to persons required to file reports under that section, but may
27 charge a fee for providing the software on storage media. A fee

1 under this subsection may not exceed the cost to the commission of
2 providing the software.

3 SECTION 3. Section 572.023, Government Code, is amended by
4 adding Subsections (f) and (g) to read as follows:

5 (f) Each financial statement filed with a filing authority
6 other than the commission that is not filed electronically must be
7 accompanied by an affidavit executed by the person required to file
8 the financial statement. The affidavit must contain the statement:
9 "I swear, or affirm, under penalty of perjury, that the
10 accompanying financial statement is true and correct and includes
11 all information required to be reported by me under Chapter 572 of
12 the Government Code." A financial statement filed under this
13 chapter is considered to be under oath by the person required to
14 file the financial statement, and the person is subject to
15 prosecution under Chapter 37, Penal Code, regardless of the absence
16 of or a defect in the affidavit.

17 (g) A person who electronically files a financial statement
18 with the commission or another filing authority is not required to
19 include a notarized affidavit with the financial statement if the
20 person:

21 (1) has requested and received an electronic filing
22 password pursuant to the rules of the commission or other
23 authority, as applicable; and

24 (2) uses that password to file the financial
25 statement.

26 SECTION 4. Subchapter B, Chapter 572, Government Code, is
27 amended by adding Section 572.0291 to read as follows:

1 Sec. 572.0291. ELECTRONIC FILING REQUIRED. A financial
2 statement filed with the commission must be filed by computer
3 diskette, modem, or other means of electronic transfer, using
4 computer software provided by the commission or computer software
5 that meets commission specifications for a standard file format.

6 SECTION 5. Section 145.004, Local Government Code, is
7 amended by adding Subsection (h) to read as follows:

8 (h) A financial statement filed under this chapter may be
9 filed electronically by using computer software developed by the
10 Texas Ethics Commission if the clerk or secretary of the
11 municipality with whom the statement is required to be filed has
12 adopted rules and procedures to provide for the filing of the
13 statement using the software.

14 SECTION 6. Section 159.004(f), Local Government Code, is
15 amended to read as follows:

16 (f) A county clerk may adopt rules and procedures under this
17 section relating only to the manner in which a person must
18 electronically file a financial statement and the required format
19 of an electronically filed statement. Those rules may allow a
20 person to file a statement electronically by using computer
21 software developed by the Texas Ethics Commission.

22 SECTION 7. Section 159.0341(b), Local Government Code, is
23 amended to read as follows:

24 (b) An officer with whom a report is required to be filed
25 under this subchapter may adopt rules and procedures under this
26 section relating only to the manner in which a person must
27 electronically file a report and the required format of an

1 electronically filed report. Those rules may allow a person to file
2 a report electronically by using computer software developed by the
3 Texas Ethics Commission.

4 SECTION 8. Section 159.053, Local Government Code, is
5 amended by adding Subsection (d) to read as follows:

6 (d) A financial statement filed under this subchapter may be
7 filed electronically by using computer software developed by the
8 commission if the county clerk with whom the statement is required
9 to be filed has adopted rules and procedures to provide for the
10 filing of the statement using the software.

11 SECTION 9. Section 572.023, Government Code, as amended by
12 this Act, applies only to a financial statement due on or after the
13 effective date of this Act. A financial statement due before the
14 effective date of this Act is governed by the law in effect on the
15 date the financial statement was due, and the former law is
16 continued in effect for that purpose.

17 SECTION 10. This Act takes effect September 1, 2015.