

By: Davis of Harris

H.B. No. 2474

A BILL TO BE ENTITLED

AN ACT

relating to the electronic filing of certain reports of political contributions and expenditures with the Texas Ethics Commission.

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

SECTION 1. Section 251.033(a), Election Code, is amended to read as follows:

(a) The commission shall notify each person responsible for filing a report with the commission under Subchapters C through F, Chapter 254, of the deadline for filing a report, except that notice of the deadline is not required for a political committee involved in an election other than a primary election or the general election for state and county officers or for a person who is required to file a report electronically with the commission under Section 254.0395. Notification under this subsection may be sent by electronic mail.

SECTION 2. Sections 254.036(a), (b), (c), (h), (i), and (j), Election Code, are amended to read as follows:

(a) Each report filed under this chapter with an authority other than the commission must be in a format prescribed by the commission. A report filed with the commission that is not required to be filed electronically ~~[by computer diskette, modem, or other means of electronic transfer]~~ must be on a form prescribed by the commission and written in black ink or typed with black typewriter ribbon or, if the report is a computer printout, the printout must

1 conform to the same format and paper size as the form prescribed by
2 the commission.

3 (b) Except as provided by Subsection (c) or (e), each report
4 filed under this chapter with the commission must be filed
5 electronically [~~by computer diskette, modem, or other means of~~
6 ~~electronic transfer,~~] using computer software provided by the
7 commission or computer software that meets commission
8 specifications for a standard file format.

9 (c) Except as otherwise provided by this title, a [A]
10 candidate, officeholder, or political committee that is required to
11 file reports with the commission may file reports that comply with
12 Subsection (a) if:

13 (1) the candidate, officeholder, or campaign
14 treasurer of the committee files [~~with the commission~~] an affidavit
15 stating that the candidate, officeholder, or committee, an agent of
16 the candidate, officeholder, or committee, or a person with whom
17 the candidate, officeholder, or committee contracts does not use
18 computer equipment to keep the current records of political
19 contributions, political expenditures, or persons making political
20 contributions to the candidate, officeholder, or committee; and

21 (2) the candidate, officeholder, or committee does
22 not, in a calendar year, accept political contributions that in the
23 aggregate exceed \$20,000 or make political expenditures that in the
24 aggregate exceed \$20,000.

25 (h) Each report filed under this chapter that is not filed
26 electronically [~~by electronic transfer~~] must be accompanied by an
27 affidavit executed by the person required to file the report. The

1 affidavit must contain the statement: "I swear, or affirm, under
2 penalty of perjury, that the accompanying report is true and
3 correct and includes all information required to be reported by me
4 under Title 15, Election Code." Each report filed under this
5 chapter electronically [~~by electronic transfer~~] must be under oath
6 by the person required to file the report and must contain, in
7 compliance with commission specifications, the digitized signature
8 of the person required to file the report. A report filed under
9 this chapter is considered to be under oath by the person required
10 to file the report, and the person is subject to prosecution under
11 Chapter 37, Penal Code, regardless of the absence of or a defect in
12 the affidavit.

13 (i) Each person required to file reports with the commission
14 that comply with Subsection (b) shall file with the commission a
15 verified form requesting a password to access the commission's
16 electronic report filing system [~~written statement providing the~~
17 ~~manner of electronic transfer that the person will use to file the~~
18 ~~report. A statement under this subsection must be filed not later~~
19 ~~than the 30th day before the filing deadline for the first report a~~
20 ~~person is required to file under Subsection (b). A person who~~
21 ~~intends to change the manner of filing described by the person's~~
22 ~~most recent statement shall notify the commission of the change not~~
23 ~~later than the 30th day before the filing deadline for the report to~~
24 ~~which the change applies. If a person does not file a statement~~
25 ~~under this subsection, the commission may accept as authentic a~~
26 ~~report filed in any manner that complies with Subsection (b). If~~
27 ~~the commission receives a report that is not filed in the manner~~

~~described by the person's most recent statement under this subsection, the commission shall promptly notify the person in writing that the commission has received a report filed in a different manner than expected].~~

(j) As part of the notification required by Section 251.033, the commission shall mail the appropriate forms to each person required to file a report with the commission during that reporting period, except that forms are not required for a person who is required to file a report with the commission under Section 254.0395.

SECTION 3. Subchapter B, Chapter 254, Election Code, is amended by adding Section 254.0395 to read as follows:

Sec. 254.0395. CERTAIN REPORTS REQUIRED TO BE FILED WITH COMMISSION. (a) Notwithstanding any other section of this title, except as provided by Subsection (b), the following reports must be filed electronically with the commission, using computer software provided by the commission or that meets commission specifications under Section 254.036(b):

(1) a report by a candidate for or officeholder of a county office, a precinct office, or a district office other than an office included in Section 252.005(1);

(2) a report by the campaign treasurer of a specific-purpose committee that has a principal purpose of:

(A) supporting or opposing the candidacy of or assisting an officeholder of a county office, a precinct office, or a district office other than an office included in Section 252.005(1); or

1 (B) supporting or opposing a measure to be
2 submitted to voters of a single county in an election ordered by a
3 county authority; and

4 (3) a report required under Subchapter H filed by a
5 former candidate for or former officeholder of a county office, a
6 precinct office, or a district office other than an office included
7 in Section 252.005(1).

8 (b) If Section 254.036(c) applies to a person required to
9 file a report electronically with the commission under Subsection
10 (a), the person may file the report with the authority with whom the
11 report is otherwise required to be filed if the report is
12 accompanied by the affidavit described by Section 254.036(c-1).

13 SECTION 4. Section 254.041(a), Election Code, is amended to
14 read as follows:

15 (a) A person who is required by this chapter to file a report
16 commits an offense if the person knowingly fails:

17 (1) to file the report on time;

18 (2) to file a report electronically [~~by computer~~
19 ~~diskette, modem, or other means of electronic transfer~~], if the
20 person is required to file reports that comply with Section
21 254.036(b); or

22 (3) to include in the report information that is
23 required by this title to be included.

24 SECTION 5. Section 254.042, Election Code, is amended by
25 adding Subsection (d) to read as follows:

26 (d) This section does not apply to a report required to be
27 filed electronically with the commission under Section 254.0395.

SECTION 6. Section 254.066, Election Code, is amended to read as follows:

Sec. 254.066. AUTHORITY WITH WHOM REPORTS FILED. Except as provided by Section 254.0395, reports ~~[Reports]~~ under this subchapter shall be filed with the authority with whom the candidate's campaign treasurer appointment is required to be filed.

SECTION 7. Section 254.095, Election Code, is amended to read as follows:

Sec. 254.095. REPORT NOT REQUIRED. If at the end of any reporting period prescribed by this subchapter an officeholder who is required to file a report with an authority other than the commission or who is required to file a report electronically with the commission under Section 254.0395 has not accepted political contributions that in the aggregate exceed \$500 or made political expenditures that in the aggregate exceed \$500, the officeholder is not required to file a report covering that period.

SECTION 8. Section 254.097, Election Code, is amended to read as follows:

Sec. 254.097. AUTHORITY WITH WHOM REPORTS FILED. Except as provided by Section 254.0395, reports ~~[Reports]~~ under this subchapter shall be filed with the authority with whom a campaign treasurer appointment by a candidate for the office held by the officeholder is required to be filed.

SECTION 9. Section 254.130(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (b) or Section 254.0395, reports filed under this subchapter shall be filed with

1 the authority with whom the political committee's campaign
2 treasurer appointment is required to be filed.

3 SECTION 10. Section 254.202(b), Election Code, is amended
4 to read as follows:

5 (b) Except as provided by Section 254.0395, the ~~[The]~~ report
6 shall be filed with the authority with whom the person's campaign
7 treasurer appointment was required to be filed.

8 SECTION 11. Section 254.205(b), Election Code, is amended
9 to read as follows:

10 (b) Except as provided by Section 254.0395, the ~~[The]~~ report
11 shall be filed with the authority with whom the person's campaign
12 treasurer appointment was required to be filed.

13 SECTION 12. Section 571.069, Government Code, is amended by
14 adding Subsection (g) to read as follows:

15 (g) This section does not apply to a report required to be
16 filed electronically with the commission under Section 254.0395,
17 Election Code.

18 SECTION 13. The changes in law made by this Act apply only
19 to a report filed with the Texas Ethics Commission on or after the
20 effective date of this Act. A report filed before the effective
21 date of this Act is subject to the law in effect at the time the
22 report was filed, and the former law is continued in effect for that
23 purpose.

24 SECTION 14. This Act takes effect September 1, 2017.