

1-1 By: Zaffirini S.B. No. 63
 1-2 (In the Senate - Filed November 14, 2016; January 24, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 3, 2017, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the electronic filing of reports of political
 1-20 contributions and expenditures and of personal financial
 1-21 statements by certain officeholders and candidates and the content
 1-22 of those statements; creating a criminal offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 254.036, Election Code, is amended by
 1-25 adding Subsection (f-1) to read as follows:

1-26 (f-1) A report filed under this chapter with an authority
 1-27 other than the commission may be filed electronically by using
 1-28 computer software developed by the commission, if the authority
 1-29 with whom the report is required to be filed has adopted rules and
 1-30 procedures to provide for the filing of the report using the
 1-31 software.

1-32 SECTION 2. Sections 571.0671(a), (b), and (c), Government
 1-33 Code, are amended to read as follows:

1-34 (a) Computer software provided or approved by the
 1-35 commission for use under Section 254.036(b), Election Code, or
 1-36 Section 302.013, ~~or~~ 305.0064, or 572.0291 must:

1-37 (1) use a standardized format for the entry of names,
 1-38 addresses, and zip codes;

1-39 (2) provide for secure and encoded transmission of
 1-40 data from the computer of a person filing a report to the computers
 1-41 used by the commission;

1-42 (3) be capable of being used by a person with basic
 1-43 computing skills;

1-44 (4) provide confirmation to a person filing a report
 1-45 that the report was properly received; and

1-46 (5) permit a person using a computer to prepare a
 1-47 report or to retrieve information from a report to import
 1-48 information to the report from a variety of computer software
 1-49 applications that meet commission specifications for a standard
 1-50 file format or export information from the report to a variety of
 1-51 computer software applications that meet commission specifications
 1-52 for a standard file format without the need to reenter information.

1-53 (b) Before determining the specifications for computer
 1-54 software developed, purchased, or licensed for use under Section
 1-55 254.036, Election Code, or Section 302.013, ~~or~~ 305.0064, or
 1-56 572.0291, the commission shall conduct at least one public hearing
 1-57 to discuss the specifications. For at least 10 days following the
 1-58 hearing, the commission shall accept public comments concerning the
 1-59 software specifications.

1-60 (c) The commission may provide software for use under
 1-61 Section 254.036(b), Election Code, or Section 302.013, ~~or~~

2-1 305.0064, or 572.0291 by making the software available on the
2-2 Internet. If the commission makes the software available on the
2-3 Internet, the commission is not required to provide the software on
2-4 computer diskettes, CD-ROMs, or other storage media without charge
2-5 to persons required to file reports under that section, but may
2-6 charge a fee for providing the software on storage media. A fee
2-7 under this subsection may not exceed the cost to the commission of
2-8 providing the software.

2-9 SECTION 3. Section 572.023, Government Code, is amended by
2-10 adding Subsections (e) and (f) to read as follows:

2-11 (e) Each financial statement filed with a filing authority
2-12 other than the commission that is not filed electronically must be
2-13 accompanied by an affidavit executed by the person required to file
2-14 the financial statement. The affidavit must contain the statement:
2-15 "I swear, or affirm, under penalty of perjury, that the
2-16 accompanying financial statement is true and correct and includes
2-17 all information required to be reported by me under Chapter 572 of
2-18 the Government Code." A financial statement filed under this
2-19 chapter is considered to be under oath by the person required to
2-20 file the financial statement, and the person is subject to
2-21 prosecution under Chapter 37, Penal Code, regardless of the absence
2-22 of or a defect in the affidavit.

2-23 (f) A person who electronically files a financial statement
2-24 with the commission or another filing authority is not required to
2-25 include a notarized affidavit with the financial statement if the
2-26 person:

2-27 (1) has requested and received an electronic filing
2-28 password pursuant to the rules of the commission or other
2-29 authority, as applicable; and

2-30 (2) uses that password to file the financial
2-31 statement.

2-32 SECTION 4. Section 145.004, Local Government Code, is
2-33 amended by adding Subsection (h) to read as follows:

2-34 (h) A financial statement filed under this chapter may be
2-35 filed electronically by using computer software developed by the
2-36 Texas Ethics Commission if the clerk or secretary of the
2-37 municipality with whom the statement is required to be filed has
2-38 adopted rules and procedures to provide for the filing of the
2-39 statement using the software.

2-40 SECTION 5. Section 159.004(f), Local Government Code, is
2-41 amended to read as follows:

2-42 (f) A county clerk may adopt rules and procedures under this
2-43 section relating only to the manner in which a person must
2-44 electronically file a financial statement and the required format
2-45 of an electronically filed statement. Those rules may allow a
2-46 person to file a statement electronically by using computer
2-47 software developed by the Texas Ethics Commission.

2-48 SECTION 6. Section 159.0341(b), Local Government Code, is
2-49 amended to read as follows:

2-50 (b) An officer with whom a report is required to be filed
2-51 under this subchapter may adopt rules and procedures under this
2-52 section relating only to the manner in which a person must
2-53 electronically file a report and the required format of an
2-54 electronically filed report. Those rules may allow a person to file
2-55 a report electronically by using computer software developed by the
2-56 Texas Ethics Commission.

2-57 SECTION 7. Section 159.053, Local Government Code, is
2-58 amended by adding Subsection (d) to read as follows:

2-59 (d) A financial statement filed under this subchapter may be
2-60 filed electronically by using computer software developed by the
2-61 commission if the county clerk with whom the statement is required
2-62 to be filed has adopted rules and procedures to provide for the
2-63 filing of the statement using the software.

2-64 SECTION 8. Section 572.023, Government Code, as amended by
2-65 this Act, applies only to a financial statement due on or after the
2-66 effective date of this Act. A financial statement due before the
2-67 effective date of this Act is governed by the law in effect on the
2-68 date the financial statement was due, and the former law is
2-69 continued in effect for that purpose.

3-1 SECTION 9. This Act takes effect September 1, 2017.

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