

By: Goldman

H.B. No. 3906

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation of political funds, campaigns, and  
3 lobbying, including certain functions and procedures of the Texas  
4 Ethics Commission.

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

6 SECTION 1. Section 254.0313, Election Code, is amended to  
7 read as follows:

8 Sec. 254.0313. OMISSION OF ADDRESS FOR JUDGE AND SPOUSE.

9 ~~[(a) In this section, "federal judge" and "state judge" have the~~  
10 ~~meanings assigned by Section 13.0021.~~

11 ~~[(b)]~~ On receiving notice from the Office of Court  
12 Administration of the Texas Judicial System of a judge's  
13 qualification for office or on receipt of a written request from a  
14 federal judge, state judge, or spouse of a federal or state judge,  
15 the commission shall remove or redact the residence address of a  
16 federal judge, a state judge, or the spouse of a federal or state  
17 judge from any report filed by the judge in the judge's capacity or  
18 made available on the Internet under this chapter.

19 SECTION 2. Sections 254.036(a) and (b), Election Code, are  
20 amended to read as follows:

21 (a) Each report filed under this chapter with an authority  
22 other than the commission must be in a format prescribed by the  
23 commission. A report filed with the commission that is not  
24 required to be filed electronically ~~[by computer diskette, modem,~~

1 ~~or other means of electronic transfer]~~ must be on a form prescribed  
2 by the commission and typed or written in black or blue ink [~~or~~  
3 ~~typed with black typewriter ribbon or, if the report is a computer~~  
4 ~~printout, the printout must conform to the same format and paper~~  
5 ~~size as the form prescribed by the commission)].~~

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

12 SECTION 3. Section 255.001(b), Election Code, is amended to  
13 read as follows:

14 (b) Political advertising that is authorized by a  
15 candidate [~~, an agent of a candidate,~~] or a political committee  
16 filing reports under this title, or an agent of a candidate or  
17 political committee filing reports under this title, shall be  
18 deemed to contain express advocacy.

19 SECTION 4. (a) Section 305.024(a), Government Code, as  
20 amended by Chapter 206 (H.B. 1508), Acts of the 79th Legislature,  
21 Regular Session, 2005, is reenacted to read as follows:

22 (a) Except as provided by Section 305.025, a person  
23 registered under Section 305.005 or a person on the registrant's  
24 behalf and with the registrant's consent or ratification may not  
25 offer, confer, or agree to confer to a member of the legislative or  
26 executive branch:

27 (1) a loan, including the guarantee or endorsement of

1 a loan;

2 (2) a gift of cash or a negotiable instrument as  
3 described by Section 3.104, Business & Commerce Code;

4 (3) an expenditure for transportation and lodging;

5 (4) an expenditure or series of expenditures for  
6 entertainment that in the aggregate exceed \$500 in a calendar year;

7 (5) an expenditure or series of expenditures for gifts  
8 that in the aggregate exceed \$500 in a calendar year;

9 (6) an expenditure for an award or memento that  
10 exceeds \$500; or

11 (7) an expenditure described by  
12 Section 305.006(b)(1), (2), (3), or (6) unless:

13 (A) the registrant is present at the event; or

14 (B) the expenditure is for a gift of food or  
15 beverages required to be reported under Section 305.006(b)(4) in  
16 accordance with Section 305.0061(e-1).

17 (b) Section 2, Chapter 92 (S.B. 1011), Acts of the 79th  
18 Legislature, Regular Session, 2005, is repealed.

19 SECTION 5. Section [571.1223](#), Government Code, is amended to  
20 read as follows:

21 Sec. 571.1223. DISMISSAL OF COMPLAINT FOLLOWING CORRECTED  
22 OR AMENDED STATEMENT, REGISTRATION, OR REPORT. At any stage of a  
23 proceeding under this subchapter, the commission shall dismiss a  
24 complaint to the extent the complaint alleges a statement,  
25 registration, or report violates a law or rule if:

26 (1) the respondent has filed a corrected or amended  
27 statement, registration, or report before the commission accepts

1 jurisdiction over the complaint; ~~and]~~

2 (2) the corrected or amended statement, registration,  
3 or report remedies the alleged violation; and

4 (3) the respondent files with the correction or  
5 amendment an affidavit stating that any error or omission in the  
6 statement, registration, or report as originally filed was made in  
7 good faith.

8 SECTION 6. Sections 572.030(b) and (c), Government Code,  
9 are amended to read as follows:

10 (b) The commission shall notify ~~mail to~~ each individual  
11 required to file under this subchapter of ~~a notice that~~:

12 (1) the requirement ~~states~~ that the individual ~~is~~  
13 ~~required to~~ file a financial statement under this subchapter;

14 (2) ~~identifies~~ the filing dates for the financial  
15 statement as provided by Sections 572.026 and 572.027; and

16 (3) ~~describes~~ the manner in which the individual may  
17 access instructions for filing financial statements and  
18 electronically file the financial statement on ~~obtain the~~  
19 ~~financial statement forms and instructions from~~ the commission's  
20 Internet website~~;~~

21 ~~(4) states that on request of the individual, the~~  
22 ~~commission will mail to the individual a copy of the financial~~  
23 ~~statement forms and instructions; and~~

24 ~~(5) states, if applicable, the fee for mailing the~~  
25 ~~forms and instructions and the manner in which the individual may~~  
26 ~~pay the fee].~~

27 (c) Except as provided by commission rule, the ~~The~~ notice

1 required by Subsection (b) must be provided [~~mailed~~]:

2 (1) before the 30th day before the deadline for filing  
3 the financial statement under Section 572.026(a) or (c), except as  
4 otherwise provided by this subsection;

5 (2) not later than the 15th day after the applicable  
6 deadline for filing an application for a place on the ballot or a  
7 declaration of write-in candidacy for candidates required to file  
8 under Section 572.027(a), (b), or (c);

9 (3) not later than the seventh day after the date of  
10 appointment for individuals required to file under Section  
11 572.026(b), or if the legislature is in session, sooner if  
12 possible; and

13 (4) not later than the fifth day after the date the  
14 certificate of nomination is filed for candidates required to file  
15 under Section 572.027(d) [~~574.027(d)~~].

16 SECTION 7. (a) Section 572.032(a-1), Government Code, as  
17 amended by Chapter 983 (H.B. 776), Acts of the 85th Legislature,  
18 Regular Session, 2017, is reenacted to read as follows:

19 (a-1) The commission shall remove the home address, the  
20 telephone number, and the names of the dependent children of an  
21 individual from a financial statement filed by the individual under  
22 this subchapter before:

23 (1) permitting a member of the public to view the  
24 statement;

25 (2) providing a copy of the statement to a member of  
26 the public; or

27 (3) making the statement available to the public on

1 the commission's Internet website, if the commission makes  
2 statements filed under this subchapter available on its website.

3 (b) Section 15, Chapter 34 (S.B. 1576), Acts of the 85th  
4 Legislature, Regular Session, 2017, is repealed.

5 SECTION 8. The following provisions of the Government Code  
6 are repealed:

7 (1) Section 571.122(b-1), as added by Chapter 604  
8 (H.B. 677), Acts of the 81st Legislature, Regular Session, 2009;  
9 and

10 (2) Sections 572.030(d) and (e).

11 SECTION 9. Section 305.024(a), Government Code, as  
12 reenacted by this Act, applies only to a loan, gift, or expenditure  
13 offered, conferred, or agreed to be conferred on or after the  
14 effective date of this Act. A loan, gift, or expenditure offered,  
15 conferred, or agreed to be conferred before the effective date of  
16 this Act is governed by the law in effect on the date the loan, gift,  
17 or expenditure was offered, conferred, or agreed to be conferred,  
18 and the former law is continued in effect for that purpose.

19 SECTION 10. Section 255.001(b), Election Code, as amended  
20 by this Act, applies only to political advertising that is  
21 published, distributed, or broadcast on or after the effective date  
22 of this Act. The publication, distribution, or broadcasting of  
23 political advertising before the effective date of this Act is  
24 governed by the law in effect on the date the advertising was  
25 published, distributed, or broadcast, and the former law is  
26 continued in effect for that purpose.

27 SECTION 11. The repeal by this Act of Section 571.122(b-1),

1 Government Code, as added by Chapter 604 (H.B. 677), Acts of the  
2 81st Legislature, Regular Session, 2009, applies only to a  
3 complaint filed under Chapter 571, Government Code, on or after the  
4 effective date of this Act. A complaint filed before the effective  
5 date of this Act is governed by the law in effect on the date the  
6 complaint was filed, and the former law is continued in effect for  
7 that purpose.

8 SECTION 12. This Act takes effect September 1, 2021.