

SUBJECT: Prohibiting required electronic filing with the Texas Ethics Commission

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 14 ayes — Seidlits, Turner S., Alvarado, Black, Bosse, Carter, Craddick, Danburg, Hilbert, Hunter, D. Jones, McCall, Ramsay, Wolens

1 nay — Hochberg

WITNESSES: For — Jane Hedgepeth, Texas Democratic Party; Susie Carter, Texas Republican Party

Against — Ruth Milburn and Melissa Shea, Common Cause; Tom Smith, Public Citizen

BACKGROUND: Candidates running for legislative and statewide office are required to file campaign contribution and expenditure reports periodically with the Texas Ethics Commission. The Legislature in 1991 required the Texas Ethics Commission to establish a database allowing the public to access candidate contribution information.

DIGEST: HB 1330 would prohibit the Texas Ethics Commission from requiring a statement or report to be filed electronically.

This bill would take immediate effect if approved by two-thirds of the membership of each house.

SUPPORTERS SAY: Electronic filing of campaign information by candidates seeking public office is a good concept, but it should not be mandated until candidates have been properly trained and all the potential problems with the system have been worked out. Setting up a useful and fair electronic filing system would require many resources including education programs, software and training. Furthermore, computer and technical problems need to be resolved before mandating candidates to file electronically.

Candidates should be encouraged to use an electronic filing system for their reports. However, requiring electronic filing would also require all candidates who run for office to be computer literate and have the

sophisticated equipment required to prepare and sent their reports electronically. This could discriminate against low-budget campaigns and candidates with limited resources by creating an additional expense.

The bill would in no way prevent the Texas Ethics Commission from establishing its own system of providing electronic access to campaign and other reports. It would only prohibit the commission from mandating that candidates file their reports electronically.

**OPPONENTS
SAY:**

All candidates, except those for small races that may not use or require the use of a computer, should be required to file electronically with the Texas Ethics Commission because our ethics system depends on full and easily accessible public disclosure.

Disclosure delayed is disclosure denied. Currently anyone wanting to learn about candidate's donations and campaign statements has to travel to Austin or hire someone to do research. Lobbyists and political operatives benefit under the current system. Until the state requires mandatory electronic filing by all candidates seeking office, the majority of Texans will be denied open government and access to important information on candidates.

Some cities, like Houston and Dallas, have nearly 100 state and judicial elections at any one time. Newspaper coverage cannot adequately address all these races. Many rural areas do not have newspaper reporters that can cover all statewide races. Citizens with computers could educate themselves on the candidates and make better informed decisions.

The ethics commission has developed a user friendly filing system, including setup programs that candidates can obtain to save on consultant costs.