

BILL ANALYSIS

Senate Research Center
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DIGEST AND PURPOSE

Currently, the Election Code does not provide for disclosure of the employer and occupation of any individual contributing \$500 or more. Amending Section 254.031 of the Election Code will allow the public to know whether a particular industry or company is giving large amounts through the individual contributions of their executives. Reporting employer and occupation is required by the federal government for all contributions of \$200 or more, at least 32 states, and in Texas in judicial races for contributions of \$50 or more. As proposed, S.B. 649 requires that campaigns report the employer and occupation of any individual contributing \$500 or more. In addition, the person or committee required to file the report must show the use of reasonable efforts to obtain, maintain, and report the necessary information. This bill also requires that all information is filed electronically so that the Texas Ethics Commission can make each report filed available on the Internet.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 254.031, Election Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Includes an additional item required to be included in a report relating to the reporting of political contributions and expenditures. Creates Subdivision (3) from existing text. Redesignates Subdivisions (3)-(7) as (4)-(8).

(c) Provides that a report under this chapter is considered to be in compliance with Subsection (a)(2) only if the person or committee required to file the report or the person's or committee's campaign treasurer shows that the person or committee has used reasonable efforts, as provided by Section 254.0312, to obtain, maintain, and report the information required by that subsection.

SECTION 2. Amends Chapter 254B, Election Code, by adding Section 254.0312, as follows:

Sec. 254.0312. REASONABLE EFFORTS. (a) Provides that a person or committee required to file a report under this subchapter is considered to have used reasonable efforts to obtain, maintain, and report the information required by Section 254.031(a)(2) if the person or the person's or committee's campaign treasurer complies with this section.

(b) Requires each written solicitation for political contributions from an individual to include a clear and conspicuous request for the individual's full name and address, the individual's principal occupation or job title, and the full name of the individual's primary employer.

(c) Requires a person or committee to make at least one oral or written request for missing information for each political contribution received from an individual that, when aggregated with all other political contributions received from the individual during the reporting period, equals \$500 or more and for which the information required by Section 254.031(a)(2) is not provided. Requires a request under this subsection to be made not later than the 30th day after the date the contribution is received and prohibits it from being made in conjunction with a solicitation for an additional political contribution.

(d) Requires a request under Subsection (c) that is made in writing to include a clear and conspicuous statement that complies with Subsection (b). Requires a request that is made orally to be documented in writing.

(e) Requires a person or committee to report any information required by Section 254.031(a)(2) that is not provided by the individual making the contribution and that the person or committee has in the person's or committee's records of political contributions or previous reports under this chapter.

(f) Requires a person or committee that receives information required by Section 254.031(a)(2) after the filing deadline for the report on which the contribution is reported to include the missing information on the next report that the person or committee is required to file under this chapter.

SECTION 3. Amends Section 254.036(b), Election Code, to delete an exception.

SECTION 4. Amends Sections 254.0401(a) and (e), Election Code, as follows:

(a) Deletes an exception.

(e) Includes the street name in the list of items not required to be removed before making a report relating to political contributions available on the Internet.

SECTION 5. Repealer: Sections 254.036(c) (Form of Report; Affidavit; Mailing of Forms) and 254.0401(b)- (c) (Availability of Electronic Reports on Internet), Election Code.

SECTION 6. (a) Provides that Section 254.031, Election Code, as amended by this Act, and Section 254.0312, Election Code, as added by this Act, apply only to a report filed under Chapter 254, Election Code, that covers a reporting period beginning on or after January 1, 2004. Provides that a report filed under Chapter 254, Election Code, that covers a reporting period that begins before January 1, 2004, is covered by the law in existence on the date the reporting period began, and the former law is continued in effect for that purpose.

(b) Provides that Section 254.036, Election Code, as amended by this Act, applies only to a report required to be filed under Chapter 254, Election Code, on or after January 1, 2004. Authorizes a report required to be filed under Chapter 254, Election Code, before January 1, 2004, to be filed in compliance with Section 254.036, Election Code, as that section existed before amendment by this Act, and the former law is continued in effect for that purpose.

(c) Provides that the change in law made by this Act to Section 254.0401, Election Code, applies only to a report filed under Chapter 254, Election Code, on or after September 1, 2003.

SECTION 7. Effective date: September 1, 2003.