

BILL ANALYSIS

Senate Research Center

H.B. 2611
By: Greenberg (Moncrief)
State Affairs
5/13/1999
Engrossed

DIGEST

Currently, paper reports may be filed with the Ethics Commission. Interested parties may only access the reports by traveling to the Ethics Commission office in Austin. This bill would require candidates and officeholders to file reports with the Ethics Commission electronically and require the Ethics Commission to post electronically filed reports on the Internet.

PURPOSE

As proposed, H.B. 2611 requires candidates and officeholders to file reports with the Ethics Commission electronically and requires the Ethics Commission to post electronically filed reports on the Internet.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 254.036, Election Code, to require each report filed under this chapter and with the Texas Ethics Commission (commission) to be in a form and format. Sets forth requirements for reports filed by electronic transfer with the commission under this chapter, except as provided by Subsection (c), (d), (e), (f), or (g). Authorizes a candidate, officeholder, or political committee (candidate) to file reports that comply with Subsection (a) if an affidavit, stating that computer equipment is not used to keep records of political contributions, political expenditures, or persons making political contributions, is filed with the commission. Requires an affidavit under this section to be filed with each report and include a statement stating an understanding that the use of computer equipment for purposes described by this section would require reports to be filed under Subsection (b). Authorizes a candidate, other than a candidate for or holder of a statewide office or specific-purpose committee, to file reports that comply with Subsection (a) if the candidate does not accept political contributions or make political expenditures that individually exceed \$20,000 in a calendar year (\$20,000 limit). Requires a candidate that exceeds \$20,000 in political contributions or political expenditures in a calendar year to file reports as required by Subsection (b) for any reporting period during the calendar year in which \$20,000 limit was exceeded, other than a reporting period that has ended on the date the limit is exceeded, and each reporting period subsequent to the calendar year in which the \$20,000 limit was exceeded. Authorizes a candidate for an office described by Section 252.005(5) or a specific-purpose committee for supporting or opposing only candidates for an office described by Section 252.005(5) or a measure described by Section 252.007(5), to file reports that comply with Subsection (a). Authorizes an individual required to file a report with the commission in connection with a direct campaign expenditure to which Section 253.062 applies, or an individual required to file a report in connection with the office of a district judge, district attorney, or judge of multicounty statutory county, to file reports that comply with Subsection (a). Requires each report that is not filed by electronic transfer to be accompanied by an affidavit that includes certain information. Requires each report filed under this chapter by electronic transfer to be under oath and must contain the digitized signature of the person required to file the report. Provides that each report filed under this chapter is under oath and subjects the person required to file the report to prosecution under Chapter 37, Penal Code. Deletes a provision considering each report filed under this chapter to be under oath. Deletes a provision subjecting a person required to file a report under this chapter to Chapter 37, Penal Code. Makes conforming changes.

SECTION 2. Amends Chapter 254B, Election Code, by adding Sections 254.0361 and 254.0362, as follows:

Sec. 254.0361. REQUIREMENTS FOR ELECTRONIC FILING SOFTWARE. Sets forth requirements for computer software provided and approved by the commission for use under Section 254.036(b) regarding a standardized format, secure and encoded transmission of data, ease of use, and software compatibility. Requires the commission to conduct at least one public hearing to discuss electronic filing software specifications prior to determining the specifications of the software to be used under Section 254.036, and to accept public comment for at least 10 days following the public hearing.

Sec. 254.0362. USE OF PUBLICLY ACCESSIBLE COMPUTER TERMINAL FOR PREPARATION OF REPORTS. Authorizes a person required to file reports under this chapter to use a publicly accessible computer terminal (terminal) to prepare the reports. Authorizes a public entity to prescribe reasonable restrictions on the use of a terminal, except that a public entity is prohibited from prohibiting a person to use a terminal to prepare a report during the 48 hour time period prior to the deadline to which the person is subject. Provides that this section does not require a public entity to provide a person with consumable materials in conjunction with the use of a terminal. Prohibits an officeholder from using a computer issued to the officeholder for official use to prepare a report under this title. Defines "public entity" and "publicly accessible computer terminal."

SECTION 3. Amends Chapter 254B, Election Code, by adding Section 254.0401 and 254.0402, as follows:

Sec. 254.0401. AVAILABILITY OF ELECTRONIC REPORTS ON INTERNET. Requires the commission to make each report filed under Section 254.036(b) available to the public on the Internet not later than the second business day after the date the report is filed, and provides that such access is in addition to the public's access to the information through other electronic or print distribution. Requires the commission to remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report. Requires the address information to remain available on the report maintained in the commission's office but is prohibited from being electronically available at that office.

Sec. 254.0402. PUBLIC INSPECTION OF REPORTS. Prohibits the authority with whom a report is filed under this chapter from requiring a person examining the report to provide any information or identification. Requires the commission to make information from reports filed under Section 254.036(b) available by electronic means.

SECTION 4. Amends Section 254.041(a), Election Code, to provide that a person required to file a report under this chapter commits an offense if the person knowingly fails to file a report by computer diskette, modem, or other means of electronic transfer, if the person is required to file reports that comply with Section 254.036(b). Makes conforming changes.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Provides that Section 254.036, Election Code, applies only to a report required to be filed under Chapter 254, Election Code, on or after January 1, 2000, and authorizes a report to be filed under Chapter 254 before January 1, 2000, to be filed in compliance with Section 254.036, Election Code. Authorizes a person required to file a report under Chapter 254, Election Code, that complies with Section 254.036(b), Election Code, and that is required to be filed between January 1, 2000 and July 1, 2000, to file a report that complies with Section 254.036(a), Election Code, unless the commission takes certain actions or makes a certain determination not later than January 1, 2000. Authorizes a person required to file a report under Chapter 254, Election Code, that complies with Section 254.036(b), Election Code, and that is required to be filed between July 1, 2000 and January 1, 2001, to file reports that comply with Section 254.036(a), Election Code, unless the commission takes certain actions or makes a certain recommendation not later than July 1, 2000. Requires a person that is not required to file a report that complies with Section 254.036, Election Code, under Subsection (b) or (c) of this section, to either file a report that complies with Section 254.036(a), Election Code, or Section 254.036(b), Election Code.

SECTION 7. Emergency clause.