

BILL ANALYSIS

Senate Research Center
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S.B. 418
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State Affairs
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As Filed

DIGEST

Currently, the Election Code does not require the Texas Ethics Commission (commission) to maintain a database of campaign finance disclosures available electronically to the public. In addition, there are no exemptions to candidates with less than \$5,000 of contributions or candidates who use no computer equipment to solicit or record contributions and expenditures. S.B. 418 restates certain procedures for access to reports of political contributions and expenditures.

PURPOSE

As proposed, S.B. 418 restates certain procedures for access to reports of political contributions and expenditures.

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 Chapter 251B, Election Code, by adding Section 251.031, as follows:

Sec. 251.031. INDEX OF REPORTS; PUBLICATIONS. Requires the Texas Ethics Commission (commission) to maintain certain indexes of reports on file and to publish the indexes on a regular basis. Sets forth requirements for maintaining and publishing the indexes.

SECTION 2. Amends Section 254.036, Election Code, to require a report filed with an authority other than the commission under this chapter to be in a specific format. Requires each report filed with the commission under this chapter meet specific electronic formatting guidelines, except as provided by Subsections (c)-(g). Authorizes a candidate; an officeholder; certain political committees; a candidate for an office described in Section 252.005(f), Election Code; and certain individuals required to file a report to file a report compliant with Subsection (a) if the political actor does not intend to accept more than \$5,000 in political contributions related to the election, but must file with the campaign treasurer an affirmation on an intent not to exceed the \$5,000. Requires the affirmation to include an understanding that contributions in excess of \$5,000 would require the report to be filed under Subsection (b). Requires a candidate who does exceed the \$5,000 maximum to file reports in compliance with Subsection (b). Requires an officeholder and certain committees to file the preceding reports in a period under Sections 254.093 or 254.123, Election Code; and to file the intent within a certain time frame with a statement that the officeholder or committee understands that a total contribution over \$5,000 would require the report to be filed under Subsection (b). Requires all entities who filed under Subsection (a) to sign an affidavit stating that the person or committee did not use computer equipment to solicit, acknowledge or keep records of political contributions, expenditures, or persons making contributions to the entity, and stating that the use of computer equipment would require the person or committee to file under Subsection(b). Considers reports under this chapter to be under oath by the person required to file the report, and the person is subject to prosecution under Chapter 37, Penal Code, regardless of the absence of or a defect in the affidavit. Deletes text regarding a defect in an affidavit of verification. Makes conforming changes.

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

Sec. 254.0401. PUBLIC INSPECTION OF REPORTS. Requires a report filed under this chapter to be made available to the public within a certain time period at the office of the authority

with whom the report is filed. Prohibits the authority with the report from requiring a person to produce identification for viewing the report, notwithstanding Section 552.222(a), Government Code. Requires the Texas Ethics Commission (commission) to make the information available via certain electronic means.

Sec. 254.0402. RESTRICTION ON USE, SALE, OR DISTRIBUTION OF CONTRIBUTOR INFORMATION. Defines “contributor information.” Provides that a person may not use report information for soliciting political contributions, charitable contributions, or commercial purposes, but a person may solicit political contributions from a political committee whose contributor information the person obtains from the report. Authorizes a person to use information obtained from the report in a newspaper, magazine, or similar publication, if the purpose of the publication is not to solicit political contributions. Establishes that a person who violates this section is civilly liable to the state for certain amounts.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Makes application of this Act prospective to January 1, 2000.

SECTION 6. Emergency clause.