

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3511
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 3511 results from the recommendation of the Texas Ethics Commission, and permits a person electronically filing a campaign finance report or personal financial statement to file without including a notarized affidavit if the person has requested and uses an electronic filing password. C.S.H.B. 3511 requires statements not filed electronically to be accompanied by an affidavit that includes a statement swearing to the truthfulness of the information included in the report.

C.S.H.B. 3511 also clarifies the contents that must be reported in the financial statement of the individual required to file and the financial activity of the individual's spouse and dependent children.

C.S.H.B. 3511 amends current law relating to the contents of financial statements filed by certain persons and adds a provision subject to criminal penalties.

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 572.023, Government Code, by amending Subsection (a) and adding Subsections (g) and (h), as follows:

(a) Requires financial statement to include an account of the financial activity for the preceding calendar year:

(1) any property characterized as separate property under Section 3.001 (Separate Property), Family Code, of the individual required by this subchapter to file a financial statement;

(2) any community property of which the individual required by this subchapter to file a financial statement has sole management, control, and disposition as provided by Section 3.102(a) (providing that each spouse has sole management of property that the spouse would have owned if single), Family Code;

(3) any community property of the individual required by this subchapter to file a financial statement, if the individual exercised both factual and legal control over the activity; and

(4) the individual's dependent children if the individual exercised or held the right to exercise any degree of legal or factual control over that activity, rather than an account of the financial activity of the individual's spouse and dependent children if the individual had actual control over that activity for the preceding calendar year.

(g) Provides that a person who electronically files a verified financial statement with the Texas Ethics Commission (TEC) or another filing authority is not required to include a notarized affidavit with the financial statement if the person:

(1) has requested and received an electronic filing password pursuant to the rules of TEC or other authority, as applicable; and

(2) uses that password to file the financial statement.

(h) Requires that each financial statement filed under this chapter that is not filed electronically be accompanied by an affidavit executed by the person required to file the financial statement. Requires that the affidavit contain a certain statement as set forth. Requires that each financial statement filed electronically under this chapter be under oath by the person required to file the financial statement and must contain, in compliance with TEC or local filing authority specifications, the digitized signature of the person required to file the financial statement. Provides that a financial statement filed under this chapter is considered to be under oath by the person required to file the financial statement, and the person is subject to prosecution under Chapter 37 (Perjury and Other Falsification), Penal Code, regardless of the absence of or a defect in the affidavit.

SECTION 2. Provides that this Act applies only to a financial statement due on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.