

BILL ANALYSIS

C.S.S.B. 63
By: Zaffirini
General Investigating & Ethics
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert the benefits of authorizing the financial statements, reports, and disclosures made by certain local officials to be filed with software developed by the Texas Ethics Commission under certain conditions. C.S.S.B. 63 seeks to increase efficiency and standardize the reporting process by providing for this authorization.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 63 amends the Election Code to authorize a report filed under statutory provisions governing political reporting with an authority other than the Texas Ethics Commission to be filed electronically by using computer software developed by the commission if the authority with whom the report is required to be filed has adopted rules and procedures to provide for the filing of the report using the software.

C.S.S.B. 63 amends the Government Code to require each financial statement filed with a filing authority other than the Texas Ethics Commission that is not filed electronically to be accompanied by an affidavit executed by the person required to file the financial statement that contains a specified statement. The bill establishes that a personal financial statement filed by a state officer, a partisan or independent candidate for an office as an elected officer, or a state party chair is considered to be under oath by the person required to file the financial statement and that the person is subject to prosecution under Penal Code provisions governing perjury and other falsification, regardless of the absence of or a defect in the affidavit. The bill establishes that a person who electronically files a financial statement with the commission or another filing authority is not required to include a notarized affidavit with the financial statement if the person has requested and received an electronic filing password under the rules of the commission or other authority, as applicable, and if the person uses that password to file the financial statement.

C.S.S.B. 63 amends the Local Government Code to authorize a financial statement filed by certain municipal officers, or a candidate for such a municipal office filled by election, in a municipality with a population of 100,000 or more to be filed electronically by using computer software developed by the Texas Ethics Commission if the clerk or secretary of the municipality with whom the statement is required to be filed has adopted rules and procedures to provide for the filing of the statement using the software.

C.S.S.B. 63 authorizes the rules relating to the manner in which a person is required to electronically file a financial statement and the required format of such a statement adopted by a county clerk with whom a county judge, county commissioner, or county attorney, or a candidate for such a county office, in a county with a population of 100,000 or more or a justice of the peace, or a candidate for the office of justice of the peace, in a county with a population of 125,000 or more must electronically file a financial statement, or adopted by an officer with whom certain county officers and employees are required to electronically file a financial disclosure report to allow a person to file the statement or the report, as applicable, electronically by using computer software developed by the commission.

C.S.S.B. 63 authorizes a financial statement filed by a judge of a statutory county court or statutory probate court, or a candidate for such an office, to be filed electronically by using computer software developed by the commission if the county clerk with whom the statement is required to be filed has adopted rules and procedures to provide for the filing of the statement using the software.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

C.S.S.B. 63 differs from the original only by amending the caption.