

- SUBJECT:** Allowing e-filing of financial statements without a notarized affidavit
- COMMITTEE:** General Investigating and Ethics — committee substitute recommended
- VOTE:** 6 ayes — Kuempel, Collier, S. Davis, Hunter, Larson, C. Turner
0 nays
1 absent — Moody
- WITNESSES:** For — (*Registered, but did not testify:* Joanne Richards, Anti-Corruption Campaign; Liz Wally, Clean Elections Texas; Tom "Smitty" Smith, Public Citizen, Inc.; Karen Hadden; Todd Jagger)

Against — None

On — (*Registered, but did not testify:* Ian Steusloff, Texas Ethics Commission)
- BACKGROUND:** Government Code, ch. 572 governs personal financial disclosure and provides standards of conduct for certain state officers and candidates for state office. Under sec. 572.021, a state officer, a partisan or independent candidate for an office as an elected officer, and a state party chair must file with the Texas Ethics Commission a verified financial statement.
- DIGEST:** CSHB 3511 would allow a person who electronically filed verified financial statements with the Texas Ethics Commission or other filing authorities to do so without including a notarized affidavit if the person had requested an electronic filing password and used it to file the statement. Financial statements filed electronically would be required to contain the digitized signature of the person filing the statement.

The bill also would require financial statements that were not filed electronically to be accompanied by an affidavit executed by the person required to file the financial statement. The affidavit would have to contain a statement swearing that the report was correct and complete.

All financial statements would be considered to be under oath and would be subject to prosecution for perjury, regardless of whether an affidavit was included.

The bill would take effect September 1, 2015, and would apply only to financial statements due on or before that date.

**SUPPORTERS
SAY:**

HB 3511 would encourage the use of electronic filing of financial statements while maintaining a verification process that would ensure the financial statements were filed by the appropriate person.

The requirements for receiving a password under this bill would be similar to methods for receiving a password to submit campaign finance reports under the Texas Ethics Commission's campaign finance application. A person would need to submit a signed form that would affirm, under penalty of perjury, that they were the person required to file the reports. This password requirement would provide sufficient verification that the person filing the report was the person required to do so without the need for a notarized affidavit.

The bill's provision that those persons who did not file reports electronically still must execute signed affidavits with their financial statements simply would confirm the requirement already imposed by the commission.

The provision that financial statements would be considered to be under oath and subject to prosecution for perjury is consistent with the same provision provided in Election Code, sec. 254.036(h). These provisions simply codify the affirmations included in the Ethics Commission's forms for reporting and would apply them to forms that are filed electronically.

**OPPONENTS
SAY:**

No apparent opposition.