

BILL ANALYSIS

Senate Research Center
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H.B. 3093
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a candidate who files a late or incomplete campaign finance report may be subject to certain criminal misdemeanor charges or, in certain cases, a civil penalty. Although the Texas Ethics Commission is granted some leeway in handling violations on a case-by-case basis, a candidate who makes a mistake in filing a report and who later goes back to amend and correct that report is not adequately protected. While the penalties are appropriate for time-sensitive reports due in the final weeks and days of an election, interested parties feel that the penalties are excessive and inappropriate for the routine semiannual reports due each year. H.B. 3093 seeks to address this issue by providing certain protections, including an exemption from certain criminal penalties, to candidates who correct a filed semiannual report within a specified time or under certain conditions.

H.B. 3093 amends current law relating to the amendment of certain reports of political contributions and expenditures.

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 Subchapter B, Chapter 254, Election Code, by adding Section 254.0405, as follows:

Sec. 254.0405. AMENDMENT OF FILED REPORT. (a) Authorizes a person who files a semiannual report under this chapter to amend the report.

(b) Provides that a semiannual report that is amended before the eighth day after the date the original report was filed is considered to have been filed on the date on which the original report was filed.

(c) Provides that a semiannual report that is amended on or after the eighth day after the original report was filed is considered to have been filed on the date on which the original report was filed if:

(1) the amendment is made before any complaint is filed with regard to the subject of the amendment; and

(2) the original report was made in good faith and without an intent to mislead or to misrepresent the information contained in the report.

SECTION 2. Amends Section 254.041, Election Code, by adding Subsection (d), as follows:

(d) Provides that it is an exception to the application of Subsection (a)(3) (providing that a person who is required by this chapter to file a report commits an offense if the person knowingly fails to include in the report information that is required by this title to be included) that:

(1) the information was required to be included in a semiannual report; and

(2) the person amended the report within the time prescribed by Section 254.0405(b) or under the circumstances described by Section 254.0405(c).

SECTION 3. Makes application of Section 254.041, Election Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2011.