

BILL ANALYSIS

Senate Research Center
84R11162 EES-F

S.B. 1437
By: Zaffirini
State Affairs
4/23/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this legislation is to provide local officeholders and candidates with the option to file financial statements and campaign reports with local authorities using the Texas Ethics Commission's (TEC) electronic filing software.

In 2013, H.B. 1035, by Representative Dan Huberty (R-Houston), allowed local officials and candidates to submit electronically financial statements and reports with local authorities that have the capability to adopt electronic filing. Not all local authorities in Texas, especially rural and smaller counties, have the resources to develop an electronic filing system. Consequently, electronic filing has not been adopted widely in these localities.

Currently TEC is developing a new web application that would allow a user to prepare financial reports online from any computer. This new software is designed to reduce technical errors and could facilitate electronic filing across the state because it is more affordable for a locality to build a web platform compatible with TEC's software than to purchase and implement its own electronic filing system. The legislation that allowed local electronic filing, however, did not allow for TEC electronic filing software to be used for filings with local authorities.

To incentivize filers and counties to use electronic filing, and particularly this efficient new software system, S.B. 1437 clarifies that persons can use TEC's electronic filing software in localities that have the capacity to adopt it.

These changes would increase filers' trust and usage of TEC's new electronic filing software, increasing the statewide filing system's efficiency.

As proposed, S.B. 1437 amends current law relating to the electronic filing of reports of political contributions and expenditures and of personal financial statements by certain officeholders and candidates.

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 254.036, Election Code, by adding Subsection (f-1), to provide that a report filed under this chapter with an authority other than the Texas Ethics Commission (TEC), may be filed electronically by using computer software developed by TEC, 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.

SECTION 2. Amends Section 145.004, Local Government Code, by adding Subsection (h), to provide that a financial statement filed under this chapter may be filed electronically by using computer software developed by TEC, 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.

SECTION 3. Amends Section 159.004(f), Local Government Code, to authorize a county clerk to adopt rules and procedures under this section relating only to the manner in which a person must electronically file a financial statement and the required format of an electronically filed statement. Authorizes those rules to allow a person to file a statement electronically by using computer software developed by TEC.

SECTION 4. Amends Section 159.0341(b), Local Government Code, to authorize an officer with whom a report is required to be filed under this subchapter to adopt rules and procedures under this section relating only to the manner in which a person must electronically file a report and the required format of an electronically filed report. Authorizes the rules to allow a person to file a report electronically by using computer software developed by TEC.

SECTION 5. Amends Section 159.053, Local Government Code, by adding Subsection (d), to provide that a financial statement filed under this subchapter may be filed electronically by using computer software developed by TEC, 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.

SECTION 6. Effective date: September 1, 2015.