

1-1 By: Zaffirini S.B. No. 1437
1-2 (In the Senate - Filed March 12, 2015; March 18, 2015, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 29, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 29, 2015,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|------------|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | Huffman | X | | |
| 1-10 | Ellis | X | | |
| 1-11 | Birdwell | X | | |
| 1-12 | Creighton | X | | |
| 1-13 | Estes | X | | |
| 1-14 | Fraser | X | | |
| 1-15 | Nelson | X | | |
| 1-16 | Schwertner | X | | |
| 1-17 | Zaffirini | X | | |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1437 By: Zaffirini

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the electronic filing of reports of political
1-22 contributions and expenditures and of personal financial
1-23 statements by certain officeholders and candidates and the content
1-24 of those statements; creating a criminal offense.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 254.036, Election Code, is amended by
1-27 adding Subsection (f-1) to read as follows:

1-28 (f-1) A report filed under this chapter with an authority
1-29 other than the commission may be filed electronically by using
1-30 computer software developed by the commission, if the authority
1-31 with whom the report is required to be filed has adopted rules and
1-32 procedures to provide for the filing of the report using the
1-33 software.

1-34 SECTION 2. Section 571.0671, Government Code, is amended to
1-35 read as follows:

1-36 Sec. 571.0671. REQUIREMENTS FOR ELECTRONIC FILING
1-37 SOFTWARE. (a) Computer software provided or approved by the
1-38 commission for use under Section 254.036(b), Election Code, or
1-39 Section 302.013, ~~or~~ 305.0064, or 572.0291 must:

1-40 (1) use a standardized format for the entry of names,
1-41 addresses, and zip codes;

1-42 (2) provide for secure and encoded transmission of
1-43 data from the computer of a person filing a report to the computers
1-44 used by the commission;

1-45 (3) be capable of being used by a person with basic
1-46 computing skills;

1-47 (4) provide confirmation to a person filing a report
1-48 that the report was properly received; and

1-49 (5) permit a person using a computer to prepare a
1-50 report or to retrieve information from a report to import
1-51 information to the report from a variety of computer software
1-52 applications that meet commission specifications for a standard
1-53 file format or export information from the report to a variety of
1-54 computer software applications that meet commission specifications
1-55 for a standard file format without the need to reenter information.

1-56 (b) Before determining the specifications for computer
1-57 software developed, purchased, or licensed for use under Section
1-58 254.036, Election Code, or Section 302.013, ~~or~~ 305.0064, or
1-59 572.0291, the commission shall conduct at least one public hearing
1-60 to discuss the specifications. For at least 10 days following the

2-1 hearing, the commission shall accept public comments concerning the
2-2 software specifications.

2-3 (c) The commission may provide software for use under
2-4 Section 254.036(b), Election Code, or Section 302.013, ~~[or]~~
2-5 305.0064, or 572.0291 by making the software available on the
2-6 Internet. If the commission makes the software available on the
2-7 Internet, the commission is not required to provide the software on
2-8 computer diskettes, CD-ROMs, or other storage media without charge
2-9 to persons required to file reports under that section, but may
2-10 charge a fee for providing the software on storage media. A fee
2-11 under this subsection may not exceed the cost to the commission of
2-12 providing the software.

2-13 SECTION 3. Section 572.023, Government Code, is amended by
2-14 adding Subsections (f) and (g) to read as follows:

2-15 (f) Each financial statement filed with a filing authority
2-16 other than the commission that is not filed electronically must be
2-17 accompanied by an affidavit executed by the person required to file
2-18 the financial statement. The affidavit must contain the statement:
2-19 "I swear, or affirm, under penalty of perjury, that the
2-20 accompanying financial statement is true and correct and includes
2-21 all information required to be reported by me under Chapter 572 of
2-22 the Government Code." A financial statement filed under this
2-23 chapter is considered to be under oath by the person required to
2-24 file the financial statement, and the person is subject to
2-25 prosecution under Chapter 37, Penal Code, regardless of the absence
2-26 of or a defect in the affidavit.

2-27 (g) A person who electronically files a financial statement
2-28 with the commission or another filing authority is not required to
2-29 include a notarized affidavit with the financial statement if the
2-30 person:

2-31 (1) has requested and received an electronic filing
2-32 password pursuant to the rules of the commission or other
2-33 authority, as applicable; and

2-34 (2) uses that password to file the financial
2-35 statement.

2-36 SECTION 4. Subchapter B, Chapter 572, Government Code, is
2-37 amended by adding Section 572.0291 to read as follows:

2-38 Sec. 572.0291. ELECTRONIC FILING REQUIRED. A financial
2-39 statement filed with the commission must be filed by computer
2-40 diskette, modem, or other means of electronic transfer, using
2-41 computer software provided by the commission or computer software
2-42 that meets commission specifications for a standard file format.

2-43 SECTION 5. Section 145.004, Local Government Code, is
2-44 amended by adding Subsection (h) to read as follows:

2-45 (h) A financial statement filed under this chapter may be
2-46 filed electronically by using computer software developed by the
2-47 Texas Ethics Commission if the clerk or secretary of the
2-48 municipality with whom the statement is required to be filed has
2-49 adopted rules and procedures to provide for the filing of the
2-50 statement using the software.

2-51 SECTION 6. Section 159.004(f), Local Government Code, is
2-52 amended to read as follows:

2-53 (f) A county clerk may adopt rules and procedures under this
2-54 section relating only to the manner in which a person must
2-55 electronically file a financial statement and the required format
2-56 of an electronically filed statement. Those rules may allow a
2-57 person to file a statement electronically by using computer
2-58 software developed by the Texas Ethics Commission.

2-59 SECTION 7. Section 159.0341(b), Local Government Code, is
2-60 amended to read as follows:

2-61 (b) An officer with whom a report is required to be filed
2-62 under this subchapter may adopt rules and procedures under this
2-63 section relating only to the manner in which a person must
2-64 electronically file a report and the required format of an
2-65 electronically filed report. Those rules may allow a person to file
2-66 a report electronically by using computer software developed by the
2-67 Texas Ethics Commission.

2-68 SECTION 8. Section 159.053, Local Government Code, is
2-69 amended by adding Subsection (d) to read as follows:

3-1 (d) A financial statement filed under this subchapter may be
3-2 filed electronically by using computer software developed by the
3-3 commission if the county clerk with whom the statement is required
3-4 to be filed has adopted rules and procedures to provide for the
3-5 filing of the statement using the software.

3-6 SECTION 9. Section 572.023, Government Code, as amended by
3-7 this Act, applies only to a financial statement due on or after the
3-8 effective date of this Act. A financial statement due before the
3-9 effective date of this Act is governed by the law in effect on the
3-10 date the financial statement was due, and the former law is
3-11 continued in effect for that purpose.

3-12 SECTION 10. This Act takes effect September 1, 2015.

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