

1-1 By: Uresti (Senate Sponsor - Van de Putte) H.B. No. 1863  
1-2 (In the Senate - Received from the House May 10, 2005;  
1-3 May 12, 2005, read first time and referred to Committee on State  
1-4 Affairs; May 19, 2005, reported favorably by the following vote:  
1-5 Yeas 8, Nays 0; May 19, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the termination of a campaign treasurer appointment.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 252.0131, Election Code, is amended to  
1-11 read as follows:

1-12 Sec. 252.0131. TERMINATION OF CAMPAIGN TREASURER  
1-13 APPOINTMENT ~~[BY COMMISSION]~~. (a) The commission by rule shall  
1-14 adopt a process by which the commission may terminate the campaign  
1-15 treasurer appointment of an inactive candidate or political  
1-16 committee that ~~[+]~~

1-17 ~~[(1)]~~ is required to file a campaign treasurer  
1-18 appointment with the commission. The governing body of a political  
1-19 subdivision by ordinance or order may adopt a process by which the  
1-20 clerk or secretary, as applicable, of the political subdivision may  
1-21 terminate the campaign treasurer appointment of an inactive  
1-22 candidate or political committee that is required to file a  
1-23 campaign treasurer appointment with the clerk or secretary. For  
1-24 purposes of this section, a candidate or political committee is  
1-25 inactive if the candidate or committee:

1-26 (1) ~~[(1)]~~ has never filed or has ceased to file  
1-27 reports under Chapter 254;

1-28 (2) ~~[(3)]~~ in the case of a candidate, has not been  
1-29 elected to an office for which a candidate is required to file a  
1-30 campaign treasurer appointment with the authority who is seeking to  
1-31 terminate the candidate's campaign treasurer appointment  
1-32 [specified by Section 252.005(1) or (5)]; and

1-33 (3) ~~[(4)]~~ has not filed:

1-34 (A) a final report under Section 254.065 or  
1-35 254.125; or

1-36 (B) a dissolution report under Section 254.126 or  
1-37 254.159.

1-38 (b) Before the commission may terminate a campaign  
1-39 treasurer appointment, the commission must consider the proposed  
1-40 termination in a regularly scheduled open meeting. Before the  
1-41 clerk or secretary of a political subdivision may terminate a  
1-42 campaign treasurer appointment, the governing body of the political  
1-43 subdivision must consider the proposed termination in a regularly  
1-44 scheduled open meeting.

1-45 (c) Rules or an ordinance or order adopted under this  
1-46 section must:

1-47 (1) define "inactive candidate or political  
1-48 committee" for purposes of terminating the candidate's or  
1-49 committee's campaign treasurer appointment; and

1-50 (2) require written notice to the affected candidate  
1-51 or committee of:

1-52 (A) the proposed termination of the candidate's  
1-53 or committee's campaign treasurer appointment;

1-54 (B) the date, time, and place of the meeting at  
1-55 which the commission or governing body of the political  
1-56 subdivision, as applicable, will consider the proposed  
1-57 termination; and

1-58 (C) the effect of termination of the candidate's  
1-59 or committee's campaign treasurer appointment.

1-60 (d) The termination of a campaign treasurer appointment  
1-61 under this section takes effect on the 30th day after the date of  
1-62 the ~~[commission]~~ meeting at which the commission or governing body,  
1-63 as applicable, votes to terminate the appointment. Following that  
1-64 meeting, the commission or the clerk or secretary of the political

2-1 subdivision, as applicable, shall promptly notify the affected  
2-2 candidate or political committee that the appointment has been  
2-3 terminated. The notice must state the effective date of the  
2-4 termination.

2-5 SECTION 2. This Act takes effect immediately if it receives  
2-6 a vote of two-thirds of all the members elected to each house, as  
2-7 provided by Section 39, Article III, Texas Constitution. If this  
2-8 Act does not receive the vote necessary for immediate effect, this  
2-9 Act takes effect September 1, 2005.

\* \* \* \* \*

2-10