

BILL ANALYSIS

C.S.H.B. 1381
By: McCall
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Election Code states that a report is "timely filed" if it is postmarked by the due date, unless otherwise provided by the law. With the exception of reports which reflect daily activity during the nine days prior to the election, reports are considered on time if they are postmarked by the due date. In many cases, a report filed near the election might not be received via mail by the Texas Ethics Commission until after the election has taken place. In order to improve campaign transparency, it is important that the pre-election reports be received by the Ethics Commission before the election.

C.S.H.B. 1381 guarantees timely receipt of reports by adding language throughout the Election Code that requires reports to be received by the appropriate authority by the deadline.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1381 amends the Election Code by requiring an opposed candidate for office to transmit his or her first report so that it is received by the appropriate authority not later than the 30th day before the election. It requires the second report before the election be received by the appropriate authority not later than the eighth day before the election. If a person becomes an opposed candidate after the first or second reporting period, that person must file reports with the Ethics Commission, to be received by the deadline set forth in statute. The report of an opposed candidate in a runoff election must be received by the appropriate authority not later than the eighth day before the runoff election day.

This bill amends the Election Code by requiring a specific purpose committee for the purpose of supporting or opposing a candidate or measure to file its first report so that it is received by the appropriate authority not later than the 30th day before the election. The second report must be filed so that it is received by the appropriate authority not later than the eighth day before the election. If such a committee becomes involved in an election after the filing deadlines for first and second reports, their first report, covering the period set forth in statute, must be received by the appropriate authority not later than the regular deadline. A specific purpose committee involved in a runoff election must file a report to be received by the appropriate authority not later than the eighth day before the runoff election day.

This bill amends the Election Code by stating that the first report of a general purpose committee must be received by the appropriate authority not later than the 30th day before election day. Second reports of a general purpose committee must be received by the appropriate authority not later than the eighth day before election day. If a general purpose committee becomes involved in an election after the filing deadlines for first and second reports, their first report, covering the period set forth in statute, must be received by the appropriate authority not later than the regular deadline. Reports of a general purpose committee involved in a runoff must be received by the appropriate authority not later than the eighth day before runoff election day.

This bill amends the Election Code by requiring that a general purpose committee that files monthly reports, file the report covering the month before an election in which the committee is

involved so that it is received by the appropriate authority not later than the fifth day of the month following the period covered by the report.

Reports required to be filed before the effective date of this Act are subject to the laws in place when that report was required to be filed.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute differs from the original by changing the caption to read "relating to the date on which certain reports of political contributions and expenditures must be received by the appropriate authority."

C.S.H.B. 1381 simplifies the language of the bill by requiring that certain reports be received by the authority with which they are required to be filed by the deadline. The original required that certain reports be filed electronically, by fax, or by hand. The substitute accomplishes the same goal with less complicated procedural language.

The substitute also affects a broader set of pre-election reports. According to the substitute, the first reports, second reports, reports of candidates opposed late in the election process, and reports leading up to runoff elections are included in the language. Only second reports were affected by the original bill.

Additionally, SECTION 4 of C.S.H.B. 1381, which in H.B. 1381 set forth qualifications on the effective date, now includes a requirement that the campaign treasurer of a general purpose committee that files monthly reports must file the report covering the month leading up to an election in which that committee is involved so that it is received by the appropriate authority by the deadline.