

BILL ANALYSIS

Senate Research Center
81R8413 ESH-D

H.B. 2065
By: Gallego (Duncan)
State Affairs
5/6/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law makes no distinction between common and contract mail carriers that are used to deliver political or caucus contributions; the law states that contributions received in a timely manner through the mail may be accepted while those not received in a timely fashion must be returned, but it does not specify the type of carrier that is acceptable for sending or receiving such contributions. The law requires updating to reflect modern methods of contributing funds to political entities and to make the contribution requirements more flexible by including common or contract carriers, such as Federal Express and United Parcel Service.

H.B. 2065 amends current law relating to the applicability of the moratoriums on the acceptance of certain political contributions and caucus contributions to contributions delivered by common or contract carrier.

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 253.034(b), Election Code, as follows:

(b) Provides that a contribution made by United States mail or by common or contract carrier is not considered received during that period if it was properly addressed and placed with postage or carrier charges prepaid or prearranged in the mail or delivered to the contract carrier before the beginning of the period, rather than placed with postage prepaid and properly addressed in the United States mail before the beginning of the period. Provides that the date indicated by the post office cancellation mark or the common or contract carrier documents is considered to be the date the contribution was placed in the mail or delivered to the common or contract carrier unless proven otherwise.

SECTION 2. Amends Section 253.0341(b), Election Code, as follows:

(b) Provides that a contribution made by United States mail or by common or contract carrier is not considered received during that period if it was properly addressed and placed with postage or carrier charges prepaid or prearranged in the mail or delivered to the contract carrier before the beginning of the period, rather than placed with postage prepaid and properly addressed in the United States mail before the beginning of the period. Provides that the date indicated by the post office cancellation mark or the common or contract carrier documents is considered to be the date the contribution was placed in the mail or delivered to the common or contract carrier unless proven otherwise.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.