

BILL ANALYSIS

H.B. 1035
By: Huberty
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, elected officeholders and candidates for office are required to file personal financial statements and campaign finance reports, which must be delivered to the appropriate state or local authority by first-class mail or common carrier. Interested parties contend that a person required to file a statement or report should be given the option of delivering such documents by personal delivery or, if the authority with whom the reports are filed is capable of processing electronically filed documents, via e-filing. H.B. 1035 seeks to provide alternatives to the use of first-class mail or common carrier for the filing of certain personal financial statements and reports.

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

H.B. 1035 amends the Election Code to require the Texas Ethics Commission, in prescribing the format of a report of political contributions and expenditures filed with an authority other than the commission, to ensure that a report may be filed by first-class United States mail or common or contract carrier, by personal delivery, or by electronic filing, if the authority with whom the report is required to be filed has adopted rules and procedures to provide for the electronic filing of the report and the report is filed in accordance with those rules and procedures, and to ensure that an authority with whom a report is electronically filed issues an electronic receipt for the report to the person filing the report.

H.B. 1035 amends the Local Government Code to establish that the following persons are considered to have timely filed a personal financial statement or report, as applicable, if the statement or report is personally delivered not later than 5 p.m. of the last day for filing the statement or report or if the authority with whom the statement or report is required to be filed has adopted rules and procedures to provide for the electronic filing and the statement or report is electronically filed in accordance with those rules and procedures not later than midnight of the last day for filing the statement or report:

- a municipal officer or a candidate for a municipal office filled by election in a municipality with a population of 100,000 or more
- a county judge, county commissioner, or county attorney or a candidate for those offices in a county with a population of 100,000 or more
- a sheriff, county tax assessor-collector, county clerk, district clerk, county treasurer, county auditor, county purchasing agent, or constable, or justice of the peace or a master, magistrate, or referee appointed by a justice of the peace or a candidate for those offices in a county with a population of 125,000 or more
- a county employee in a county with a population of 125,000 or more

- a judge of a statutory county court or statutory probate court

H.B. 1035 applies its provisions to a report of political contributions and expenditures or a personal financial statement or report, as applicable, that is due on or after January 1, 2014.

EFFECTIVE DATE

September 1, 2013.