

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1035
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

C.S.H.B. 1035 amends current law relating to the filing of reports of political contributions and expenditures and of personal financial statements by certain officeholders and candidates.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to a county clerk in SECTION 3 (Section 159.004, Local Government Code) of this bill.

Rulemaking authority is expressly granted to an officer with whom a financial report is required to be filed in SECTION 4 (Section 159.0341, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 254.036, Election Code, by adding Subsection (f), as follows:

(f) Requires the Texas Ethics Commission (TEC), in prescribing the format of a report filed under this chapter with an authority other than TEC, to ensure that:

(1) a report may be filed:

(A) by first class United States mail or common or contract carrier;

(B) by personal delivery; or

(C) 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

(2) an authority with whom a report is electronically filed issues an electronic receipt for the report to the person filing the report.

SECTION 2. Amends Section 145.004, Local Government Code, by amending Subsection (d) and adding Subsection (g), as follows:

(d) Provides that, except as provided in Subsection (g), the timeliness of the filing is governed by Section 572.029 (Timeliness of Filing), Government Code. Makes a nonsubstantive change.

(g) Provides that a person is considered to have timely filed a financial statement under this chapter if:

(1) the statement is personally delivered not later than 5 p.m. of the last day for filing the statement; or

(2) the clerk or secretary of the municipality with whom the statement is required to be filed has adopted rules and procedures to provide for the electronic filing of the statement and the statement is electronically filed in accordance with those rules and procedures not later than midnight of the last day for filing the statement.

SECTION 3. Amends Section 159.004, Local Government Code, by amending Subsection (b) and adding Subsection (e), as follows:

(b) Provides that, except as provided in Subsection (e), the timeliness of the filing is governed by Section 572.029, Government Code. Makes a nonsubstantive change.

(e) Provides that a person is considered to have timely filed a financial statement under this subchapter if:

(1) the statement is personally delivered not later than 5 p.m. of the last day for filing the statement; or

(2) the county clerk with whom the statement is required to be filed has adopted rules and procedures to provide for the electronic filing of the statement and the statement is electronically filed in accordance with those rules and procedures not later than midnight of the last day for filing the statement.

(f) Authorizes a county clerk to adopt rules and procedures under this section relating only to the manner in which a person is required to electronically file a financial statement and the required format of an electronically filed statement.

SECTION 4. Amends Subchapter B, Chapter 159, Local Government Code, by adding Section 159.0341, as follows:

Sec. 159.0341. TIMELINESS OF FILING. (a) Provides that a person is considered to have timely filed a report under this subchapter if:

(1) the report is filed in accordance with Section 572.029, Government Code;

(2) the report is personally delivered not later than 5 p.m. of the last day for filing the report; or

(3) the officer 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 electronically filed in accordance with those rules and procedures not later than midnight of the last day for filing the report.

(b) Authorizes an officer with whom a report is required to be filed under this subchapter to adopt rules and procedures under this section relating only to the manner in which a person is required to electronically file a report and the required format of an electronically filed report.

SECTION 5. Amends Section 159.053, Local Government Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Provides that, except as provided in Subsection (e), the timeliness of the filing is governed by Section 572.029, Government Code. Makes a nonsubstantive change.

(c) Provides that a person is considered to have timely filed a financial statement under this subchapter if:

(1) the statement is personally delivered not later than 5 p.m. of the last day for filing the statement; or

(2) the county clerk with whom the statement is required to be filed has adopted rules and procedures to provide for the electronic filing of the statement and the statement is electronically filed in accordance with those rules and procedures not later than midnight of the last day for filing the statement.

SECTION 6. (a) Makes application of Section 254.036, Election Code, as amended by this Act, prospective.

(b) Makes application of Section 145.004, Local Government Code, as amended by this Act, prospective.

(c) Makes application of the changes in law made by this Act to Chapter 159 (Financial Disclosure by County Officers and Employees), Local Government Code, prospective.

SECTION 7. Effective date: September 1, 2013.