

AN ACT

relating to the filing of reports of political contributions and expenditures and of personal financial statements by certain officeholders and candidates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 254.036, Election Code, is amended by adding Subsection (f) to read as follows:

(f) In prescribing the format of a report filed under this chapter with an authority other than the commission, the commission shall 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. Section 145.004, Local Government Code, is amended by amending Subsection (d) and adding Subsection (g) to

1 read as follows:

2 (d) Except as provided in Subsection (g), the [~~The~~]  
3 timeliness of the filing is governed by Section 572.029, Government  
4 Code.

5 (g) A person is considered to have timely filed a financial  
6 statement under this chapter if:

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

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

15 SECTION 3. Section 159.004, Local Government Code, is  
16 amended by amending Subsection (b) and adding Subsections (e) and  
17 (f) to read as follows:

18 (b) Except as provided in Subsection (e), the [~~The~~]  
19 timeliness of the filing is governed by Section 572.029, Government  
20 Code.

21 (e) A person is considered to have timely filed a financial  
22 statement under this subchapter if:

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

25 (2) the county clerk with whom the statement is  
26 required to be filed has adopted rules and procedures to provide for  
27 the electronic filing of the statement and the statement is

1 electronically filed in accordance with those rules and procedures  
2 not later than midnight of the last day for filing the statement.

3 (f) A county clerk may adopt rules and procedures under this  
4 section relating only to the manner in which a person must  
5 electronically file a financial statement and the required format  
6 of an electronically filed statement.

7 SECTION 4. Subchapter B, Chapter 159, Local Government  
8 Code, is amended by adding Section 159.0341 to read as follows:

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

11 (1) the report is filed in accordance with Section  
12 572.029, Government Code;

13 (2) the report is personally delivered not later than  
14 5 p.m. of the last day for filing the report; or

15 (3) the officer with whom the report is required to be  
16 filed has adopted rules and procedures to provide for the  
17 electronic filing of the report and the report is electronically  
18 filed in accordance with those rules and procedures not later than  
19 midnight of the last day for filing the report.

20 (b) An officer with whom a report is required to be filed  
21 under this subchapter may adopt rules and procedures under this  
22 section relating only to the manner in which a person must  
23 electronically file a report and the required format of an  
24 electronically filed report.

25 SECTION 5. Section 159.053, Local Government Code, is  
26 amended by amending Subsection (b) and adding Subsection (c) to  
27 read as follows:

1           (b) Except as provided in Subsection (c), the [The]  
2 timeliness of the filing is governed by Section 572.029, Government  
3 Code.

4           (c) A person is considered to have timely filed a financial  
5 statement under this subchapter if:

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

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

13           SECTION 6. (a) Section 254.036, Election Code, as amended  
14 by this Act, applies only to a report required to be filed under  
15 Chapter 254, Election Code, that is due on or after January 1, 2014.  
16 A report required to be filed under Chapter 254, Election Code, that  
17 is due before January 1, 2014, is governed by the law in effect on  
18 the date the report is due, and the former law is continued in  
19 effect for that purpose.

20           (b) Section 145.004, Local Government Code, as amended by  
21 this Act, applies only to a financial statement required to be filed  
22 under Chapter 145, Local Government Code, that is due on or after  
23 January 1, 2014. A financial statement required to be filed under  
24 Chapter 145, Local Government Code, that is due before January 1,  
25 2014, is governed by the law in effect on the date the financial  
26 statement is due, and the former law is continued in effect for that  
27 purpose.

1           (c) The changes in law made by this Act to Chapter 159, Local  
2 Government Code, apply only to a financial statement or report  
3 required to be filed under that chapter that is due on or after  
4 January 1, 2014. A financial statement or report required to be  
5 filed under Chapter 159, Local Government Code, that is due before  
6 January 1, 2014, is governed by the law in effect on the date the  
7 financial statement or report is due, and the former law is  
8 continued in effect for that purpose.

9           SECTION 7. This Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1035 was passed by the House on April 17, 2013, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1035 on May 23, 2013, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1035 was passed by the Senate, with amendments, on May 20, 2013, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor