

By: Huberty

H.B. No. 1035

A BILL TO BE ENTITLED

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 Subsection (e) to
17 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 SECTION 4. Subchapter B, Chapter 159, Local Government
4 Code, is amended by adding Section 159.0341 to read as follows:

5 Sec. 159.0341. TIMELINESS OF FILING. A person is
6 considered to have timely filed a report under this subchapter if:

7 (1) the report is filed in accordance with Section
8 572.029, Government Code;

9 (2) the report is personally delivered not later than
10 5 p.m. of the last day for filing the report; or

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

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

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

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

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

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

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

4 SECTION 6. (a) Section 254.036, Election Code, as amended
5 by this Act, applies only to a report required to be filed under
6 Chapter 254, Election Code, that is due on or after January 1, 2014.
7 A report required to be filed under Chapter 254, Election Code, that
8 is due before January 1, 2014, is governed by the law in effect on
9 the date the report is due, and the former law is continued in
10 effect for that purpose.

11 (b) Section 145.004, Local Government Code, as amended by
12 this Act, applies only to a financial statement required to be filed
13 under Chapter 145, Local Government Code, that is due on or after
14 January 1, 2014. A financial statement required to be filed under
15 Chapter 145, Local Government Code, that is due before January 1,
16 2014, is governed by the law in effect on the date the financial
17 statement is due, and the former law is continued in effect for that
18 purpose.

19 (c) The changes in law made by this Act to Chapter 159, Local
20 Government Code, apply only to a financial statement or report
21 required to be filed under that chapter that is due on or after
22 January 1, 2014. A financial statement or report required to be
23 filed under Chapter 159, Local Government Code, that is due before
24 January 1, 2014, is governed by the law in effect on the date the
25 financial statement or report is due, and the former law is
26 continued in effect for that purpose.

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