

BILL ANALYSIS

H.B. 2496
By: Rodriguez, Eddie
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that when a prospective candidate for office pays a filing fee by check, the state party chair, county party chair, or secretary of a county party executive committee, as applicable, accepts the prospective candidate's application for a place on the primary election ballot as valid when it is filed. However, the parties go on to explain, until the check has cleared, the application is not complete. The parties point out that notice regarding a check that has been dishonored by a bank may not reach the state or county chair or other party authority, as applicable, until after the filing period has closed and that, often, checks collected by the appropriate authority, especially those collected in the final days of the filing period, are not even deposited until after the filing period closes. The interested parties contend that state law does not provide for a process for a state party chair, county party chair, or secretary of a county party executive committee, as applicable, to reject or accept second payments for a bounced check. These parties assert that each election cycle brings new questions about whether a check dishonored for insufficient funds after the filing closes may be resubmitted to the bank and that disputes sometimes arise as to whether the insufficient funds can be blamed on the candidate or bank. H.B. 2496 seeks to clarify this process.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 2496 amends the Election Code to require the authority receiving an application for a place on the general primary election ballot to return the application to the applicant as incomplete if the applicant submits payment of a fee that is returned for insufficient funds. The bill authorizes the applicant to resubmit the application before the end of the filing period but prohibits payment of the filing fee from being made in the form of a check from the same account as that of the payment previously returned for insufficient funds. The bill establishes that an application is not considered to be timely filed if the payment of the filing fee is returned for insufficient funds after the end of the filing period and requires the authority receiving the application in such a case to inform the applicant that the application was not valid.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.