

BILL ANALYSIS

Senate Research Center
79R4105 ESH-D

H.B. 1863
By: Uresti (Van de Putte)
State Affairs
5/17/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law, under the Election Code, provides that a local filing authority is responsible for receiving and handling all documentation relating to a local election, including campaign treasurer appointments and contribution and expenditure reports. During the 78th Legislature, Regular Session, 2003, the Texas Ethics Commission (commission) was given authority to terminate campaign treasurer appointments for inactive candidates and political action committees who file their documentation with the commission. A similar provision for the local filing authorities does not exist.

Since these local entities do not have the authority to terminate campaign treasurer appointments, and because inactive candidates and committees often do not initiate termination themselves, local governments are burdened with maintaining records for several years.

H.B. 1863 authorizes local filing authorities to terminate campaign treasurer appointments for inactive local candidates and political committees.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Ethics Commission is modified in SECTION 1 (Section 252.0131, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 252.0131, Election Code, as follows:

Sec. 252.0131. New heading: TERMINATION OF CAMPAIGN TREASURER APPOINTMENT. (a) Authorizes the governing body of a political subdivision, by ordinance or order, to adopt a process by which the clerk or secretary, as applicable, of the political subdivision may terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the clerk or secretary. Sets forth candidates or political committees considered inactive for the purposes of this section.

(b) Requires the governing body of the political subdivision, before the clerk or secretary of a political subdivision may terminate a campaign treasurer appointment, to consider the proposed termination in a regularly scheduled open meeting.

(c) Sets forth requirements for rules, an ordinance, or an order adopted under this section.

(d) Provides that the termination of a campaign treasurer appointment under this section takes effect on the 30th day after the date of the meeting at which the Texas Ethics Commission (commission) or governing body, as applicable, votes to terminate the appointment. Requires the commission or the clerk or secretary of the political subdivision, as applicable, following that meeting, to promptly notify the affected candidate or political committee that the appointment has been terminated.

SECTION 2. Effective date: upon passage or September 1, 2005.