

BILL ANALYSIS

C.S.H.B. 736
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, internal mail systems of state agencies and political subdivisions can be used to distribute political advertising. Some public schools have taken advantage of this to distribute political advertising to students and parents. Recently, a school prepared a letter to state officials urging the adoption of certain policies by the legislature and sent the letter home with students for their parents' signatures. Not all parents, however, agreed with the political views of the letter. CSHB 736 amends the Election Code to prohibit such use of an internal mail system.

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

CSHB 736 amends the Election Code by adding provisions relating to the unlawful use of the internal mail system of a governmental agency to deliver political advertising. The bill prohibits an officer or employee of a state agency or political subdivision from knowingly using or authorizing the use of an internal mail system for the distribution of political advertising. The bill provides that a person who violates this prohibition commits a Class A misdemeanor.

The bill provides an exception to the prohibition on the use of an internal mail system to distribute political advertising for use to distribute political advertising that is delivered to the premises of a state agency or political subdivision through the United States Postal Service. The bill also provides an exception to the prohibition on the use of an internal mail system for a state agency to distribute political advertising that is the subject of or related to an investigation, hearing, or other official proceeding.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 736 modifies the original by adding the exception to the prohibition on the use of internal mail systems for a state agency to conduct an investigation.

