

AN ACT

relating to use of the internal mail system of a governmental agency to deliver political advertising; providing a criminal penalty.

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

SECTION 1. Chapter 255, Election Code, is amended by adding Section 255.0031 to read as follows:

Sec. 255.0031. UNLAWFUL USE OF INTERNAL MAIL SYSTEM FOR POLITICAL ADVERTISING. (a) An officer or employee of a state agency or political subdivision may not knowingly use or authorize the use of an internal mail system for the distribution of political advertising.

(b) Subsection (a) does not apply to:

(1) the use of an internal mail system to distribute political advertising that is delivered to the premises of a state agency or political subdivision through the United States Postal Service; or

(2) the use of an internal mail system by a state agency or municipality to distribute political advertising that is the subject of or related to an investigation, hearing, or other official proceeding of the agency or municipality.

(c) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

(d) In this section:

(1) "Internal mail system" means a system operated by

1 a state agency or political subdivision to deliver written  
2 documents to officers or employees of the agency or subdivision.

3 (2) "State agency" means:

4 (A) a department, commission, board, office, or  
5 other agency that is in the legislative, executive, or judicial  
6 branch of state government;

7 (B) a university system or an institution of  
8 higher education as defined by Section 61.003, Education Code; or

9 (C) a river authority created under the  
10 constitution or a statute of this state.

11 SECTION 2. This Act takes effect September 1, 2003.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 736 was passed by the House on April 25, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 736 on May 30, 2003, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 736 was passed by the Senate, with amendments, on May 28, 2003, by a viva-voce vote.

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Secretary of the Senate

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

Date

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Governor