A BILL TO BE ENTITLED

1   AN ACT

2   relating to use of the internal mail system of a governmental agency

3   to deliver political advertising; providing a criminal penalty.

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

5   SECTION 1.   Chapter 255, Election Code, is amended by adding

6   Section 255.0031 to read as follows:

7   Sec. 255.0031.   UNLAWFUL USE OF INTERNAL MAIL SYSTEM FOR

8   POLITICAL ADVERTISING.   (a)   An officer or employee of a state

9   agency or political subdivision may not knowingly use or authorize

10   the use of an internal mail system for the distribution of political

11   advertising.

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

13   (1)   the use of an internal mail system to distribute

14   political advertising that is delivered to the premises of a state

15   agency or political subdivision through the United States Postal

16   Service; or

17   (2)   the use of an internal mail system by a state

18   agency to distribute political advertising that is the subject of

19   or related to an investigation, hearing, or other official

20   proceeding of the agency.

21   (c)   A person who violates this section commits an offense.

22   An offense under this section is a Class A misdemeanor.

23   (d)   In this section:

24   (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.