

1-1 By: Denny, Grusendorf (Senate Sponsor - Shaprio) H.B. No. 736  
1-2 (In the Senate - Received from the House April 28, 2003;  
1-3 May 1, 2003, read first time and referred to Committee on State  
1-4 Affairs; May 23, 2003, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to use of the internal mail system of a governmental agency  
1-9 to deliver political advertising; providing a criminal penalty.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 255, Election Code, is amended by adding  
1-12 Section 255.0031 to read as follows:

1-13 Sec. 255.0031. UNLAWFUL USE OF INTERNAL MAIL SYSTEM FOR  
1-14 POLITICAL ADVERTISING. (a) An officer or employee of a state  
1-15 agency or political subdivision may not knowingly use or authorize  
1-16 the use of an internal mail system for the distribution of political  
1-17 advertising.

1-18 (b) Subsection (a) does not apply to:

1-19 (1) the use of an internal mail system to distribute  
1-20 political advertising that is delivered to the premises of a state  
1-21 agency or political subdivision through the United States Postal  
1-22 Service; or

1-23 (2) the use of an internal mail system by a state  
1-24 agency to distribute political advertising that is the subject of  
1-25 or related to an investigation, hearing, or other official  
1-26 proceeding of the agency.

1-27 (c) A person who violates this section commits an offense.  
1-28 An offense under this section is a Class A misdemeanor.

1-29 (d) In this section:

1-30 (1) "Internal mail system" means a system operated by  
1-31 a state agency or political subdivision to deliver written  
1-32 documents to officers or employees of the agency or subdivision.

1-33 (2) "State agency" means:

1-34 (A) a department, commission, board, office, or  
1-35 other agency that is in the legislative, executive, or judicial  
1-36 branch of state government;

1-37 (B) a university system or an institution of  
1-38 higher education as defined by Section 61.003, Education Code; or

1-39 (C) a river authority created under the  
1-40 constitution or a statute of this state.

1-41 SECTION 2. This Act takes effect September 1, 2003.

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