

## **BILL ANALYSIS**

C.S.H.B. 159  
By: Talton  
Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, political subdivisions may spend taxpayer dollars to “educate the public” on matters up for voter approval. Of late, several political subdivision have been accused of supporting ballot measure rather than informing voters of the issue.

H. B. 159 will prevent political subdivisions from spending funds related to an election within 60 days of a ballot measure and does not prevent private individuals from spending privately raised funds to advertise or promote their opinion on a measure before voters.

### **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**

H. B. 159 amends Section 140.008 of the Local Government Code by limiting political subdivisions from spending funds dedicated to advertising, producing or distributing promotional or educational materials on measures set for election for the period beginning on the 60th day before the election date and ending on election day. The bill does not prevent the payment of funds for notice or publication required by the Election Code, or other state statutes or municipal charter. The bill also does not prevent a political subdivision from spending funds as a response to an open records request.

Changes made by this bill will apply only to those elections ordered on or after the effective date of the bill.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute specifically references the definition of political subdivision in Section 1.005, Election Code and adds language to clarify that a political subdivision may not spend money to provide information on any ballot measure, even if the political subdivision has not called the election being held. In addition, the substitute clarifies that an open records request may be fulfilled without violating the new section established by this bill.