

BILL ANALYSIS

Senate Research Center
79R6930 ATP-D

S.B. 852
By: Shapleigh
State Affairs
3/11/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Push polls are used either to persuade respondents away from a particular candidate, or for those in a neutral position, into supporting the poll sponsor's candidate, or, alternately to suppress voter turnout for the opposing candidate altogether. Current law defines political advertising as communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, or a public officer. Because push polls and attack phone banks are conducted principally by telephone, there is rarely any paper trail to follow and there is no liability for the pollster or the entity underwriting the calls.

Push polls are often targeted at particular groups of voters based on age, race, ethnicity or some other distinguishing characteristic. The polls are very short, often taking less than one minute to complete and often occur in the late days of a political campaign. Push polls involve some form of negative statement about an opponent and often begin with a question designed to discover which candidate the respondent supports in a certain race, with the remaining script varying depending on the respondent's answer.

As proposed, S.B. 852 amends Section 251.001(16) of the Texas Election Code to add telephone polls to the definition of political advertising.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 251.001(16), Election Code, by redefining "political advertising" and making a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.