

By: Shapleigh

S.B. No. 852

A BILL TO BE ENTITLED

AN ACT

relating to the treatment of persuasive telephone polls as political advertising; providing a civil penalty.

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

SECTION 1. Section 251.001(16), Election Code, is amended to read as follows:

(16) "Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

(A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; ~~or~~

(B) appears:

(i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or

(ii) on an Internet website; or

(C) is delivered through a telephone poll in which persons are questioned in a manner designed to advocate for or against or provide negative information about a candidate, officeholder, or measure, other than a poll conducted by an established method of scientific sampling or conducted only to measure public opinion or reaction to an issue, fact, or theme.

1 SECTION 2. Section 251.001(16), Election Code, as amended
2 by this Act, applies only to a telephone polling campaign in which
3 the first telephone call is made on or after September 1, 2005.

4 SECTION 3. This Act takes effect September 1, 2005.