

1-1 By: Shapleigh S.B. No. 852  
1-2 (In the Senate - Filed March 1, 2005; March 10, 2005, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 21, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 21, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 852 By: Williams

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation of telephone solicitation for political  
1-11 advertising purposes; providing penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 255, Election Code, is amended by adding  
1-14 Section 255.009 to read as follows:

1-15 Sec. 255.009. REGULATION OF POLITICAL TELEPHONE  
1-16 SOLICITATION. (a) In this section, "person" means:

1-17 (1) an officer of a political committee or political  
1-18 party executive committee;

1-19 (2) an officer, partner, attorney, or other  
1-20 representative of a corporation, partnership, or other business  
1-21 entity; or

1-22 (3) an agent or other person acting on behalf of a  
1-23 candidate, officeholder, political committee, political party  
1-24 executive committee, corporation, partnership, or other business  
1-25 entity.

1-26 (b) A person making a telephone call supporting or opposing  
1-27 a candidate, officeholder, or measure must identify the person  
1-28 sponsoring the call by stating:

1-29 (1) "paid for by \_\_\_\_\_ (name of persons sponsoring  
1-30 the call)"; or

1-31 (2) "paid for on behalf of \_\_\_\_\_ (name of persons  
1-32 authorizing call)".

1-33 (c) A person making a telephone call supporting or opposing  
1-34 a candidate, officeholder, or measure may not state or imply that:

1-35 (1) the caller represents an entity unless that entity  
1-36 has approved the representation in writing; or

1-37 (2) the caller represents a nonexistent entity.

1-38 (d) A person who makes on the person's own behalf or who  
1-39 directs or causes the making of a telephone call supporting or  
1-40 opposing a candidate or officeholder or supporting a measure, other  
1-41 than a call that would constitute a direct campaign expenditure,  
1-42 must receive the prior written approval of the candidate or  
1-43 officeholder being supported, any sponsor of the measure being  
1-44 supported, or at least one opponent of the candidate or  
1-45 officeholder being opposed. A copy of the written approval must be  
1-46 filed by the candidate, officeholder, or sponsor with the authority  
1-47 with whom the candidate, officeholder, or sponsor is required to  
1-48 file a campaign treasurer appointment before the call may be made.  
1-49 For purposes of this subsection, "sponsor" means the candidate or  
1-50 officeholder who sponsored legislation or an ordinance requiring  
1-51 the submission of the measure to the voters.

1-52 (e) This section does not apply to a telephone call:

1-53 (1) in which the individual making the call is not  
1-54 being paid to make the call and the individuals participating in the  
1-55 call know each other before the call is made; or

1-56 (2) conducted for the purpose of polling respondents  
1-57 concerning a candidate, officeholder, or measure that is a part of a  
1-58 series of similar telephone calls that consists of fewer than 1,000  
1-59 completed calls if the average duration of the calls is longer than  
1-60 two minutes.

1-61 (f) This section applies to any person who places telephone  
1-62 calls from a location in this state or places telephone calls from a  
1-63 location outside this state to individuals located in this state.

2-1           (g) A person who intentionally violates this section  
2-2 commits an offense. Each telephone call made in violation of this  
2-3 section constitutes a separate offense. An offense under this  
2-4 subsection is a Class A misdemeanor.

2-5           SECTION 2. Section 255.009, Election Code, as added by this  
2-6 Act, applies only to a telephone call made on or after September 1,  
2-7 2005.

2-8           SECTION 3. This Act takes effect September 1, 2005.

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