

BILL ANALYSIS

C.S.H.B. 2508
By: King, Phil
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In current law, it is illegal for an officer or employee of a political subdivision to use an internal mail system to distribute political advertising. C.S.H.B. 2508 would extend this same restriction to the electronic mail system and broaden the language to include political "communication" instead of political advertising.

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

SECTION 1. Section 11.168, Education Code, is redesignated as Section 11.169, Education Code. Section 11.169 is amended to prohibit the board of trustees or an employee of an independent school district from using state or local funds or other resources or facilities of the district, including time for which the person is being compensated by the district, to electioneer for or against any candidate or political party. Deletes the word "measure" from the electioneering list.

SECTION 2. The heading to Section 255.003, Election Code, is amended to read: "Unlawful use of public funds or resources for political communication."

SECTION 3. Section 255.003(a), Election Code, is amended to prohibit an officer or employee of a political subdivision from spending, using, or authorizing the spending or use of public funds, resources, or facilities, including an electronic mail system, for political advertising or another communication in any form supporting or opposing an officeholder, a candidate for nomination or election to a public office or an office of a political party, or a political party.

SECTION 4. The heading to Section 255.0031, Election Code, is amended to read, "Unlawful use of internal mail or electronic mail system for political communication."

SECTION 5. Section 255.0031(a), Election Code, is amended to prohibit an officer or employee of a state agency or political subdivision from knowingly using or authorizing the use of an internal mail system or electronic mail system for the distribution of political advertising or another communication in any form supporting or opposing an officeholder, a candidate for nomination or election to a public office or an office of a political party, or a political party. Section 255.0031(b), Election Code, is amended to state that subsection (a) does not apply to the use of an internal mail system to distribute the original incoming copy of political advertising that is delivered to the premises of a state agency or political subdivision through the United States Postal Service; or the use of an internal mail system or electronic mail system by a state agency or municipality to distribute political advertising that is the subject of or related to an investigation, hearing, or other official proceeding of the agency or municipality.

SECTION 6. This Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

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COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. The substitute removes the words "a member of" when referencing the board of trustees of an independent school district. The substitute deletes the word "measure" from the list of items that the board of trustees or an employee of an independent school district are prohibited from using state or local funds or other resources or facilities of the district to electioneer for or against.

SECTION 2. The substitute modifies the original by deleting "or facilities" from the section heading.

SECTION 3. The substitute modifies the original by removing "or facilities" from the list of items an officer or employee of a political subdivision is authorized to use for political advertising or for the purpose of promoting or opposing a candidate. The substitute also clarifies the original language stating "another communication in any form supporting or opposing a measure, an officeholder, a candidate for nomination or election to a public office or an office of a political party, or a political party," to read, "for the purpose of promoting or opposing a candidate for nomination or election to a public office." The substitute removes the changes to Section 255.003(b), Election Code found in the original.

SECTION 4. Identical.

SECTION 5. The substitute clarifies the original language stating "another communication in any form supporting or opposing a measure, an officeholder, a candidate for nomination or election to a public office or an office of a political party, or a political party," to read, "for the purpose of promoting or opposing a candidate for nomination or election to a public office."

SECTION 6. The substitute removes the changes to Section 556.006(a), Government Code found in SECTION 6 of the original and provides the effective date provision found in SECTION 7 of the original.