

BILL ANALYSIS

H.B. 2822
By: Bohac
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Section 255.003, Election Code, regulates the use of public funds for political advertising. The law generally prohibits an officer or employee of a political subdivision from spending public funds for political advertising. There is one exception that allows public funds to be spent on a communication that factually describes the purpose of a measure if the communication does not advocate the passage or defeat of the measure. The voters commonly decide issues that have various implications on municipalities or other governmental entities. These governmental entities have a vested interest in many of these elections. Many believe that some of the political advertisements paid for with public funds stretch the intent of the current law and in some cases contain false and misleading information.

As proposed, H.B. 2822 would clarify that spending public funds for advertising that contains false information on a measure would be unlawful. Specifically, the bill would make it a Class A misdemeanor for an officer or employee of a political subdivision to spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that the officer employee knows is false.

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. 2822 amends the Election Code to provide that an officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains material information that the officer or employee knows is false. A violation under this bill is a Class A misdemeanor. The bill makes conforming changes to the Election Code.

The bill provides the changes made in the Act apply only to an expenditure of public funds that are made on or after September 1, 2007.

EFFECTIVE DATE

September 1, 2007.