

By: King of Parker, Crabb

H.B. No. 2508

Substitute the following for H.B. No. 2508:

By: Swinford

C.S.H.B. No. 2508

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use of public resources to make communications that  
3 contain political messages; providing a criminal penalty.

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

5 SECTION 1. Section 11.168, Education Code, as added by  
6 Chapter 1109, Acts of the 79th Legislature, Regular Session, 2005,  
7 is redesignated as Section 11.169, Education Code, and amended to  
8 read as follows:

9 Sec. 11.169 [~~11.168~~]. ELECTIONEERING PROHIBITED.  
10 Notwithstanding any other law, the board of trustees or an employee  
11 of an independent school district may not use state or local funds  
12 or other resources or facilities of the district, including time  
13 for which the person is being compensated by the district, to  
14 electioneer for or against any candidate [~~, measure,~~] or political  
15 party.

16 SECTION 2. The heading to Section 255.003, Election Code,  
17 is amended to read as follows:

18 Sec. 255.003. UNLAWFUL USE OF PUBLIC FUNDS OR RESOURCES FOR  
19 POLITICAL COMMUNICATION [~~ADVERTISING~~].

20 SECTION 3. Section 255.003(a), Election Code, is amended to  
21 read as follows:

22 (a) An officer or employee of a political subdivision may  
23 not spend, use, or authorize the spending or use of public funds or  
24 resources, including an electronic mail system, for political

1 advertising or for the purpose of promoting or opposing a candidate  
2 for nomination or election to a public office.

3 SECTION 4. The heading to Section 255.0031, Election Code,  
4 is amended to read as follows:

5 Sec. 255.0031. UNLAWFUL USE OF INTERNAL MAIL OR ELECTRONIC  
6 MAIL SYSTEM FOR POLITICAL COMMUNICATION [~~ADVERTISING~~].

7 SECTION 5. Sections 255.0031(a) and (b), Election Code, are  
8 amended to read as follows:

9 (a) An officer or employee of a state agency or political  
10 subdivision may not knowingly use or authorize the use of an  
11 internal mail system or electronic mail system for the distribution  
12 of political advertising or for the purpose of promoting or  
13 opposing a candidate for nomination or election to a public office.

14 (b) Subsection (a) does not apply to:

15 (1) the use of an internal mail system to distribute  
16 the original incoming copy of political advertising that is  
17 delivered to the premises of a state agency or political  
18 subdivision through the United States Postal Service; or

19 (2) the use of an internal mail system or electronic  
20 mail system by a state agency or municipality to distribute  
21 political advertising that is the subject of or related to an  
22 investigation, hearing, or other official proceeding of the agency  
23 or municipality.

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