

By: King of Parker

H.B. No. 2508

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 11.169 [~~11.168~~]. ELECTIONEERING PROHIBITED. Notwithstanding any other law, a member of the board of trustees or an employee of an independent school district may not use 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, measure, or political party.

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

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

SECTION 3. Sections 255.003(a) and (b), Election Code, are amended to read as follows:

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

1 political advertising or another communication in any form  
2 supporting or opposing a measure, an officeholder, a candidate for  
3 nomination or election to a public office or an office of a  
4 political party, or a political party.

5 (b) This section does not apply to a communication that  
6 factually describes the purposes of a measure if the communication  
7 does not subjectively portray the measure or advocate passage or  
8 defeat of the measure.

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

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

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

15 (a) An officer or employee of a state agency or political  
16 subdivision may not knowingly use or authorize the use of an  
17 internal mail system or electronic mail system for the distribution  
18 of political advertising or another communication in any form  
19 supporting or opposing a measure, an officeholder, a candidate for  
20 nomination or election to a public office or an office of a  
21 political party, or a political party.

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

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

27 (2) the use of an internal mail system or electronic

1 mail system by a state agency or municipality to distribute  
2 political advertising that is the subject of or related to an  
3 investigation, hearing, or other official proceeding of the agency  
4 or municipality.

5 SECTION 6. Section 556.006(a), Government Code, is amended  
6 to read as follows:

7 (a) A state agency may not use appropriated money or public  
8 resources or facilities to attempt to influence the passage or  
9 defeat of a legislative measure.

10 SECTION 7. This Act takes effect September 1, 2007.