

Amend CSHB 1720 (Senate committee report) on third reading as follows:

(1) In SECTION 1 of the bill, strike the recital (page 1, lines 14-16) and substitute the following:

Section 255.003, Election Code, is amended to read as follows:

(2) In SECTION 1 of the bill, immediately before amended Section 255.003(b), Election Code (page 1, between lines 16 and 17), insert the following:

Sec. 255.003. UNLAWFUL USE OF PUBLIC FUNDS FOR POLITICAL ADVERTISING. (a) An officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising.

(3) In SECTION 1 of the bill, following amended Section 255.003(c), Election Code (page 1, between lines 31 and 32), insert the following:

(d) It is an affirmative defense to prosecution for an offense under this section or the imposition of a civil penalty for conduct under this section that an officer or employee of a political subdivision reasonably relied on a court order or an interpretation of this section in a written opinion issued by:

- (1) a court of record;
- (2) the attorney general; or
- (3) the commission.

(e) On written request of the governing body of a political subdivision that has ordered an election on a measure, the commission shall prepare an advance written advisory opinion as to whether a particular communication relating to the measure does or does not comply with this section.

(f) Subsections (d) and (e) do not apply to a port authority or navigation district.

(4) In SECTION 2 of the bill (page 1, line 32), strike "Section 255.003, Election Code, as amended" and substitute "(a) Section 255.003(b-1), Election Code, as added".

(5) Between SECTIONS 2 and 3 of the bill (page 1, between lines 37 and 38), insert the following:

(b) Section 255.003(d), Election Code, as added by this Act,

applies to the prosecution of conduct committed before, on, or after September 1, 2009, as to which:

(1) judgment has not been entered or a sentence has not been imposed; or

(2) if judgment has been entered and a sentence imposed, an appeal is pending or the time for appeal has not expired.