

By: Bohac

H.B. No. 1720

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of public funds by a political subdivision for
3 communications that contain false information relating to a ballot
4 measure; providing a criminal penalty.

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

6 SECTION 1. Section 255.003, Election Code, is amended by
7 amending Subsections (b) and (c) and adding Subsection (b-1) to
8 read as follows:

9 (b) Subsection (a) [~~This section~~] does not apply to a
10 communication that factually describes the purposes of a measure if
11 the communication does not advocate passage or defeat of the
12 measure.

13 (b-1) An officer or employee of a political subdivision may
14 not spend or authorize the spending of public funds for a
15 communication describing a measure if the communication contains
16 material information that the officer or employee knows is false.

17 (c) A person who violates Subsection (a) or (b-1) [~~this~~
18 ~~section~~] commits an offense. An offense under this section is a
19 Class A misdemeanor.

20 SECTION 2. Section 255.003, Election Code, as amended by
21 this Act, applies only to an expenditure of public funds that is
22 made on or after September 1, 2009. An expenditure of public funds
23 that is made before September 1, 2009, is governed by the law in
24 effect on the date the expenditure is made, and the former law is

1 continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2009.