

1-1 By: Bohac (Senate Sponsor - Deuell) H.B. No. 1720  
1-2 (In the Senate - Received from the House May 18, 2009;  
1-3 May 19, 2009, read first time and referred to Committee on State  
1-4 Affairs; May 23, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1720 By: Deuell

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the use of public funds by a political subdivision for  
1-11 communications that contain false information relating to a ballot  
1-12 measure; providing a criminal penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 255.003, Election Code, is amended by  
1-15 amending Subsections (b) and (c) and adding Subsection (b-1) to  
1-16 read as follows:

1-17 (b) Subsection (a) [~~This section~~] does not apply to a  
1-18 communication that factually describes the purposes of a measure if  
1-19 the communication does not advocate passage or defeat of the  
1-20 measure.

1-21 (b-1) An officer or employee of a political subdivision may  
1-22 not spend or authorize the spending of public funds for a  
1-23 communication describing a measure if the communication contains  
1-24 information that:

1-25 (1) the officer or employee knows is false; and

1-26 (2) is sufficiently substantial and important as to be  
1-27 reasonably likely to influence a voter to vote for or against the  
1-28 measure.

1-29 (c) A person who violates Subsection (a) or (b-1) [~~this~~  
1-30 section] commits an offense. An offense under this section is a  
1-31 Class A misdemeanor.

1-32 SECTION 2. Section 255.003, Election Code, as amended by  
1-33 this Act, applies only to an expenditure of public funds that is  
1-34 made on or after September 1, 2009. An expenditure of public funds  
1-35 that is made before September 1, 2009, is governed by the law in  
1-36 effect on the date the expenditure is made, and the former law is  
1-37 continued in effect for that purpose.

1-38 SECTION 3. This Act takes effect September 1, 2009.

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