

By: Shapleigh

S.B. No. 307

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of telephone calls made by certain
3 persons for political advertising purposes; providing a criminal
4 penalty.

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

6 SECTION 1. Chapter 255, Election Code, is amended by adding
7 Section 255.010 to read as follows:

8 Sec. 255.010. REGULATION OF POLITICAL TELEPHONE
9 SOLICITATION. (a) This section applies only to a telephone call if
10 the person making the call is:

11 (1) an officer of a political committee or political
12 party executive committee;

13 (2) an officer, partner, or other representative of or
14 attorney for a corporation, partnership, or other business entity;
15 or

16 (3) an agent or other person acting on behalf of a
17 candidate, officeholder, political committee, political party
18 executive committee, corporation, partnership, or other business
19 entity.

20 (b) A person making a telephone call supporting or opposing
21 a candidate, officeholder, or measure must identify the person
22 sponsoring the call by stating:

23 (1) "paid for by _____ (name of persons sponsoring
24 the call)"; or

1 (2) "paid for on behalf of _____ (name of persons
2 authorizing call)".

3 (c) A person making a telephone call supporting or opposing
4 a candidate, officeholder, or measure may not state or imply that:

5 (1) the caller represents a person unless that person
6 has approved the representation in writing; or

7 (2) the caller represents a nonexistent person.

8 (d) A person who makes a telephone call, or a person
9 described by Subsection (a) who directs or causes the making of a
10 telephone call by a person other than a person described by
11 Subsection (a), that supports or opposes a candidate or
12 officeholder or supports a measure, other than a call that would
13 constitute a direct campaign expenditure, must receive the prior
14 written approval of the candidate or officeholder being supported,
15 any sponsor of the measure being supported, or at least one opponent
16 of the candidate or officeholder being opposed. Before the call may
17 be made, a copy of the written approval must be filed by the
18 approving candidate, officeholder, or sponsor with the authority
19 with whom the candidate, officeholder, or sponsor is required to
20 file a campaign treasurer appointment. For purposes of this
21 subsection, "sponsor" means the officeholder who sponsored
22 legislation or an ordinance requiring the submission of the measure
23 to the voters.

24 (e) This section does not apply to a telephone call:

25 (1) in which the individual making the call is not
26 being paid to make the call and the individuals participating in the
27 call know each other before the call is made; or

1 (2) conducted for the purpose of polling respondents
2 concerning a candidate, officeholder, or measure that is a part of a
3 series of similar telephone calls that consists of fewer than 1,000
4 completed calls if the average duration of the calls is longer than
5 two minutes.

6 (f) This section applies to a person who makes a telephone
7 call to a person located in this state, regardless of the location
8 from which the call is made.

9 (g) A person who intentionally violates this section
10 commits an offense. Each telephone call made in violation of this
11 section constitutes a separate offense. An offense under this
12 subsection is a Class A misdemeanor.

13 SECTION 2. Section 255.010, Election Code, as added by this
14 Act, applies only to a telephone call made on or after September 1,
15 2009.

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