A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offense of unlawful use of public funds for

3 political advertising by a political subdivision.

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

5   SECTION 1. Section 255.003, Election Code, is amended by

6 amending Subsection (a) and adding Subsections (d), (e), and (f) to

7 read as follows:

8   (a) An officer or employee of a political subdivision may

9 not knowingly spend or authorize the spending of public funds for

10 political advertising.

11   (d) It is an affirmative defense to prosecution for an

12 offense under this section or the imposition of a civil penalty for

13 conduct under this section that an officer or employee of a

14 political subdivision reasonably relied on a court order or an

15 interpretation of this section in a written opinion issued by:

16   (1) a court of record;

17   (2) the attorney general; or

18   (3) the commission.

19   (e) On written request of the governing body of a political

20 subdivision that has ordered an election on a measure, the

21 commission shall prepare an advance written advisory opinion as to

22 whether a particular communication relating to the measure does or

23 does not comply with this section.

24   (f) Subsections (d) and (e) do not apply to a port authority

1 or navigation district.

2 SECTION 2. Section 255.003, Election Code, as amended by

3 this Act, applies to the prosecution of conduct committed before,

4 on, or after September 1, 2009, as to which:

5 (1) judgment has not been entered or a sentence has not

6 been imposed; or

7 (2) if judgment has been entered and a sentence

8 imposed, an appeal is pending or the time for appeal has not

9 expired.

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