

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 29, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB2085** by Davis, Wendy (Relating to the expenditure of funds for political advertising by a political subdivision.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend Section 255.003 of the Election Code to clarify the definitions used for a finding of unlawful use of public funds for political advertising. The bill would provide for an affirmative defense to prosecution if an officer or employee of a political subdivision employs, hires, or votes to hire a person whose conduct is found to violate the section or if an officer or employee relied on information from court records, attorneys, or the Ethics Commission (Commission) to make a decision about expending funds. A prosecution under the section may not be brought while a complain is pending before the Commission. 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 complies with the section.

The bill would take effect on September 1, 2009.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** JOB, KJG, DB