

By: Murphy

H.B. No. 1398

A BILL TO BE ENTITLED

AN ACT

relating to the definition of and required disclosures on political advertising.

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

SECTION 1. Section 251.001(16), Election Code, is amended to read as follows:

(16) "Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

(A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; ~~or~~

(B) appears:

(i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or

(ii) on an Internet website; or

(C) is distributed using electronic mail by a person required to file reports of political contributions or expenditures under Chapter 254.

SECTION 2. Section 255.001, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), (a-4), (a-5), and (a-6) to read as follows:

1 (a) A person may not knowingly cause to be published,
2 distributed, or broadcast political advertising containing express
3 advocacy that does not include [~~indicate~~] in the advertising:

4 (1) an indication that it is political advertising;
5 [~~and~~]

6 (2) the full name of:

7 (A) the person who paid for the political
8 advertising;

9 (B) the political committee authorizing the
10 political advertising; or

11 (C) the candidate or specific-purpose committee
12 supporting the candidate, if the political advertising is
13 authorized by the candidate;

14 (3) if the political advertising is authorized by the
15 candidate:

16 (A) for advertising transmitted through radio or
17 television, an audio statement made by the candidate that
18 identifies the candidate and states that the candidate has approved
19 the communication; and

20 (B) for advertising transmitted through
21 television:

22 (i) an unobscured, full-screen view of the
23 candidate making the audio statement or a clearly identifiable
24 photographic or similar image of the candidate accompanying the
25 audio statement; and

26 (ii) a statement in writing identifying the
27 candidate and stating that the candidate has approved the

1 communication that appears:

2 (a) at the end of the communication
3 for not less than four seconds; and

4 (b) in letters that are at least four
5 percent of the vertical screen height; and

6 (4) if the political advertising is not authorized by
7 the candidate:

8 (A) for advertising transmitted through radio or
9 television, an audio statement of the name of the person who paid
10 for the advertising, made by an individual named in the statement or
11 by a representative of a person named in the statement who is not an
12 individual; and

13 (B) for advertising transmitted through
14 television, a written statement that contains the name of the
15 person who paid for the advertising and that appears:

16 (i) at the end of the communication for not
17 less than four seconds; and

18 (ii) in letters that are at least four
19 percent of the vertical screen height.

20 (a-1) A disclosure required by this section must be
21 presented in a clear and conspicuous manner, to give the reader,
22 observer, or listener adequate notice of the political committee or
23 other person who authorized and, as applicable, paid for the
24 communication. A disclosure is not clear and conspicuous if it is
25 difficult to read, observe, or hear or if the placement is easily
26 overlooked.

27 (a-2) A photographic or similar image complies with

1 Subsection (a)(3)(B)(i) only if the image of the candidate is at
2 least 80 percent of the vertical screen height.

3 (a-3) A written disclosure satisfies the requirements of
4 Subsection (a-1) only if it:

5 (1) is clearly readable;

6 (2) is printed:

7 (A) in black text on a white background or is
8 printed so that the degree of contrast between the background color
9 and the disclosure text color is at least as great as the degree of
10 contrast between the background color and the color of the largest
11 text in the communication; and

12 (B) within a printed box set apart from the rest
13 of the contents of the communication;

14 (3) appears within the advertising, and appears on the
15 same side as all other printing on advertising that without the
16 disclosure would be one-sided; and

17 (4) is of sufficient type size to be clearly readable
18 and:

19 (A) if the advertising measures not more than 24
20 inches by 36 inches, is in at least 12-point type; and

21 (B) if the advertising appears on an Internet
22 website, is at least 12 pixels.

23 (a-4) If political advertising appears on a social media
24 website, a written disclosure that complies with Subsection (a-1)
25 and this subsection must appear on the appropriate social media
26 profile page. If political advertising on an Internet website is
27 too small to include the written disclosure in a manner that

1 complies with Subsection (a-1), a written disclosure appearing on
2 political advertising on an Internet website, including a social
3 media profile page, satisfies the requirements of Subsection (a-1)
4 if the disclosure links to another Internet website page that
5 displays the full disclosure statement and is operational and
6 freely accessible during the time the advertisement is visible.
7 Internet advertising that is too small to include a written
8 disclosure complying with Subsection (a-1) includes an
9 advertisement classified as a micro bar or button according to
10 applicable advertising standards, an advertisement that has 200 or
11 fewer characters, and a graphic or picture link in which including
12 the disclosure is not reasonably practical because of the size of
13 the graphic or picture link.

14 (a-5) Any political advertising included in a group of
15 materials that, if distributed separately, would require a
16 disclosure under this section must separately include the required
17 disclosure.

18 (a-6) Subsection (a) does not apply to political
19 advertising distributed by sending a text message using a mobile
20 communications service.

21 SECTION 3. This Act takes effect September 1, 2013.