

By: Murphy

H.B. No. 1398

A BILL TO BE ENTITLED

AN ACT

relating to required disclosures on political advertising.

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

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

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

(1) an indication that it is political advertising;

[~~and~~]

(2) the full name of:

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

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

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

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

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

1 the communication; and

2 (B) for advertising transmitted through
3 television:

4 (i) an unobscured, full-screen view of the
5 candidate making the audio statement or a clearly identifiable
6 photographic or similar image of the candidate accompanying the
7 audio statement; and

8 (ii) a statement in writing identifying the
9 candidate and stating that the candidate has approved the
10 communication that appears:

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

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

15 (4) if the political advertising is not authorized by
16 the candidate:

17 (A) for advertising transmitted through radio or
18 television, an audio statement of the name of the person who paid
19 for the advertising, made by an individual named in the statement or
20 by a representative of a person named in the statement who is not an
21 individual; and

22 (B) for advertising transmitted through
23 television, a written statement that contains the name of the
24 person who paid for the advertising and that appears:

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

27 (ii) in letters that are at least four

1 percent of the vertical screen height.

2 (a-1) A disclosure required by this section must be
3 presented in a clear and conspicuous manner, to give the reader,
4 observer, or listener adequate notice of the political committee or
5 other person who authorized and, as applicable, paid for the
6 communication. A disclosure is not clear and conspicuous if it is
7 difficult to read, observe, or hear or if the placement is easily
8 overlooked.

9 (a-2) A photographic or similar image complies with
10 Subsection (a)(3)(B)(i) only if the image of the candidate is at
11 least 80 percent of the vertical screen height.

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

14 (1) is clearly readable;

15 (2) is printed in black text on a white background;

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

19 (4) is of sufficient type size to be clearly readable
20 and:

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

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

25 (a-4) In addition to the requirements of Subsection (a-3), a
26 written disclosure appearing on political advertising on an
27 Internet website satisfies the requirements of Subsection (a-1)

1 only if a reader can see the disclosure at the same time as any
2 communication or portion of a communication constituting political
3 advertising on the website, without viewing a different display
4 screen or accessing a different file or network location.

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

9 SECTION 2. This Act takes effect September 1, 2013.