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By:  Geren H.B. No. 2406

A BILL TO BE ENTITLED

AN ACT

relating to political advertising by open-enrollment charter schools.

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

SECTION 1.  Chapter 255, Election Code, is amended by adding Section 255.0011 to read as follows:

Sec. 255.0011.  OPEN-ENROLLMENT CHARTER SCHOOLS. In this chapter, "open-enrollment charter school" has the meaning assigned by Section 5.001, Education Code.

SECTION 2.  Sections 255.003(a), (b-1), (d), and (e), Election Code, are amended to read as follows:

(a)  An officer or employee of a political subdivision or open-enrollment charter school may not knowingly spend or authorize the spending of public funds for political advertising.

(b-1)  An officer or employee of a political subdivision or open-enrollment charter school may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that:

(1)  the officer or employee knows is false; and

(2)  is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

(d)  It is an affirmative defense to prosecution for an offense under this section or the imposition of a civil penalty for conduct under this section that an officer or employee of a political subdivision or open-enrollment charter school reasonably relied on a court order or an interpretation of this section in a written opinion issued by:

(1)  a court of record;

(2)  the attorney general; or

(3)  the commission.

(e)  On written request of the governing body of a political subdivision or open-enrollment charter school 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 does or does not comply with this section.

SECTION 3.  Sections 255.0031(a) and (b), Election Code, are amended to read as follows:

(a)  An officer or employee of a state agency, [~~or~~] political subdivision, or open-enrollment charter school may not knowingly use or authorize the use of an internal mail system for the distribution of political advertising.

(b)  Subsection (a) does not apply to:

(1)  the use of an internal mail system to distribute political advertising that is delivered to the premises of a state agency, [~~or~~] political subdivision, or open-enrollment charter school through the United States Postal Service; or

(2)  the use of an internal mail system by a state agency or municipality to distribute political advertising that is the subject of or related to an investigation, hearing, or other official proceeding of the agency or municipality.

SECTION 4.  Section 255.0031(d)(1), Election Code, is amended to read as follows:

(1)  "Internal mail system" means a system operated by a state agency, [~~or~~] political subdivision, or open-enrollment charter school to deliver written documents to officers or employees of the agency or subdivision.

SECTION 5.  This Act takes effect September 1, 2019.