By:  Hughes S.B. No. 904

(In the Senate - Filed March 8, 2019; March 11, 2019, read first time and referred to Committee on State Affairs; April 8, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 2; April 8, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell        X

Creighton       X

Fallon          X

Hall            X

Lucio               X

Nelson          X

Zaffirini           X

COMMITTEE SUBSTITUTE FOR S.B. No. 904 By:  Hughes

A BILL TO BE ENTITLED

AN ACT

relating to the use of governmental communications systems to distribute political advertising; providing a civil penalty.

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

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

(a)  An officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds, including by use of government communications systems, such as electronic communications, for political advertising.

(b)  Subsection (a) does not apply to a communication that factually describes the purposes of a ballot measure if the communication does not advocate passage or defeat of the measure.

SECTION 2.  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 to deliver written documents or electronic communications to officers or employees of the agency or subdivision.

SECTION 3.  Chapter 255, Election Code, is amended by adding Sections 255.009 and 255.010 to read as follows:

Sec. 255.009.  MISUSE OF GOVERNMENT RESOURCES BY THIRD PARTY. (a)  A person, political campaign, or advocacy group may not misuse government resources by causing political advertising to be delivered to an e-mail address issued by this state or by a political subdivision of this state.

(b)  For each government-issued e-mail address receiving an e-mail described by Subsection (a), the person, political campaign, or advocacy group sending the e-mail is liable for a civil penalty of $100 if:

(1)  the attorney general, a district attorney, or a county attorney notified the person, political campaign, or advocacy group that an e-mail was delivered in violation of Subsection (a); and

(2)  the person, political campaign, or advocacy group, after receiving notice of the violation, delivered an e-mail in violation of Subsection (a) to the same e-mail address.

(c)  The attorney general, a district attorney, or a county attorney may enforce this provision.

Sec. 255.010.  DEFINITION. In this chapter, "electronic communications" means any communication facilitated by the use of any electronic device, including a cellular telephone, computer, computer network, personal data assistant, or pager. The term includes e-mails, text messages, instant messages, and any communications made through a mobile application for electronic devices or through an Internet website.

SECTION 4.  This Act takes effect September 1, 2019.

\* \* \* \* \*