

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

1 conduct under this section that an officer or employee of a  
2 political subdivision or open-enrollment charter school reasonably  
3 relied on a court order or an interpretation of this section in a  
4 written opinion issued by:

- 5 (1) a court of record;
- 6 (2) the attorney general; or
- 7 (3) the commission.

8 (e) On written request of the governing body of a political  
9 subdivision or open-enrollment charter school that has ordered an  
10 election on a measure, the commission shall prepare an advance  
11 written advisory opinion as to whether a particular communication  
12 relating to the measure does or does not comply with this section.

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

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

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

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

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

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

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

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