

By: Hughes

S.B. No. 904

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of governmental communications systems to
3 distribute political advertising; providing a civil penalty.

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

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

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

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

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

16 (1) "Internal mail system" means a system operated by
17 a state agency or political subdivision to deliver written
18 documents or electronic communications to officers or employees of
19 the agency or subdivision.

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

22 Sec. 255.009. MISUSE OF GOVERNMENT RESOURCES BY THIRD
23 PARTY. (a) A person, political campaign, or advocacy group may not
24 misuse government resources by causing political advertising to be

1 delivered to an e-mail address issued by this state or by a
2 political subdivision of this state.

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

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

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

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