

By: Fallon

S.B. No. 1569

A BILL TO BE ENTITLED

AN ACT

relating to the use of public money and resources by employees of an independent school district to distribute a communication that advocates for or against a political measure, candidate, or other matter; creating a criminal offense.

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

SECTION 1. Section 11.169, Education Code, is amended to read as follows:

Sec. 11.169. ELECTIONEERING PROHIBITED. Notwithstanding any other law, the board of trustees or a member of the board of trustees of an independent school district or an employee or contractor of an independent school district may not use state or local funds or other resources of the district to electioneer for or against any candidate, measure, or political party or to advocate for or against a political philosophy or matter of public interest.

SECTION 2. Section 251.001(16), Election Code, is amended to read as follows:

(16) "Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

(A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; ~~or~~

(B) appears:

(i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or

(ii) on an Internet website, including on any social media platform, or in any electronic communication; or

(C) is directed to an individual person or multiple persons through any form of communication.

SECTION 3. Section 255.003, Election Code, is amended by adding Subsection (a-1) and amending Subsection (c) to read as follows:

(a-1) An officer, employee, or contractor of an independent school district may not spend or authorize the spending of public funds or resources to distribute a communication in any form that advocates for or against any candidate, measure, political party, political philosophy, or matter of public interest. For purposes of this subsection, the following conduct qualifies as the spending of public funds or resources:

(1) the development or distribution, or arrangement for the development or distribution, of a communication described by this subsection that occurs during the working hours of an officer, employee, or contractor or during any period of time in which the officer, employee, or contractor is compensated by the independent school district; or

(2) the provision of contact information by an officer, employee, or contractor of an independent school district to a political action committee or similar entity for the purpose of

1 distributing a communication described by this subsection.

2 (c) A person who violates Subsection (a), (a-1), or (b-1)
3 commits an offense. An offense under this section is a Class A
4 misdemeanor.

5 SECTION 4. Section 255.003(b), Election Code, is repealed.

6 SECTION 5. Section 255.003, Election Code, as amended by
7 this Act, applies to the use of public funds or resources that
8 occurs on or after the effective date of this Act. The use of public
9 funds or resources that occurs before the effective date of this Act
10 is governed by the law in effect before the effective date of this
11 Act, and that law is continued in effect for that purpose.

12 SECTION 6. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2019.