

By: Phelan

H.B. No. 143

A BILL TO BE ENTITLED

AN ACT

relating to political advertising distributed or broadcast as part of a mass text message campaign and civil penalties for required disclosures on certain political advertising.

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

SECTION 1. Section 251.001, Election Code, is amended by amending Subdivision (16) and adding Subdivision (22) 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 as part of a mass text message campaign; 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.

(22) "Mass text message campaign" means an organized effort in which a person sends a text message to multiple recipients in support of or opposition to a candidate, a political party, a public officer, or a measure and which involves an expenditure of

1 funds for the messages that exceed the basic cost of hardware,
2 messaging software, and bandwidth.

3 SECTION 2. Section 255.001, Election Code, is amended by
4 adding Subsection (f) to read as follows:

5 (f) For purposes of assessing a civil penalty under
6 Subsection (e), all text messages that are distributed or broadcast
7 as part of a single mass text message campaign that violates this
8 section constitute only one violation of this section.

9 SECTION 3. The changes in law made by this Act apply only to
10 political advertising that is distributed or broadcast on or after
11 the effective date of this Act. The distribution or broadcasting of
12 political advertising before the effective date of this Act is
13 governed by the law in effect on the date the political advertising
14 was distributed or broadcast, and the former law is continued in
15 effect for that purpose.

16 SECTION 4. This Act takes effect on the 91st day after the
17 last day of the legislative session.