

BILL ANALYSIS

H.B. 4960
By: Phelan
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that political advertising through mass text message campaigns lacks clear regulations and is not subject to disclosure requirements under current state law, which can lead to potential confusion and inconsistency in the transparency of political advertising sent via text message. H.B. 4960 seeks to address this issue and increase accountability in Texas elections.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4960 amends the Election Code to increase from \$4,000 to \$10,000 the maximum civil penalty for a violation of statutory provisions governing required disclosures on certain political advertising containing express advocacy. The bill establishes that, for purposes of assessing such a penalty, each individual text message that is distributed or broadcast as part of a mass text message campaign in violation of those provisions is a separate violation. The bill does the following:

- revises the definition of "political advertising" for purposes of statutory provisions regarding the regulation of political funds and campaigns generally to include 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, in return for consideration, is published as part of a mass text message campaign; and
- defines "mass text message campaign" as 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 funds for the messages that exceed the basic cost of hardware, messaging software, and bandwidth.

H.B. 4960 applies only to political advertising that is distributed or broadcast on or after the bill's effective date. The distribution or broadcasting of political advertising before the bill's effective date is governed by the law in effect on the date the political advertising was distributed or broadcast, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.