

BILL ANALYSIS

Senate Research Center
89R868 TSS-D

S.B. 875
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State Affairs
3/4/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Presently under state law, Texas school officials may not use public resources to advocate for or against particular political candidates and/or groups of political candidates, but there is no penalty for such violations.

Purpose:

This bill creates a Class A misdemeanor if a member of the school board or superintendent uses funds or ISD resources, including a district email, telephone, mailing list, or property, to electioneer for or against any candidate, measure or political party. Secondly, this bill creates a Class B misdemeanor if the chief administrator of an ISD campus, a principal or superintendent, knowingly permits the posting of political signs for longer than 48 hours. However, if the school is a polling location, then political signs are allowed during voting periods where the school is a polling location.

As proposed, S.B. 875 amends current law relating to prohibiting election activities committed by a member of the board of trustees or superintendent of an independent school district or on certain school district premises and creates criminal offenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.169, Education Code, as follows:

Sec. 11.169. ELECTIONEERING PROHIBITED. (a) Creates this subsection from existing text. Provides that, notwithstanding any other law, a member of the board of trustees of an independent school district commits an offense if the member uses state or local funds or other resources of the district, including a district e-mail address, district telephone, mailing list maintained by the district, or meeting organized by or held on the premises of the district, to electioneer for or against any candidate, measure, or political party. Deletes existing text prohibiting the board of trustees of an independent school district, notwithstanding any other law, from using state or local funds or other resources of the district to electioneer for or against any candidate, measure, or political party.

(b) Provides that an offense under this section is a Class A misdemeanor.

SECTION 2. Amends Section 11.201, Education Code, by adding Subsections (f) and (g), as follows:

(f) Provides that, notwithstanding any other law, the superintendent of a school district commits an offense if the superintendent uses state or local funds or other resources of the district, including a district e-mail address, district telephone, mailing list maintained by the district, or meeting organized by or held on the premises of the district, to electioneer for or against any candidate, measure, or political party.

(g) Provides that an offense under Subsection (f) is a Class A misdemeanor.

SECTION 3. Amends Chapter 276, Election Code, by adding Section 276.020, as follows:

Sec. 276.020. UNLAWFUL ELECTION ACTIVITY ON CERTAIN INDEPENDENT SCHOOL DISTRICT CAMPUSES. (a) Provides that the chief administrator of the campus of an independent school district commits an offense if the administrator knowingly permits the posting of political signs on the premises of the campus for longer than 48 hours during any time other than the early voting period, if the campus is being used as an early voting polling place or on election day, if the campus is being used as a polling place.

(b) Provides that an offense under this section is a Class B misdemeanor.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2025.