

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 2742  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 2742 addresses concerns about electioneering and the misuse of public funds by officers or employees of political subdivisions, including independent school districts. The bill seeks to strengthen enforcement mechanisms and increase accountability for violations of existing electioneering and political advertising prohibitions using taxpayer resources.

Section 255.003 of the Election Code prohibits officers or employees of political subdivisions from using public resources for political advertising. Similarly, Section 11.169 of the Education Code bars school districts from using funds or resources for electioneering. However, under current enforcement mechanisms, penalties are limited, immunity doctrines often protect violators from civil accountability, and political subdivisions may indirectly shield individuals through indemnification.

S.B. 2742 strengthens current law by introducing civil penalties of \$1,000 to \$1,500 per violation and specifying that each day a violation remains publicly available constitutes a separate offense. It clarifies that such violations fall outside the discretionary duties of public officials, thereby waiving official immunity for individuals and governmental immunity for political subdivisions. The bill authorizes the Texas attorney general to file suit in Travis County or the county where the violation occurred to recover penalties, attorney's fees, court costs, and other reasonable expenses. It also prohibits political subdivisions from indemnifying employees or officers who are penalized under the bill.

By waiving immunity protections and increasing financial and legal consequences for violations, the bill enhances accountability and reinforces the nonpartisan nature of public governance. It ensures that taxpayer funds are not used to influence elections and that public officials are held personally responsible for misuse of resources.

S.B. 2742 strengthens existing laws prohibiting electioneering with public resources by creating meaningful civil penalties, waiving immunity defenses, and reinforcing the attorney general's enforcement authority. It aims to uphold the integrity of public institutions and ensure taxpayer resources are not misused for political purposes.

As proposed, S.B. 2742 amends current law relating to prohibiting electioneering and the unlawful use of public funds for political advertising and authorizes a civil penalty.

### **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:

- (a) Creates this subsection from existing text and makes no further changes.
- (b) Provides that any act that violates Section 11.169 (Electioneering Prohibited) is not within the discretionary duty of any officer or employee of a political subdivision.

Provides that official immunity of any official or employee of political subdivision of this state is waived and abolished to the extent of liability created by this section.

(c) Provides that a violation of this section is punishable by a civil penalty in an amount not to exceed \$1,000 for each violation of this section. Provides that each day a violation continues is a separate violation. Authorizes the attorney general to file suit in Travis County or the county where the violation(s) occurred to collect the penalty.

(d) Authorizes the attorney general to recover reasonable attorney's fees, court costs and other reasonable expenses incurred in investigating and bringing an action under this section.

(e) Provides that authority for the attorney general to seek civil penalties under this section does not limit or interfere with the attorney general's authority to seek injunctive relief authorized by Section 273.081 (Injunction), Election Code.

(f) Provides that sovereign immunity of a political subdivision of this state and governmental immunity of a county and municipality to suit is waived and abolished to the extent of liability created by this section.

SECTION 2. Amends Section 255.003, Election Code, by adding Subsections (g), (h), (i), (j), (k), (l), and (m), as follows:

(g) Provides that an officer or employee of a political subdivision who violates Section 255.003 (Unlawful Use of Public Funds for Political Advertising) is liable to the state for a civil penalty in an amount not less than \$1,000 and not more than \$1,500 for each violation.

(h) Provides that each day a violation continues to be publicly available is a separate violation. Authorizes the attorney general to file suit in Travis County or the county where the violation(s) occurred to collect the penalty.

(i) Provides that any act that violates this section is not within the discretionary duty of any officer or employee of a political subdivision. Provides that official immunity of any official or employee of political subdivision of this state is waived and abolished to the extent of liability created by this section.

(j) Authorizes the attorney general to recover reasonable attorney's fees, court costs and other reasonable expenses incurred in investigating and bringing an action under this section.

(k) Prohibits a political subdivision from indemnifying an officer or employee who is required to pay a civil penalty.

(l) Provides that sovereign immunity of a political subdivision of this state and governmental immunity of a county and municipality to suit is waived and abolished to the extent of liability created by this section.

(m) Provides that the authority for the attorney general to seek civil penalties under this section does not limit or interfere with the attorney general's authority to seek injunctive relief authorized by Section 273.081, Elections Code.

SECTION 3. Effective date: September 1, 2025.