

By: Phelan

H.B. No. 4960

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 amending Subsection (e) and adding Subsection (f) to read as
5 follows:

6 (e) A person who violates this section is liable to the
7 state for a civil penalty in an amount determined by the commission
8 not to exceed \$10,000 [~~\$4,000~~].

9 (f) For purposes of assessing a civil penalty under
10 Subsection (e), each individual text message that is distributed or
11 broadcast as part of a mass text message campaign in violation of
12 this section is a separate violation.

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

20 SECTION 4. This Act takes effect September 1, 2025.