

By: Birdwell, Bettencourt

S.B. No. 875

A BILL TO BE ENTITLED

AN ACT

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; creating criminal offenses.

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

SECTION 1. Section 11.169, Education Code, is amended to read as follows:

Sec. 11.169. ELECTIONEERING PROHIBITED. (a) In this section, "electioneer" means to engage in an act intended to support or oppose a specific candidate, measure, or political party.

(b) Notwithstanding any other law, a member of the board of trustees of an independent school district commits an offense if the member uses ~~[may not use]~~ 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]~~.

(c) It is an exception to the application of this section that the member of the board of trustees:

(1) used a district facility to host a forum for political candidates or to hold a political party convention;

1           (2) used the facility as described by Subdivision (1)  
2 at a time that was not during the period between the first day of  
3 early voting and the date of the election, if the facility was used  
4 as an early voting or election day polling place; and

5           (3) allowed equally all candidates for the same office  
6 or all political parties, as applicable, the opportunity to use the  
7 facility as described by Subdivision (1).

8           (d) An offense under this section is a Class A misdemeanor.

9           SECTION 2. Section [11.201](#), Education Code, is amended by  
10 adding Subsections (f), (g), (h), and (i) to read as follows:

11           (f) Notwithstanding any other law, the superintendent of a  
12 school district commits an offense if the superintendent uses state  
13 or local funds or other resources of the district, including a  
14 district e-mail address, district telephone, mailing list  
15 maintained by the district, or meeting organized by or held on the  
16 premises of the district, to electioneer.

17           (g) It is an exception to the application of this section  
18 that the superintendent:

19           (1) used a district facility to host a forum for  
20 political candidates or to hold a political party convention;

21           (2) used the facility as described by Subdivision (1)  
22 at a time that was not during the period between the first day of  
23 early voting and the date of the election, if the facility was used  
24 as an early voting or election day polling place; and

25           (3) allowed equally all candidates for the same office  
26 or all political parties, as applicable, the opportunity to use the  
27 facility as described by Subdivision (1).

1        (h) An offense under Subsection (f) is a Class A  
2 misdemeanor.

3        (i) In this section, "electioneer" has the meaning assigned  
4 by Section 11.169.

5        SECTION 3. Chapter 276, Election Code, is amended by adding  
6 Section 276.020 to read as follows:

7        Sec. 276.020. UNLAWFUL ELECTION ACTIVITY ON CERTAIN  
8 INDEPENDENT SCHOOL DISTRICT CAMPUSES. (a) The chief administrator  
9 of the campus of an independent school district commits an offense  
10 if the administrator knowingly permits the posting of political  
11 signs on the premises of the campus for longer than 48 hours during  
12 any time other than:

13                (1) the early voting period, if the campus is being  
14 used as an early voting polling place; or

15                (2) on election day, if the campus is being used as a  
16 polling place.

17        (b) An offense under this section is a Class B misdemeanor.

18        SECTION 4. The changes in law made by this Act apply only to  
19 an offense committed on or after the effective date of this Act. An  
20 offense committed before the effective date of this Act is governed  
21 by the law in effect on the date the offense was committed, and the  
22 former law is continued in effect for that purpose. For purposes of  
23 this section, an offense was committed before the effective date of  
24 this Act if any element of the offense occurred before that date.

25        SECTION 5. This Act takes effect September 1, 2025.