

## **BILL ANALYSIS**

Senate Research Center  
78R10377 ESH-D

H.B. 736  
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State Affairs  
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Engrossed

### **DIGEST AND PURPOSE**

Currently, internal mail systems of state agencies and political subdivisions can be used to distribute political advertising. Some public schools have taken advantage of this to distribute political advertising to students and parents. H.B. 736 amends the Election Code to prohibit such use of an internal mail system. This bill provides a criminal 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 Chapter 255, Election Code, by adding Section 255.0031, as follows:

Sec. 255.0031. UNLAWFUL USE OF INTERNAL MAIL SYSTEM FOR POLITICAL ADVERTISING. (a) Prohibits an officer or employee of a state agency or political subdivision from knowingly using or authorizing the use of an internal mail system for the distribution of political advertising.

(b) Provides that Subsection (a) does not apply to:

- (1) the use of an internal mail system to distribute political advertising that is delivered to the premises of a state agency or political subdivision through the United States Postal Service; or
- (2) the use of an internal mail system by a state agency to distribute political advertising that is the subject of or related to an investigation, hearing, or other official proceeding of the agency.

(c) Provides that a person who violates this section commits an offense. Provides that an offense under this section is a Class A misdemeanor.

(d) Defines: "internal mail system" and "state agency."

SECTION 2. Effective date: September 1, 2003.