

BILL ANALYSIS

Senate Research Center
86R19543 BRG-F

C.S.S.B. 904
By: Hughes
State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law prohibits the use of certain governmental communication systems for the dissemination of political advertising. However, these systems are still used for that purpose.

S.B. 904 clarifies that existing law bans the use of governmental electronic communications like e-mail and texting to send these communications. The bill also prohibits others from using such systems to disseminate political advertisements. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 904 amends current law relating to the use of governmental communications systems to distribute political advertising, and provides 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 Sections 255.003(a) and (b), Election Code, as follows:

(a) Prohibits an officer or employee of a political subdivision from knowingly spending or authorizing the spending of public funds, including by use of government communications systems, such as electronic communications, for political advertising.

(b) Provides that Subsection (a) does not apply to a communication that factually describes the purposes of a ballot measure, rather than the purposes of a measure, if the communication does not advocate passage or defeat of the measure.

SECTION 2. Amends Section 255.0031(d)(1), Election Code, to redefine "internal mail system" to include electronic communications.

SECTION 3. Amends Chapter 255, Election Code, by adding Sections 255.009 and 255.010, as follows:

Sec. 255.009. MISUSE OF GOVERNMENT RESOURCES BY THIRD PARTY. (a) Prohibits a person, political campaign, or advocacy group from misusing government resources by causing political advertising to be delivered to an e-mail address issued by this state or by a political subdivision of this state.

(b) Provides that, for each government-issued e-mail address receiving an e-mail described by Subsection (a), the person, political campaign, or advocacy group sending the e-mail is liable for a civil penalty of \$100 if:

(1) the Texas attorney general (attorney general), a district attorney, or a county attorney, notified the person, political campaign, or advocacy group that an e-mail was delivered in violation of Subsection (a); and

(2) the person, political campaign, or advocacy group, after receiving notice of the violation, delivered an e-mail in violation of Subsection (a) to the same e-mail address.

(c) Authorizes the attorney general, a district attorney, or a county attorney to enforce this provision.

Sec. 255.010. DEFINITION. Defines "electronic communications" for purposes of this chapter (Regulating Political Advertising and Campaign Communications).

SECTION 4. Effective date: September 1, 2019.