

- SUBJECT:** Restricting use of public resources to make political communications
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 7 ayes — Swinford, Paxton, Van Arsdale, Christian, Flynn, Parker, Veasey
- 1 nay — Farrar
- 1 absent — B. Cook
- WITNESSES:** For — (*Registered, but did not testify:* Peggy Venable, Americans for Prosperity)
- Against — Elena Lincoln, Association of Texas Professional Educators; (*Registered, but did not testify:* Portia Bosse, Texas State Teachers Association; Ted Melina Raab, Texas Federation of Teachers)
- On — Donald Lee, Texas Conference of Urban Counties; Joe Lovelace, Texas Council of Community MHMR Centers
- BACKGROUND:** Education Code, sec. 11.168 prohibits the board of trustees of an independent school district from using state or local funds or other resources of the district to electioneer for or against any candidate, measure, or political party.
- Election Code, sec. 255 regulates political advertising and campaign communications. It is unlawful to use public funds for political advertising. Sec. 255.0031 prohibits an officer or employee of a state agency or political subdivision from using the internal mail system for political advertising. An offense under this section is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).
- DIGEST:** CSHB 2508 would amend Education Code, sec. 11.168 to prohibit employees of a school district from using facilities and the time for which they are being compensated by the district to electioneer for or against any candidate or political party. The bill would renumber this section as sec. 11.169.

The bill also would amend Election Code, sec. 255 to specify a prohibition on the use of public resources, including electronic mail systems, for promoting or opposing a candidate for nomination or election to a public office. The prohibition would not apply to the original incoming copy of political advertising delivered through the U.S. mail or to political advertising that was related to an investigation, hearing, or some other official proceeding of the agency or municipality.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

The use of e-mail in the workplace is widespread and ubiquitous and has enabled all sorts of advertising and promotions to be spread far and wide. While current electioneering laws specify that internal mail systems may not be used for political advertising, the law does not specifically address the use of electronic mail systems and their use for political communications. CSHB 2508 is needed to confirm that employees of the state and other political subdivisions, including employees of ISDs, should not use e-mail to distribute political material, nor should they use their work time to do it.

**OPPONENTS
SAY:**

CSHB 2508 could be interpreted to prohibit school employees from expressing opinions about candidates at any time because the bill stipulates that employees could not do this during the time for which they were being compensated by the district. The bill would not address the division between time for which they were being compensated and any other time. Teachers and other professional employees are paid an annual or monthly salary. They do not punch a time card and enjoy certain time-related rights and benefits that could be considered compensation. An example is the duty-free lunch to which all classroom teachers are entitled. The bill would appear to prohibit conversations about political candidates among teachers having lunch together in a break room or in a restaurant off campus.