

- SUBJECT:** Online posting of campaign finance reports for school board candidates
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 7 ayes — Eissler, Hochberg, Allen, Guillen, Huberty, Shelton, Strama
1 nay — Weber
3 absent — Aycock, Dutton, T. Smith
- WITNESSES:** For — Andy Wilson, Public Citizen, Inc.; (*Registered, but did not testify:* Keith Elkins, Freedom of Information Foundation of Texas; Frank Knaack, American Civil Liberties Union of Texas; Michael Schneider, Texas Association of Broadcasters; Ken Whalen, Texas Daily Newspaper Association, Texas Press Association; Andrew Wheat, Texans for Public Justice; Paige Williams, Texas Classroom Teachers Association)

Against — Patricia Hughes, El Paso Independent School District, Texas Association of School Boards
- BACKGROUND:** The Elections Code requires candidates for a school district board of trustees to file campaign finance reports with their local school districts.
- DIGEST:** CSHB 336 would amend Election Code, ch. 254 to require that campaign finance reports filed by school board candidates or members or by specific-purpose committees created to support, oppose, or assist school board candidates or members be posted on the school district's website. The bill would apply to school districts entirely or partially located within municipalities with more than 500,000 residents.

The bill would require school districts to post the reports no later than five business days after the date the report was filed with the district. Access to the report on the district's website would be in addition to the public's access to the information through other electronic or printed means.

School districts would have the option to redact address information, other than the city, state, and zip code, of a person listed as a campaign contributor. If a district exercised the redaction option, the redacted

information would have to remain available on the report in the school district's office.

The bill would take effect September 1, 2011, and would apply only to electronic posting of reports with filing deadlines on or after January 1, 2012.

**SUPPORTERS
SAY:**

CSHB 336 would help promote more accountable and transparent local government in Texas. The posting of campaign finance reports for school board members and candidates on school district websites would advance the goal of transparency by providing easier access to valuable information. CSHB 336 would codify practices already in place in several large school districts, including the Dallas and Houston independent school districts.

The need for improved transparency in financial reporting for school board elections has increased. Under CSHB 336, the public would be able to identify connections between contributors and interested persons and groups that come before school boards. Taxpayers have the right to know who financially supports board members and who has an interest in board decisions made in determining the course of their children's education. CSHB 336 would reduce opportunities for corruption.

The bill would provide uniform posting requirements for Texas' larger urban school districts without burdening smaller districts, which would not be subject to the requirement. The bill would not discourage anyone interested in running for a school board seat by imposing additional or cumbersome conditions. School districts still would be responsible for dissemination of campaign finance reports, and the website posting would provide a simple way to do it.

Qualified school board candidates should have no concern about making campaign finance reports available online, yet CSHB 336 could discourage candidates seeking school board positions who did not support transparent and accountable government. The bill would not require posting of a candidate's personal financial information, but would enhance public access to the sources of campaign contributions and expenditures. The address redaction allowed by the bill for online reports would follow existing standards for candidates who file with the Texas Ethics Commission.

OPPONENTS
SAY:

CSHB 336 could affect not only larger school districts, but smaller ones located entirely or partially within a large municipality. The bill's focus on the population of the municipality rather than the size of the school district could make the bill apply to smaller school districts that may or may not be equipped to make website changes easily. Although the costs would be minimal for some school districts, the bill would not consider the financial burden imposed on districts without the resources to post campaign finance reports in a timely manner. The decision to post on a district website should be made locally and voluntarily because districts have varying resources. The bill could become an unfunded mandate.

School board positions are voluntary, and members are not compensated with taxpayer money. The increased and unnecessary attention on campaign finance information could discourage potential candidates from seeking school board positions.

OTHER
OPPONENTS
SAY:

CSHB 336 would not improve transparency and access to local government if the district were allowed to redact information before posting reports. Transparency would not be achieved by a name paired with an incomplete address after redaction, and such listings could create confusion for those attempting to identify campaign contributors. When an open records request is made to obtain a campaign finance report, no changes are made to the document. An open records request still would be necessary to obtain complete information.

School districts should not be singled out under CSHB 336 because all local governments should be subject to similar requirements. If the goal is transparency of local government, then all elected officials with taxing authority, such as community college trustees, should be included.

NOTES:

The committee substitute differs from the original by giving school districts the option to redact address information instead of requiring them to do so.

The companion bill, SB 603 by Rodriguez, has been referred to the Senate State Affairs Committee.