

BILL ANALYSIS

Senate Research Center
81R5633 ESH-F

H.B. 1720
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 255.003, Election Code, regulates the use of public funds for political advertising. The law generally prohibits an officer or employee of a political subdivision from spending public funds for political advertising. There is one exception that allows public funds to be spent on a communication that factually describes the purpose of a measure if the communication does not advocate the passage or defeat of the measure. The voters commonly decide issues that have various implications on municipalities or other governmental entities. These governmental entities have a vested interest in many of these elections. Many believe that some of the political advertisements paid for with public funds stretch the intent of the current law and in some cases contain false and misleading information.

H.B. 1720 relates to the use of public funds by a political subdivision for communications that contain false information relating to a ballot measure and 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 Section 255.003, Election Code, by amending Subsections (b) and (c) and adding Subsection (b-1), as follows:

(b) Provides that Subsection (a) (relating to prohibiting an officer or employee of a political subdivision from spending or authorizing the spending of public funds for political advertising), rather than this section, does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure.

(b-1) Prohibits an officer or employee of a political subdivision from spending or authorizing the spending of public funds for a communication describing a measure if the communication contains material information that the officer or employee knows is false.

(c) Provides that a person who violates Subsection (a) or (b-1), rather than violates this section, commits an offense.

SECTION 2. Makes application of Section 255.003, Election Code, as amended by this Act, prospective to September 1, 2009.

SECTION 3. Effective date: September 1, 2009.