

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1569
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law prohibits the board of trustees of an independent school district (ISD) from using state or local funds to electioneer for or against any candidate, measure, or political party. However, virtually every election cycle, taxpayers complain that ISDs are circumventing this prohibition by having school employees create materials in support of bonds or candidates during work hours and using district equipment, which are then disseminated using district parent contact lists.

S.B. 1569 will clarify that the illegal expenditure of state or local funds occurs whenever an officer, employee, or contractor distributes a communication in any form during work hours that advocates for or against any candidate, measure, political party, political philosophy, or matter of public interest.

The bill also clarifies that the prohibition on "the board of trustees" spending state or local funds to electioneer is not limited to votes of the whole board. The board cannot circumvent the prohibition by delegating the electioneering to an individual member, or an employee or contractor of the district.

The bill makes clear that using district email or district social media to promote a candidate, measure, or political philosophy is expending public funds and is therefore prohibited.

Similarly, a district cannot circumvent the prohibition on using public resources for political purposes by giving district email lists or other contact information to a political action committee which then engages in advocacy. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1569 amends current law relating to the use of public money and resources by employees of an independent school district to distribute a communication that advocates for or opposes a political measure, candidate, or party; and creates a criminal offense.

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 11.169, Education Code, as follows:

Sec. 11.169. ELECTIONEERING PROHIBITED. Prohibits the board of trustees or a member of the board of trustees of an independent school district or an employee or contractor of an independent school district, notwithstanding any other law, from using state or local funds or other resources of the district to electioneer for or against any candidate, measure, or political party.

SECTION 2. Amends Section 251.001(16), Election Code, to redefine "political advertising" to include communication that appears on any social media platform, or in any electronic communication, or that is directed to an individual person or multiple persons through any form of communication.

SECTION 3. Amends Section 255.003, Election Code, by adding Subsection (a-1) and (a-2) and amending Subsection (c), as follows:

(a-1) Prohibits an officer, employee, or contractor of an independent school district from using or authorizing the use of public funds or resources to distribute a communication in any form that advocates for or opposes any political candidate, measure, or party.

(a-2) Provides that for purposes of Subsection (a-1):

(1) the following conduct qualifies as the use of public funds or resources:

(A) the development or distribution, or arrangement for the development or distribution, of a communication described by Subsection (a-1) that occurs during the working hours of an officer, employee, or contractor or during any period of time in which the officer, employee, or contractor is compensated by the independent school district; or

(B) the provision of contact information by an officer, employee, or contractor to a political action committee or similar entity for the purpose of distributing a communication described by Subsection (a-1); and

(2) the use of a personal electronic device on school district property by an officer, employee, or contractor to access the Internet during the officer's, employee's, or contractor's personal time for the purpose of developing or distributing, or arranging for the development or distribution of, a communication described by Subsection (a-1) does not qualify as the use of public funds or resources.

(c) Provides that a person who violates Subsection (a) (relating to a prohibition against officers or employees of political subdivisions spending public funds for political advertising), (a-1), or (b-1) (relating to a prohibition against officers or employees of public subdivisions spending public funds communications that contain certain information).

SECTION 4. Repealer: Section 255.003(b) (relating to a communication that factually describes the purposes of a measure not being considered political advertising), Election Code.

SECTION 5. Makes application of Section 255.003, Election Code, as amended by this Act, prospective.

SECTION 6. Effective date: upon passage or September 1, 2019.