

1-1 By: Hughes S.B. No. 904
 1-2 (In the Senate - Filed March 8, 2019; March 11, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 8, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2; April 8, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15		X		
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 904 By: Hughes

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the use of governmental communications systems to
 1-22 distribute political advertising; providing a civil penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Sections 255.003(a) and (b), Election Code, are
 1-25 amended to read as follows:

1-26 (a) An officer or employee of a political subdivision may
 1-27 not knowingly spend or authorize the spending of public funds,
 1-28 including by use of government communications systems, such as
 1-29 electronic communications, for political advertising.

1-30 (b) Subsection (a) does not apply to a communication that
 1-31 factually describes the purposes of a ballot measure if the
 1-32 communication does not advocate passage or defeat of the measure.

1-33 SECTION 2. Section 255.0031(d)(1), Election Code, is
 1-34 amended to read as follows:

1-35 (1) "Internal mail system" means a system operated by
 1-36 a state agency or political subdivision to deliver written
 1-37 documents or electronic communications to officers or employees of
 1-38 the agency or subdivision.

1-39 SECTION 3. Chapter 255, Election Code, is amended by adding
 1-40 Sections 255.009 and 255.010 to read as follows:

1-41 Sec. 255.009. MISUSE OF GOVERNMENT RESOURCES BY THIRD
 1-42 PARTY. (a) A person, political campaign, or advocacy group may
 1-43 not misuse government resources by causing political advertising to
 1-44 be delivered to an e-mail address issued by this state or by a
 1-45 political subdivision of this state.

1-46 (b) For each government-issued e-mail address receiving an
 1-47 e-mail described by Subsection (a), the person, political campaign,
 1-48 or advocacy group sending the e-mail is liable for a civil penalty
 1-49 of \$100 if:

1-50 (1) the attorney general, a district attorney, or a
 1-51 county attorney notified the person, political campaign, or
 1-52 advocacy group that an e-mail was delivered in violation of
 1-53 Subsection (a); and

1-54 (2) the person, political campaign, or advocacy group,
 1-55 after receiving notice of the violation, delivered an e-mail in
 1-56 violation of Subsection (a) to the same e-mail address.

1-57 (c) The attorney general, a district attorney, or a county
 1-58 attorney may enforce this provision.

1-59 Sec. 255.010. DEFINITION. In this chapter, "electronic
 1-60 communications" means any communication facilitated by the use of

2-1 any electronic device, including a cellular telephone, computer,
2-2 computer network, personal data assistant, or pager. The term
2-3 includes e-mails, text messages, instant messages, and any
2-4 communications made through a mobile application for electronic
2-5 devices or through an Internet website.

2-6 SECTION 4. This Act takes effect September 1, 2019.

2-7

* * * * *