

BILL ANALYSIS

C.S.H.B. 535
By: Madden
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, it is a Class C misdemeanor to operate a vehicle with a loudspeaker for the purposes of campaigning or electioneering within 1,000 feet of a polling place during the voting period. There are other requirements in the law to keep candidates, campaign workers, and campaign signs at least 100 feet from the polling place. These distance requirements exist to give voters the opportunity to cast their ballots in an atmosphere free from distracting or harassing influences that may seek to sway them to vote one way or another. A loophole in the law exists because the use of other sound amplification devices, such as bullhorns or microphones, outside of the 100 foot marker but within 1,000 feet of a polling place is not prohibited. While individuals engaging in this activity are not technically breaking the law, their actions disturb voters in the polling place. CSHB 535 closes the loophole by adding the operation of a sound amplification device to the provision relating to an offense for the operation of a sound truck near a polling place on election day.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 535 amends the Election Code by expanding the offense for electioneering or making a political speech within 1,000 feet of a building containing a polling place during the voting period. The bill adds the operation of a sound amplification device to the acts which constitute an offense.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 535 modifies the original by further expanding the offense to include operation of a sound amplification device, rather than only adding use of a hand-held loudspeaker. The committee substitute modifies the bill caption to conform to this change.