

By: Raymond

H.B. No. 312

A BILL TO BE ENTITLED

1 AN ACT

2 relating to electioneering near certain privately owned polling  
3 places.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 43.031, Election Code, is amended by  
6 amending Subsection (d) and adding Subsection (d-1) to read as  
7 follows:

8 (d) If a suitable public building is unavailable, the  
9 polling place may be located in some other building, including a  
10 building on a federal military base or facility with the permission  
11 of the post or base commander, and any charge for its use is an  
12 election expense. A polling place may not be located in a building  
13 under this subsection unless electioneering is permitted on the  
14 building's premises outside any [~~the~~] prescribed limits within  
15 which electioneering is prohibited, except that a polling place may  
16 be located in a building at which electioneering is not permitted if  
17 it is the only building available for use as a polling place in the  
18 election precinct.

19 (d-1) If the polling place is located in a building owned by  
20 a private business, the owner of the business must notify the  
21 authority holding the election whether electioneering will be  
22 permitted within the area described by Section 61.003(a).

23 SECTION 2. Section 61.003, Election Code, is amended by  
24 amending Subsection (a) and adding Subsection (d) to read as

1 follows:

2 (a) Except as provided by Subsection (d), a [A] person  
3 commits an offense if, during the voting period and within 100 feet  
4 of an outside door through which a voter may enter the building in  
5 which a polling place is located, the person:

6 (1) loiters; or

7 (2) electioneers for or against any candidate,  
8 measure, or political party.

9 (d) This section does not apply to a polling place located  
10 in a building for which notice was provided under Section  
11 43.031(d-1) that electioneering was permitted in the area described  
12 by Subsection (a).

13 SECTION 3. Section 61.010(a), Election Code, is amended to  
14 read as follows:

15 (a) Except as provided by Subsection (b), a person may not  
16 wear a badge, insignia, emblem, or other similar communicative  
17 device relating to a candidate, measure, or political party  
18 appearing on the ballot, or to the conduct of the election, in the  
19 polling place or within 100 feet of any outside door through which a  
20 voter may enter the building in which the polling place is located.  
21 This subsection does not apply to a polling place for which notice  
22 was provided under Section 43.031(d-1) that electioneering was  
23 permitted in the area described by Section 61.003(a).

24 SECTION 4. Section 62.010(a), Election Code, is amended to  
25 read as follows:

26 (a) If electioneering in the area described by Section  
27 61.003(a) is prohibited, an [An] election officer shall place one

1 or more distance markers at the outer limits of the area within  
2 which electioneering is prohibited.

3 SECTION 5. Section 85.036, Election Code, is amended by  
4 amending Subsections (a) and (c) and adding Subsection (b) to read  
5 as follows:

6 (a) Except as provided by Subsection (b), during ~~[During]~~  
7 the time an early voting polling place is open for the conduct of  
8 early voting, a person may not electioneer for or against any  
9 candidate, measure, or political party in or within 100 feet of an  
10 outside door through which a voter may enter the building or  
11 structure in which the early voting polling place is located.

12 (b) This section does not apply to an early voting polling  
13 place located in a building owned by a private business, if the  
14 owner of the business notifies the early voting clerk that  
15 electioneering is permitted within the area described by Subsection  
16 (a).

17 (c) During the early voting period, the early voting clerk  
18 shall keep continuously posted:

19 (1) at the entrance to the room or area, as applicable,  
20 in which the early voting polling place is located, a sign on which  
21 is printed in large letters "Early Voting Polling Place"; and

22 (2) unless electioneering near a polling place is  
23 permitted under this section, at the outer limits of the area within  
24 which electioneering is prohibited, a sign on which is printed in  
25 large letters "Distance Marker. No electioneering between this  
26 point and the entrance to the early voting polling place."

27 SECTION 6. This Act takes effect September 1, 2009.