

By: Carona

S.B. No. 1242

A BILL TO BE ENTITLED

AN ACT

relating to the area near a polling place within which
electioneering and loitering are prohibited.

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

SECTION 1. Section 61.003(a), Election Code, is amended to
read as follows:

(a) A person commits an offense if, during the voting period
~~[and within 100 feet of an outside door through which a voter may
enter the building in which a polling place is located]~~, the
person~~+~~

~~[(1)]~~ loiters~~+~~ or
~~[(2)]~~ electioneers for or against any candidate,
measure, or political party:

(1) within 250 feet of an outside door through which a
voter may enter the building in which a polling place is located; or

(2) within 25 feet of any voter standing in line to
vote at a polling place.

SECTION 2. Section 61.010(a), Election Code, is amended to
read as follows:

(a) Except as provided by Subsection (b), a person may not
wear a badge, insignia, emblem, or other similar communicative
device relating to a candidate, measure, or political party
appearing on the ballot, or to the conduct of the election, in the
polling place or within the area within which electioneering is

1 prohibited [~~100 feet of any outside door through which a voter may~~
2 ~~enter the building in which the polling place is located~~].

3 SECTION 3. Sections 62.013(a) and (b), Election Code, are
4 amended to read as follows:

5 (a) An election officer commits an offense if the officer
6 knowingly posts at a polling place, including the area within which
7 electioneering is prohibited [~~100 feet of an outside door through~~
8 ~~which a voter may enter the building in which the polling place is~~
9 ~~located~~], a sign, card, poster, or other similar material that:

10 (1) is not authorized or required by law; or

11 (2) is in a form or contains information that is not
12 authorized or required by law.

13 (b) A person other than an election officer commits an
14 offense if the person posts a sign, card, poster, or other similar
15 material at a polling place, including the [~~100-foot~~] area within
16 which electioneering is prohibited [~~described by Subsection (a)~~].

17 SECTION 4. Section 85.036(a), Election Code, is amended to
18 read as follows:

19 (a) During the time an early voting polling place is open
20 for the conduct of early voting, a person may not electioneer for or
21 against any candidate, measure, or political party:

22 (1) in or within 250 [~~100~~] feet of an outside door
23 through which a voter may enter the building or structure in which
24 the early voting polling place is located; or

25 (2) within 25 feet of any voter standing in line to
26 vote at a polling place.

27 SECTION 5. The change in law made by this Act applies only

1 to an election ordered on or after the effective date of this Act.
2 An election ordered before the effective date of this Act is
3 governed by the law in effect when the election was ordered, and the
4 former law is continued in effect for that purpose.

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