

BILL ANALYSIS

H.B. 2601
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Ensuring the protection of political campaigning by allowing individual property owners to place political signs on their private real property in compliance with other laws is one goal in establishing the free exercise of speech. Prohibiting a public official from removing a property owner's sign is a step forward to ensuring the integrity of this right. H.B.2601 attempts to further solidify the importance of this protection with a provision so prohibiting public officials, and by providing a civil penalty to a public official who violates that provision.

Currently, under Section 202.009 of Texas Property Code, a property owners' association may not enforce or adopt a restrictive covenant that prohibits a property owner from displaying a political sign on the person's private real property 90 days before the date of the election or 10 days after the conclusion of the election. H.B.2601 adds a provision to that Code to provide additional remedies for recovery from a property owners' association that violates Section 202.009. The bill sets a penalty to range between \$500 and \$1,000, and allows for recovery of court costs as well as reasonable attorney's fees.

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

The bill amends the Chapter 180, Local Government Code by adding section 180.007, titled "Unlawful Removal of Political Sign by Public Official." The bill establishes requisite characteristics to define the meaning of "public official" as it appears in that section.

The bill prohibits a public official from removing a political sign from a person's private real property that is placed in compliance with applicable law. The bill also prohibits a public official from requiring a person to remove his political sign.

The bill provides a civil penalty for a public official in violation of the bill's provisions in an amount not less than \$500 or more than \$1,000. The bill also establishes the county attorney may recover a penalty in a suit brought on behalf of the state. The bill requires that money collected under that section be paid to the comptroller for deposit in the general revenue fund.

The bill amends the Chapter 202, Property Code by adding section 202.010, titled "Unlawful Prohibition of Political Sign." The bill provides a penalty for a property owners' association that prohibits a property owner from displaying a political sign or causes the removal of a sign. The Bill establishes the penalty in an amount not less than \$500 or more than \$1,000.

Lastly, the bill provides an aggrieved property owner relief in actual damages caused by the property owners' association, court costs, and reasonable attorney's fees.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2011.