

By: Raymond

H.B. No. 127

A BILL TO BE ENTITLED

AN ACT

1
2 relating to electioneering on the premises of certain privately
3 owned polling 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 the prescribed limits within which
15 electioneering is prohibited, except that a polling place may be
16 located in a building at which electioneering is not permitted if it
17 is the only building available for use as a polling place in the
18 election precinct or the building is owned by a private business and
19 the owner of the business has provided notice under Subsection
20 (d-1).

21 (d-1) This subsection applies only to a county located on an
22 international border that has a population of less than 300,000 in
23 which a city with a population of more than 200,000 is located. If
24 the polling place is located in a building owned by a private

1 business, the owner of the business must notify the authority
2 holding the election if the owner intends to impose reasonable
3 restrictions concerning the time, place, and manner of
4 electioneering on the privately owned premises of the building
5 outside the area described by Section 61.003(a).

6 SECTION 2. Section 61.003, Election Code, is amended by
7 amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

9 (a) Except as provided by Subsection (a-1), a [A] person
10 commits an offense if, during the voting period and within 100 feet
11 of an outside door through which a voter may enter the building in
12 which a polling place is located, the person:

13 (1) loiters; or

14 (2) electioneers for or against any candidate,
15 measure, or political party.

16 (a-1) This subsection applies only to a county located on an
17 international border that has a population of less than 300,000 in
18 which a city with a population of more than 200,000 is located. A
19 person commits an offense if, during the voting period and on the
20 privately owned premises of a building in which a polling place is
21 located, the person loiters or electioneers for or against any
22 candidate, measure, or political party if the polling place is
23 located in a building owned by a private business and the owner of
24 the business has provided notice under Section 43.031(d-1) that
25 electioneering is restricted on the building's privately owned
26 premises, and the electioneering violates the restrictions.

27 SECTION 3. Section 85.036, Election Code, is amended by

1 amending Subsection (a) and adding Subsection (b) to read as
2 follows:

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

10 (b) This subsection applies only to a county located on an
11 international border that has a population of less than 300,000 in
12 which a city with a population of more than 200,000 is located. A
13 person commits an offense if, during the early voting period and on
14 the privately owned premises of a building in which a polling place
15 is located, the person electioneers for or against any candidate,
16 measure, or political party if the polling place is located in a
17 building owned by a private business and the owner of the business
18 notifies the early voting clerk that electioneering is reasonably
19 restricted concerning its time, place, and manner on the building's
20 privately owned premises, and the electioneering violates the
21 restrictions.

22 SECTION 4. Section 85.036(d), Election Code, is repealed.

23 SECTION 5. This Act takes effect September 1, 2013.