

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 electioneering will be prohibited on the
3 privately owned premises of the building outside the area described
4 by Section 61.003(a).

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

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

12 (1) loiters; or

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

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

26 SECTION 3. Section 85.036, Election Code, is amended by
27 amending Subsection (a) and adding Subsection (b) to read as

1 follows:

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

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

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

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