

By: Simmons, Vo, Krause, Klick, Johnson,
et al.

H.B. No. 259

A BILL TO BE ENTITLED

1 AN ACT

2 relating to electioneering conducted near a polling place.

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

4 SECTION 1. The heading to Section 61.003, Election Code, is
5 amended to read as follows:

6 Sec. 61.003. ELECTIONEERING AND LOITERING NEAR POLLING
7 PLACE [~~PROHIBITED~~].

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

11 (a-1) The entity that owns or controls a public building
12 being used as a polling place may not, at any time during the voting
13 period, prohibit electioneering on the building's premises outside
14 of the area described in Subsection (a), but may enact reasonable
15 regulations concerning the time, place, and manner of
16 electioneering.

17 (b) In this section:

18 (1) "Electioneering" includes the posting, use, or
19 distribution of political signs or literature.

20 (2) "Voting [~~,"~~ "voting] period" means the period
21 beginning when the polls open for voting and ending when the polls
22 close or the last voter has voted, whichever is later.

23 SECTION 3. The heading to Section 85.036, Election Code, is
24 amended to read as follows:

1 Sec. 85.036. ELECTIONEERING [~~PROHIBITED~~].

2 SECTION 4. Section 85.036, Election Code, is amended by
3 adding Subsections (b) and (f) to read as follows:

4 (b) The entity that owns or controls a public building being
5 used as an early voting polling place may not, at any time during
6 the early voting period, prohibit electioneering on the building's
7 premises outside of the area described in Subsection (a), but may
8 enact reasonable regulations concerning the time, place, and manner
9 of electioneering.

10 (f) In this section:

11 (1) "Early voting period" means the period prescribed
12 by Section 85.001.

13 (2) "Electioneering" includes the posting, use, or
14 distribution of political signs or literature.

15 SECTION 5. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2013.