

By: Raymond

H.B. No. 1197

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to electioneering on the premises of certain privately  
3 owned polling places; creating an offense.

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) If the polling place is located in a building owned by  
22 a private business, the owner of the business must notify the  
23 authority holding the election if electioneering will be prohibited  
24 on the privately owned premises of the building outside the area

1 described by Section 61.003(a).

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

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

9 (1) loiters; or

10 (2) electioneers for or against any candidate,  
11 measure, or political party.

12 (a-1) A person commits an offense if, during the voting  
13 period and on the privately owned premises of a building in which a  
14 polling place is located, the person loiters or electioneers for or  
15 against any candidate, measure, or political party if the polling  
16 place is located in a building owned by a private business and the  
17 owner of the business has provided notice under Section 43.031(d-1)  
18 that electioneering is prohibited on the building's privately owned  
19 premises.

20 SECTION 3. Section 85.036, Election Code, is amended by  
21 amending Subsection (a) and adding Subsection (b) to read as  
22 follows:

23 (a) Except as provided by Subsection (b), during [During]  
24 the time an early voting polling place is open for the conduct of  
25 early voting, a person commits an offense if the person  
26 electioneers [~~may not electioneer~~] for or against any candidate,  
27 measure, or political party in or within 100 feet of an outside door

1 through which a voter may enter the building or structure in which  
2 the early voting polling place is located.

3 (b) A person commits an offense if, during the early voting  
4 period and on the privately owned premises of a building in which a  
5 polling place is located, the person electioneers for or against  
6 any candidate, measure, or political party if the polling place is  
7 located in a building owned by a private business and the owner of  
8 the business notifies the early voting clerk that electioneering is  
9 prohibited on the building's privately owned premises.

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

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