

By: Pacheco

H.B. No. 2106

A BILL TO BE ENTITLED

AN ACT

relating to certain activities near a polling place; changing the elements of certain criminal offenses.

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

SECTION 1. Section 61.003(a), Election Code, is amended to read as follows:

(a) A person commits an offense if, during the voting period and within 300 [~~100~~] feet of an outside door through which a voter may enter the building in which a polling place is located, the person:

- (1) loiters; or
- (2) electioneers for or against any candidate, measure, or political party.

SECTION 2. Section 61.010(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a person may not wear a badge, insignia, emblem, or other similar communicative device relating to a candidate, measure, or political party appearing on the ballot, or to the conduct of the election, in the polling place or within 300 [~~100~~] feet of any outside door through which a voter may enter the building in which the polling place is located.

SECTION 3. Sections 62.013(a) and (b), Election Code, are amended to read as follows:

1 (a) An election officer commits an offense if the officer
2 knowingly posts at a polling place, including the area within 300
3 [~~100~~] feet of an outside door through which a voter may enter the
4 building in which the polling place is located, a sign, card,
5 poster, or other similar material that:

6 (1) is not authorized or required by law; or

7 (2) is in a form or contains information that is not
8 authorized or required by law.

9 (b) A person other than an election officer commits an
10 offense if the person posts a sign, card, poster, or other similar
11 material at a polling place, including the 300-foot [~~100-foot~~] area
12 described by Subsection (a).

13 SECTION 4. Section 85.036(a), Election Code, is amended to
14 read as follows:

15 (a) During the time an early voting polling place is open
16 for the conduct of early voting, a person may not electioneer for or
17 against any candidate, measure, or political party in or within 300
18 [~~100~~] feet of an outside door through which a voter may enter the
19 building or structure in which the early voting polling place is
20 located.

21 SECTION 5. The changes in law made by this Act apply only to
22 an offense committed on or after the effective date of this Act. An
23 offense committed before the effective date of this Act is governed
24 by the law in effect on the date the offense was committed, and the
25 former law is continued in effect for that purpose. For purposes of
26 this section, an offense was committed before the effective date of
27 this Act if any element of the offense occurred before that date.

1 SECTION 6. This Act takes effect September 1, 2019.