

1 AN ACT

2 relating to regulation of the display of signs containing political  
3 advertising.

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

5 SECTION 1. Title 15, Election Code, is amended by adding  
6 Chapter 259, and a heading is added to that chapter to read as  
7 follows:

8 CHAPTER 259. POLITICAL SIGNS

9 SECTION 2. Section 255.007, Election Code, is transferred  
10 to Chapter 259, Election Code, as added by this Act, and  
11 redesignated as Section 259.001, Election Code, to read as follows:

12 Sec. 259.001 [~~255.007~~]. NOTICE REQUIREMENT ON POLITICAL  
13 ADVERTISING SIGNS. (a) The following notice must be written on  
14 each political advertising sign:

15 "NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND  
16 393, TRANSPORTATION CODE), TO PLACE THIS SIGN IN THE RIGHT-OF-WAY  
17 OF A HIGHWAY."

18 (b) A person commits an offense if the person:

19 (1) knowingly enters into a contract to print or make a  
20 political advertising sign that does not contain the notice  
21 required by Subsection (a); or

22 (2) instructs another person to place a political  
23 advertising sign that does not contain the notice required by  
24 Subsection (a).

1 (c) An offense under this section is a Class C misdemeanor.

2 (d) It is an exception to the application of Subsection (b)  
3 that the political advertising sign was printed or made before  
4 September 1, 1997, and complied with Subsection (a) as it existed  
5 immediately before that date.

6 (e) In this section, "political advertising sign" means a  
7 written form of political advertising designed to be seen from a  
8 road but does not include a bumper sticker.

9 SECTION 3. Section 202.009, Property Code, is transferred  
10 to Chapter 259, Election Code, as added by this Act, redesignated as  
11 Section 259.002, Election Code, and amended to read as follows:

12 Sec. 259.002 [~~202.009~~]. REGULATION OF DISPLAY OF  
13 POLITICAL SIGNS BY PROPERTY OWNERS' ASSOCIATION. (a) In this  
14 section, "property owners' association" has the meaning assigned by  
15 Section 202.001, Property Code.

16 (b) Except as otherwise provided by this section, a property  
17 owners' association may not enforce or adopt a restrictive covenant  
18 that prohibits a property owner from displaying on the owner's  
19 property one or more signs advertising a [~~political~~ candidate or  
20 measure [~~ballot item~~] for an election:

21 (1) on or after the 90th day before the date of the  
22 election to which the sign relates; or

23 (2) before the 10th day after that election date.

24 (c) [~~(b)~~] This section does not prohibit the enforcement or  
25 adoption of a covenant that:

26 (1) requires a sign to be ground-mounted; or

27 (2) limits a property owner to displaying only one

1 sign for each candidate or measure [~~ballot item~~].

2 (d) [~~(c)~~] This section does not prohibit the enforcement or  
3 adoption of a covenant that prohibits a sign that:

4 (1) contains roofing material, siding, paving  
5 materials, flora, one or more balloons or lights, or any other  
6 similar building, landscaping, or nonstandard decorative  
7 component;

8 (2) is attached in any way to plant material, a traffic  
9 control device, a light, a trailer, a vehicle, or any other existing  
10 structure or object;

11 (3) includes the painting of architectural surfaces;

12 (4) threatens the public health or safety;

13 (5) is larger than four feet by six feet;

14 (6) violates a law;

15 (7) contains language, graphics, or any display that  
16 would be offensive to the ordinary person; or

17 (8) is accompanied by music or other sounds or by  
18 streamers or is otherwise distracting to motorists.

19 (e) [~~(d)~~] A property owners' association may remove a sign  
20 displayed in violation of a restrictive covenant permitted by this  
21 section.

22 SECTION 4. Section 216.903, Local Government Code, is  
23 transferred to Chapter 259, Election Code, as added by this Act, and  
24 redesignated as Section 259.003, Election Code, to read as follows:

25 Sec. 259.003 [~~216.903~~]. REGULATION OF POLITICAL SIGNS BY  
26 MUNICIPALITY. (a) In this section, "private real property" does  
27 not include real property subject to an easement or other

1 encumbrance that allows a municipality to use the property for a  
2 public purpose.

3 (b) A municipal charter provision or ordinance that  
4 regulates signs may not, for a sign that contains primarily a  
5 political message and that is located on private real property with  
6 the consent of the property owner:

7 (1) prohibit the sign from being placed;

8 (2) require a permit or approval of the municipality  
9 or impose a fee for the sign to be placed;

10 (3) restrict the size of the sign; or

11 (4) provide for a charge for the removal of a political  
12 sign that is greater than the charge for removal of other signs  
13 regulated by ordinance.

14 (c) Subsection (b) does not apply to a sign, including a  
15 billboard, that contains primarily a political message on a  
16 temporary basis and that is generally available for rent or  
17 purchase to carry commercial advertising or other messages that are  
18 not primarily political.

19 (d) Subsection (b) does not apply to a sign that:

20 (1) has an effective area greater than 36 feet;

21 (2) is more than eight feet high;

22 (3) is illuminated; or

23 (4) has any moving elements.

24 SECTION 5. Section [255.001\(c\)](#), Election Code, is amended to  
25 read as follows:

26 (c) A person may not knowingly use, cause or permit to be  
27 used, or continue to use any published, distributed, or broadcast

1 political advertising containing express advocacy that the person  
2 knows does not include the disclosure required by Subsection (a). A  
3 person is presumed to know that the use of political advertising is  
4 prohibited by this subsection if the commission notifies the person  
5 in writing that the use is prohibited. A person who learns that  
6 political advertising signs, as defined by Section 259.001  
7 [~~255.007~~], that have been distributed do not include the disclosure  
8 required by Subsection (a) or include a disclosure that does not  
9 comply with Subsection (a) does not commit a continuing violation  
10 of this subsection if the person makes a good faith attempt to  
11 remove or correct those signs. A person who learns that printed  
12 political advertising other than a political advertising sign that  
13 has been distributed does not include the disclosure required by  
14 Subsection (a) or includes a disclosure that does not comply with  
15 Subsection (a) is not required to attempt to recover the political  
16 advertising and does not commit a continuing violation of this  
17 subsection as to any previously distributed political advertising.

18 SECTION 6. Section 571.1211(2), Government Code, is amended  
19 to read as follows:

20 (2) "Category One violation" means a violation of a  
21 law within jurisdiction of the commission as to which it is  
22 generally not difficult to ascertain whether the violation occurred  
23 or did not occur, including:

24 (A) the failure by a person required to file a  
25 statement or report to:

26 (i) file the required statement or report  
27 in a manner that complies with applicable requirements; or

1                   (ii) timely file the required statement or  
2 report;

3                   (B) a violation of Section 255.001, Election  
4 Code;

5                   (C) a misrepresentation in political advertising  
6 or a campaign communication relating to the office held by a person  
7 in violation of Section 255.006, Election Code;

8                   (D) a failure to include in any written political  
9 advertising intended to be seen from a road the right-of-way notice  
10 in violation of Section 259.001 [~~255.007~~], Election Code; or

11                   (E) a failure to timely respond to a written  
12 notice under Section 571.123(b).

13           SECTION 7. This Act takes effect September 1, 2019.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2554 was passed by the House on May 10, 2019, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2554 was passed by the Senate on May 22, 2019, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor