

By: Bucy

H.B. No. 2554

A BILL TO BE ENTITLED

AN ACT

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

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

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

CHAPTER 259. POLITICAL SIGNS

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

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

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

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

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

(2) instructs another person to place a political advertising sign that does not contain the notice required by 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. Chapter 259, Election Code, as added by this Act,  
23 is amended by adding Section 259.003 to read as follows:

24 Sec. 259.003. REGULATION OF POLITICAL SIGN DISPLAYED BY  
25 TENANT OR STUDENT. (a) Except as otherwise provided by this  
26 section, a landlord may not prohibit a tenant from displaying on  
27 property leased by the tenant one or more signs advertising a

1 candidate or measure for an election:

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

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

5 (b) Except as otherwise provided by this section, an  
6 institution of higher education, as that term is defined by Section  
7 61.003, Education Code, may not prohibit a student residing in  
8 housing offered by the institution from displaying at that  
9 student's residence one or more signs advertising a candidate or  
10 measure for an election:

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

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

14 (c) This section does not prohibit the landlord or  
15 institution of higher education, as applicable, from:

16 (1) limiting a tenant or student to displaying only  
17 one sign for each candidate or measure;

18 (2) limiting a tenant in a multifamily dwelling or a  
19 student to displaying a sign only in a window; or

20 (3) prohibiting a sign that:

21 (A) contains roofing material, siding, paving  
22 materials, flora, one or more balloons or lights, or any other  
23 similar building, landscaping, or nonstandard decorative  
24 component;

25 (B) is attached in any way to plant material, a  
26 traffic control device, a light, a trailer, a vehicle, or any other  
27 existing structure or object;

1                    (C) includes the painting of architectural  
2 surfaces;

3                    (D) threatens the public health or safety;

4                    (E) is larger than four feet by six feet;

5                    (F) violates a law;

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

8                    (H) is accompanied by music or other sounds or by  
9 streamers or is otherwise distracting to motorists; or

10                   (I) damages the property of the landlord or  
11 institution.

12                   (d) A landlord or institution of higher education may remove  
13 a sign displayed in violation of a prohibition permitted by this  
14 section.

15                   SECTION 5. Section 216.903, Local Government Code, is  
16 transferred to Chapter 259, Election Code, as added by this Act, and  
17 redesignated as Section 259.004, Election Code, to read as follows:

18                   Sec. 259.004 [~~216.903~~]. REGULATION OF POLITICAL SIGNS BY  
19 MUNICIPALITY. (a) In this section, "private real property" does  
20 not include real property subject to an easement or other  
21 encumbrance that allows a municipality to use the property for a  
22 public purpose.

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

27                   (1) prohibit the sign from being placed;

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

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

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

7           (c) Subsection (b) does not apply to a sign, including a  
8 billboard, that contains primarily a political message on a  
9 temporary basis and that is generally available for rent or  
10 purchase to carry commercial advertising or other messages that are  
11 not primarily political.

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

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

14                 (2) is more than eight feet high;

15                 (3) is illuminated; or

16                 (4) has any moving elements.

17           SECTION 6. Section 255.001(c), Election Code, is amended to  
18 read as follows:

19           (c) A person may not knowingly use, cause or permit to be  
20 used, or continue to use any published, distributed, or broadcast  
21 political advertising containing express advocacy that the person  
22 knows does not include the disclosure required by Subsection (a). A  
23 person is presumed to know that the use of political advertising is  
24 prohibited by this subsection if the commission notifies the person  
25 in writing that the use is prohibited. A person who learns that  
26 political advertising signs, as defined by Section 259.001  
27 [~~255.007~~], that have been distributed do not include the disclosure

1 required by Subsection (a) or include a disclosure that does not  
2 comply with Subsection (a) does not commit a continuing violation  
3 of this subsection if the person makes a good faith attempt to  
4 remove or correct those signs. A person who learns that printed  
5 political advertising other than a political advertising sign that  
6 has been distributed does not include the disclosure required by  
7 Subsection (a) or includes a disclosure that does not comply with  
8 Subsection (a) is not required to attempt to recover the political  
9 advertising and does not commit a continuing violation of this  
10 subsection as to any previously distributed political advertising.

11 SECTION 7. Section [571.1211\(2\)](#), Government Code, is amended  
12 to read as follows:

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

17 (A) the failure by a person required to file a  
18 statement or report to:

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

21 (ii) timely file the required statement or  
22 report;

23 (B) a violation of Section [255.001](#), Election  
24 Code;

25 (C) a misrepresentation in political advertising  
26 or a campaign communication relating to the office held by a person  
27 in violation of Section [255.006](#), Election Code;

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

4                   (E) a failure to timely respond to a written  
5 notice under Section 571.123(b).

6           SECTION 8. This Act takes effect September 1, 2019.