

1-1 By: Bucy (Senate Sponsor - Zaffirini) H.B. No. 2554
1-2 (In the Senate - Received from the House May 13, 2019;
1-3 May 14, 2019, read first time and referred to Committee on State
1-4 Affairs; May 19, 2019, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 19, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Fallon	X		
1-13	Hall	X		
1-14	Lucio	X		
1-15	Nelson	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to regulation of the display of signs containing political
1-20 advertising.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Title 15, Election Code, is amended by adding
1-23 Chapter 259, and a heading is added to that chapter to read as
1-24 follows:

1-25 CHAPTER 259. POLITICAL SIGNS

1-26 SECTION 2. Section 255.007, Election Code, is transferred
1-27 to Chapter 259, Election Code, as added by this Act, and
1-28 redesignated as Section 259.001, Election Code, to read as follows:

1-29 Sec. 259.001 [~~255.007~~]. NOTICE REQUIREMENT ON POLITICAL
1-30 ADVERTISING SIGNS. (a) The following notice must be written on
1-31 each political advertising sign:

1-32 "NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND
1-33 393, TRANSPORTATION CODE), TO PLACE THIS SIGN IN THE RIGHT-OF-WAY
1-34 OF A HIGHWAY."

1-35 (b) A person commits an offense if the person:

1-36 (1) knowingly enters into a contract to print or make a
1-37 political advertising sign that does not contain the notice
1-38 required by Subsection (a); or

1-39 (2) instructs another person to place a political
1-40 advertising sign that does not contain the notice required by
1-41 Subsection (a).

1-42 (c) An offense under this section is a Class C misdemeanor.

1-43 (d) It is an exception to the application of Subsection (b)
1-44 that the political advertising sign was printed or made before
1-45 September 1, 1997, and complied with Subsection (a) as it existed
1-46 immediately before that date.

1-47 (e) In this section, "political advertising sign" means a
1-48 written form of political advertising designed to be seen from a
1-49 road but does not include a bumper sticker.

1-50 SECTION 3. Section 202.009, Property Code, is transferred
1-51 to Chapter 259, Election Code, as added by this Act, redesignated as
1-52 Section 259.002, Election Code, and amended to read as follows:

1-53 Sec. 259.002 [~~202.009~~]. REGULATION OF DISPLAY OF
1-54 POLITICAL SIGNS BY PROPERTY OWNERS' ASSOCIATION. (a) In this
1-55 section, "property owners' association" has the meaning assigned by
1-56 Section 202.001, Property Code.

1-57 (b) Except as otherwise provided by this section, a property
1-58 owners' association may not enforce or adopt a restrictive covenant
1-59 that prohibits a property owner from displaying on the owner's
1-60 property one or more signs advertising a [~~political~~] candidate or
1-61 measure [~~ballot item~~] for an election:

2-1 (1) on or after the 90th day before the date of the
 2-2 election to which the sign relates; or
 2-3 (2) before the 10th day after that election date.
 2-4 (c) [~~(b)~~] This section does not prohibit the enforcement or
 2-5 adoption of a covenant that:
 2-6 (1) requires a sign to be ground-mounted; or
 2-7 (2) limits a property owner to displaying only one
 2-8 sign for each candidate or measure [~~ballot item~~].
 2-9 (d) [~~(c)~~] This section does not prohibit the enforcement or
 2-10 adoption of a covenant that prohibits a sign that:
 2-11 (1) contains roofing material, siding, paving
 2-12 materials, flora, one or more balloons or lights, or any other
 2-13 similar building, landscaping, or nonstandard decorative
 2-14 component;
 2-15 (2) is attached in any way to plant material, a traffic
 2-16 control device, a light, a trailer, a vehicle, or any other existing
 2-17 structure or object;
 2-18 (3) includes the painting of architectural surfaces;
 2-19 (4) threatens the public health or safety;
 2-20 (5) is larger than four feet by six feet;
 2-21 (6) violates a law;
 2-22 (7) contains language, graphics, or any display that
 2-23 would be offensive to the ordinary person; or
 2-24 (8) is accompanied by music or other sounds or by
 2-25 streamers or is otherwise distracting to motorists.
 2-26 (e) [~~(d)~~] A property owners' association may remove a sign
 2-27 displayed in violation of a restrictive covenant permitted by this
 2-28 section.
 2-29 SECTION 4. Section 216.903, Local Government Code, is
 2-30 transferred to Chapter 259, Election Code, as added by this Act, and
 2-31 redesignated as Section 259.003, Election Code, to read as follows:
 2-32 Sec. 259.003 [~~216.903~~]. REGULATION OF POLITICAL SIGNS BY
 2-33 MUNICIPALITY. (a) In this section, "private real property" does
 2-34 not include real property subject to an easement or other
 2-35 encumbrance that allows a municipality to use the property for a
 2-36 public purpose.
 2-37 (b) A municipal charter provision or ordinance that
 2-38 regulates signs may not, for a sign that contains primarily a
 2-39 political message and that is located on private real property with
 2-40 the consent of the property owner:
 2-41 (1) prohibit the sign from being placed;
 2-42 (2) require a permit or approval of the municipality
 2-43 or impose a fee for the sign to be placed;
 2-44 (3) restrict the size of the sign; or
 2-45 (4) provide for a charge for the removal of a political
 2-46 sign that is greater than the charge for removal of other signs
 2-47 regulated by ordinance.
 2-48 (c) Subsection (b) does not apply to a sign, including a
 2-49 billboard, that contains primarily a political message on a
 2-50 temporary basis and that is generally available for rent or
 2-51 purchase to carry commercial advertising or other messages that are
 2-52 not primarily political.
 2-53 (d) Subsection (b) does not apply to a sign that:
 2-54 (1) has an effective area greater than 36 feet;
 2-55 (2) is more than eight feet high;
 2-56 (3) is illuminated; or
 2-57 (4) has any moving elements.
 2-58 SECTION 5. Section 255.001(c), Election Code, is amended to
 2-59 read as follows:
 2-60 (c) A person may not knowingly use, cause or permit to be
 2-61 used, or continue to use any published, distributed, or broadcast
 2-62 political advertising containing express advocacy that the person
 2-63 knows does not include the disclosure required by Subsection (a). A
 2-64 person is presumed to know that the use of political advertising is
 2-65 prohibited by this subsection if the commission notifies the person
 2-66 in writing that the use is prohibited. A person who learns that
 2-67 political advertising signs, as defined by Section 259.001
 2-68 [~~255.007~~], that have been distributed do not include the disclosure
 2-69 required by Subsection (a) or include a disclosure that does not

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

3-10 SECTION 6. Section 571.1211(2), Government Code, is amended
3-11 to read as follows:

3-12 (2) "Category One violation" means a violation of a
3-13 law within jurisdiction of the commission as to which it is
3-14 generally not difficult to ascertain whether the violation occurred
3-15 or did not occur, including:

3-16 (A) the failure by a person required to file a
3-17 statement or report to:

3-18 (i) file the required statement or report
3-19 in a manner that complies with applicable requirements; or

3-20 (ii) timely file the required statement or
3-21 report;

3-22 (B) a violation of Section 255.001, Election
3-23 Code;

3-24 (C) a misrepresentation in political advertising
3-25 or a campaign communication relating to the office held by a person
3-26 in violation of Section 255.006, Election Code;

3-27 (D) a failure to include in any written political
3-28 advertising intended to be seen from a road the right-of-way notice
3-29 in violation of Section 259.001 [~~255.007~~], Election Code; or

3-30 (E) a failure to timely respond to a written
3-31 notice under Section 571.123(b).

3-32 SECTION 7. This Act takes effect September 1, 2019.

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