

By: Simmons

H.B. No. 259

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of electioneering at a polling location.

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

SECTION 1. Sec. 43.031, Election Code, is amended to read as follows:

POLLING PLACE IN PUBLIC BUILDING. (a) In this subchapter, "public building" means a building owned or controlled by the state or a political subdivision.

(b) Each polling place shall be located inside a building.

(c) The building selected for a polling place shall be a public building if practicable. The entity that owns or controls a public building shall make the building available for use as a polling place in any election that covers territory in which the building is located, and shall not prohibit electioneering, including but not limited to posting political signs, on the building's premises outside the prescribed limits within which electioneering is prohibited during the voting period. If more than one authority requests the use of the building for the same day and simultaneous use is impracticable, the entity that owns or controls the building shall determine which authority may use the building.

(d) If a suitable public building is unavailable, the polling place may be located in some other building, including a building on a federal military base or facility with the permission of the post or base commander, and any charge for its use is an

1 election expense. A polling place may not be located in a building  
2 under this subsection unless electioneering is permitted on the  
3 building's premises outside the prescribed limits within which  
4 electioneering is prohibited, except that a polling place may be  
5 located in a building at which electioneering is not permitted if it  
6 is the only building available for use as a polling place in the  
7 election precinct.

8 (e) A polling place may not be located at the residence of a  
9 person who is:

10 (1) a candidate for an elective office, including an  
11 office of a political party; or

12 (2) related within the third degree by consanguinity  
13 or the second degree by affinity, as determined under Chapter 573,  
14 Government Code, to a candidate described by Subdivision (1).

15 (f) The entity that owns or controls a public building  
16 cannot restrict electioneering, including but not limited to  
17 posting political signs, outside the prescribed limits within which  
18 electioneering is prohibited at any time during the voting period.  
19 In this section, the "voting period" begins with the commencement  
20 of early voting by personal appearance defined under Sec. 85.001  
21 and ends after the polls close on the last day for early voting by  
22 personal appearance for an early voting polling place, and begins  
23 when the polls open on election day and ends when the polls close on  
24 election day for an election day polling place.

25 SECTION 2. Sec. 85.002, Election Code, is amended as  
26 follows:

27 MAIN EARLY VOTING POLLING PLACE. (a) Early voting by

1 personal appearance for each election shall be conducted at the  
2 main early voting polling place.

3 (b) In an election in which a county clerk or city secretary  
4 is the early voting clerk under Section 83.002 or 83.005, the main  
5 early voting polling place shall be located in any room selected by  
6 the early voting clerk in the building that houses the main business  
7 office of the county clerk or city secretary, as applicable.  
8 However, if the commissioners court or city governing body  
9 determines that locating the polling place in that building is  
10 impracticable, the commissioners court or city governing body may  
11 designate a different location in the city in which the business  
12 office is located that is as near as practicable to the business  
13 office. The polling place must meet the requirements prescribed in  
14 Section 43.031.

15 (c) In an election in which a county clerk is the early  
16 voting clerk under Section 83.003 or 83.004, the authority  
17 authorized to appoint the clerk shall designate the location of the  
18 main early voting polling place. The location must be in the  
19 territory covered by the election or in any room selected by the  
20 clerk in the building that houses the county clerk's main business  
21 office, whether or not the office is located in the territory  
22 covered by the election. However, if the commissioners court  
23 determines that locating the polling place in that building is  
24 impracticable, the commissioners court may designate a different  
25 location in the city in which the business office is located that is  
26 as near as practicable to the business office. The polling place  
27 must meet the requirements prescribed in Section 43.031.

1           (d) In an election in which a person other than a county  
2 clerk or city secretary is early voting clerk, the authority  
3 appointing the clerk shall designate the location of the main early  
4 voting polling place. The location must be in the territory covered  
5 by the election. The polling place must meet the requirements  
6 prescribed in Section 43.031.

7           SECTION 3. Sec. 85.062, Election Code is amended as  
8 follows:

9           TEMPORARY BRANCH POLLING PLACE. (a) Except as provided by  
10 Subsection (d) or (e), one or more early voting polling places other  
11 than the main early voting polling place may be established by:

12           (1) the commissioners court, for an election in which  
13 the county clerk is the early voting clerk; or

14           (2) the governing body of the political subdivision  
15 served by the authority ordering the election, for an election in  
16 which a person other than the county clerk is the early voting  
17 clerk.

18           (b) A polling place established under this section may be  
19 located, subject to Subsection (d), at any place in the territory  
20 served by the early voting clerk and may be located in any  
21 stationary structure as directed by the authority establishing the  
22 branch office. The polling place may be located in a movable  
23 structure in the general election for state and county officers,  
24 general primary election, or runoff primary election. Ropes or  
25 other suitable objects may be used at the polling place to ensure  
26 compliance with Section 62.004. Persons who are not expressly  
27 permitted by law to be in a polling place shall be excluded from the

1 polling place to the extent practicable. The polling place must  
2 meet the requirements relating to electioneering prescribed in  
3 Section 43.031.

4 (c) In any election, the location of a polling place  
5 established under this section shall be fixed at one place for the  
6 duration of the period that voting is required to be conducted at  
7 the polling place.

8 SECTION 4. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house. If  
10 this Act does not receive the vote necessary for immediate effect,  
11 this Act takes effect September 1, 2013.