

BILL ANALYSIS

Senate Research Center
83R19141 ADM-D

H.B. 259
By: Simmons et al. (Paxton)
State Affairs
5/14/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under the Texas Election Code, a person may not electioneer or loiter within 100 feet of the entrance to a polling location on election day. Currently, the Election Code does not address electioneering outside of the 100 foot distance marker for a polling location. Interested parties have expressed concern that some cities have passed local ordinances that regulate the placement of candidate materials or campaigning by candidates outside of polling locations on election days.

H.B. 259 allows for electioneering on election days at polling locations beyond the distance marker.

H.B. 259 amends current law relating to electioneering conducted near a polling place.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 61.003, Election Code, to read as follows:

Sec. 61.003. ELECTIONEERING AND LOITERING NEAR POLLING PLACE.

SECTION 2. Amends Section 61.003, Election Code, by adding Subsection (a-1) and amending Subsection (b), as follows:

(a-1) Prohibits the entity that owns or controls a public building being used as a polling place from, at any time during the voting period, prohibiting electioneering on the building's premises outside of the area described in Subsection (a) (relating to providing that a person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party), but authorizes the entity to enact reasonable regulations concerning the time, place, and manner of electioneering.

(b) Defines "electioneering" in this section, and makes nonsubstantive changes.

SECTION 3. Amends the heading to Section 85.036, Election Code, to read as follows:

Sec. 85.036. ELECTIONEERING.

SECTION 4. Amends Section 85.036, Election Code, by adding Subsections (b) and (f), as follows:

(b) Prohibits the entity that owns or controls a public building being used as an early voting polling place from, at any time during the early voting period, prohibiting electioneering on the building's premises outside of the area described in Subsection (a)

(relating to prohibiting a person, during the time an early voting polling place is open for the conduct of early voting, from electioneering for or against any candidate, measure, or political party in or within 100 feet of an outside door through which a voter may enter the building or structure in which the early voting polling place is located), but authorizes the entity to enact reasonable regulations concerning the time, place, and manner of electioneering.

(f) Defines "early voting period" and "electioneering" in this section.

SECTION 5. Effective date: upon passage or September 1, 2013.