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CC:05-26-2015
Item# 7

STATE OF TEXAS §
COUNTY OF WILSON §

5-24-2015

AN ORDINANCE
REGULATING ELECTIONEERING ON COUNTY PROPERTY
OUTSIDE 100 FOOT DISTANCE MARKERS AT POLLING PLACES

BE IT ORDAINED, ORDERED AND ADOPTED BY THE COMMISSIONERS COURT OF WILSON COUNTY, TEXAS:

SECTION 1. DEFINITIONS

- A. "County Property" means property owned or leased by Wilson County.
- B. "100-foot distance marker" means markers designating area within 100 feet of an outside door through which a voter may enter the building in which polling place is located. § 32.075(E), TEX. ELEC. CODE
- C. "Voting period" means the period prescribed by § 61.003(b) (2), TEX. ELEC. CODE, when polls open for voting and ending when polls close or the last voter has voted, whichever is later. .
- D. "Wilson County" means Wilson County, Texas.
- E. "Electioneering" means posting, use or distribution of political signs or literature under § 61.003(b) (1), TEX. ELEC. CODE.

SECTION 2. AUTHORITY

An entity, such as Wilson County, who owns or controls public buildings being used as polling places during voting periods, may enact reasonable regulations in regards to the time, place, and manner of electioneering. § 61.003 (a-1), TEX. ELEC. CODE.

SECTION 3. APPLICABILITY

This Ordinance applies:

- A. During the voting period;
- B. For all general, special, and primary elections held in Wilson County;
- C. Outside 100 feet distance markers; and
- D. On County property, i.e., public buildings, in which a polling place is located.

SECTION 4. GENERAL PROVISION AND FINDINGS

WHEREAS, Wilson County Commissioners Court has both the responsibility and desire to encourage its citizens to exercise their right to vote; and

WHEREAS, Wilson County Commissioners Court, as record owner of Wilson County property, including its public buildings, has both the responsibility and authority to protect the health, safety and welfare of its citizens every day and specifically on official election days; and

WHEREAS, Wilson County Commissioners Court has both the responsibility and authority to enact reasonable regulations in regards to the time, place, and manner of electioneering on its property, including County public buildings, sidewalks, lawns, driveways, and hallways during the voting period; and

WHEREAS, Wilson County Commissioners Court believes that the use of multiple signs of varied sizes by an individual electioneering for a candidate, measure, or political party, outside the one-hundred (100) foot distance

marker of an early voting or election day polling place, is disruptive to the election process and to the citizen's right to vote: to-wit:

The Court finds that the use of one (1) sign no larger than 18" X 24" by an individual electioneering for a candidate, measure, or political party, outside the one-hundred (100) foot distance marker of an early voting or election day polling place, on County property, is a reasonable and necessary regulation to prevent the disruption of the election process and of the citizen's right to vote.

SECTION 5. MULTIPLE SIGNS PROHIBITED ON COUNTY PROPERTY OUTSIDE 100 FOOT DISTANCE MARKERS

IT IS ORDAINED AND ORDERED that an individual electioneering for a candidate, measure, or political party may use no more than one (1) sign either 18" X 24" or smaller, outside the one-hundred (100) foot distance marker of a polling place, on County property.

SECTION 6. CIVIL AND CRIMINAL PENALTIES

A. The Commissioners Court may bring legal action against an individual to enjoin violation of this ordinance and may seek civil penalties; and

B. An individual who violates this ordinance is subject to a criminal charge of a Class C Misdemeanor pursuant to the Texas Election Code 61.003(c). A Class C Misdemeanor is punishable by a fine not to exceed \$500.00.

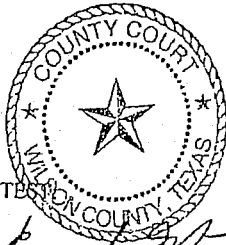
SECTION 7. SEVERABILITY

If any portion of this ordinance is deemed in violation of the Constitution of Texas or the United States, or any statutes by a court of competent jurisdiction, said portion shall be severed and the remaining portions shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption.

Read and adopted on this 26th day of May, 2015, by a vote of 4 ayes and 0 nays.



ATTEST

Eva S. Martinez
Eva S. Martinez
Wilson County Clerk

WILSON COUNTY

Richard L. Jackson
Richard L. Jackson
Wilson County Judge