

STATE OF TEXAS

COUNTY OF ATASCOSA

**AN ORDINANCE REGULATING ELECTIONEERING**

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

**SECTION 1: PURPOSE AND SCOPE**

The County of Atascosa, Texas has authority, pursuant to Chapter 61 of the Texas Election Code, as amended, to enact reasonable regulations concerning the time, place and manner of electioneering within the County limits. The County now desires to adopt and establish certain rules and regulations that will govern the time, place and manner of electioneering on County Property, as defined hereinbelow, outside the area described in § 61.003(a) TEX. ELEC. CODE, such area being a Prohibited Area. The regulations contained herein are intended to protect the health, safety, and welfare of the Atascosa County citizens every day and specifically on official election days by mitigating safety concerns, preventing damage to public property, and ensuring that the property is sufficiently available to the public. These regulations shall not be construed in violation of County policy, state or federal statute, or other applicable law. Any word, phrase, paragraph, or section of these regulations is severable and should any part be declared unconstitutional, illegal, or invalid by any court of competent jurisdiction, such declaration shall not affect any remaining word, phrase, paragraph or section.

**SECTION 2: DEFINITIONS**

- A. "County Property" means property owned or controlled by Atascosa County, Texas.
- B. "Early Voting Period" means the period prescribed by § 85.001 TEX. ELEC. CODE.
- C. "Electioneering" means the posting, use or distribution of political signs or literature under § 61.003(b)(1) TEX. ELEC. CODE.
- D. "Posting Period" means (1) the period during which political signs may be placed at any County owned or controlled polling location, beginning 24 hours before an early voting period begins and removal no later than 24 hours after an early voting period closes; and (2) the period during which political signs may be placed at any County owned or controlled polling location, beginning 24 hours before election day voting begins and removal no later than 24 hours after election day voting closes.
- E. "Prohibited Area" means the area pursuant to Texas Election Code §§ 85.036(a) and 61.003(a), as amended, in which electioneering is prohibited during the time an early voting place or election day voting place is open for the conduct of early voting or election day voting, respectively. The Prohibited Area shall be marked by 100-foot distance markers designating the area within 100 feet of an outside door through which a voter may enter a building in which a polling place is located.

- F. "Voting Period" means the period prescribed by § 61.003(b)(2) TEX. ELEC. CODE, beginning when polls open for voting and ending when polls close or the last voter has voted, whichever is later.

### **SECTION 3: REGULATIONS**

- A. Electioneering is strictly prohibited on County Property that is not being used as a polling location.
- B. It shall be a violation of these regulations for any person to engage in electioneering during any Voting Period within a Prohibited Area.
- C. It shall be a violation of these regulations for any person to leave any campaign sign or literature on County Property that is used as a polling place outside of the Posting Period.
- D. It shall be a violation of these regulations for any person to park or leave a motor vehicle, or other vehicle or device customarily used for transportation, with or without an occupant, which displays a political sign during any Voting Period within a Prohibited Area.
- E. It shall be a violation of these regulations for any person to electioneer on sidewalks or driveways unless the sidewalks or driveways have been specifically designated by the County as an area in which electioneering is allowed.
- F. It shall be a violation of these regulations for any person to attach, place, or otherwise affix any campaign sign or literature or material to any building, tree, shrub, pole, fixture, or other improvement on any County Property polling location. Violation of this provision may result in financial liability of the candidate and action by the County to recover the cost of damages.
- G. Pursuant to Texas Transportation Code, Section 393.002, it shall be a violation of these regulations for any person to place a sign in the right-of-way of a public road way. Violation of this regulation is also a violation of State law, and the violator may be charged with a Class C Misdemeanor.
- H. It shall be a violation of these regulations for any person to place, use, or distribute an electioneering sign on any County Property polling location larger than three-feet by three-feet (3'x3').
- I. It shall be a violation of these regulations for any person to use a sound amplified device within 1,000 feet of a County Property polling location during any Voting Period.
- J. It shall be a violation of these regulations to electioneer in a manner that distracts or obstructs the vision of drivers, thus increasing the probability of traffic congestion and accidents. This shall include obstruction of sight lines at any County Fire Station or EMS driveway
- K. It shall be a violation of these regulations to electioneer in such a manner as to obstruct EMS, firefighting or police operations.
- L. Tents, covered canopies, or any other camping structures that are anchored to the ground may not be placed on County Property.
- M. The regulations set forth herein shall not apply to any County-authorized signs, literature, materials, or other messages on County Property.

**SECTION 4: CIVIL AND CRIMINAL PENALTIES**

A. The provisions of this Ordinance shall be administered and enforced by the Atascosa County Judge, a designated election officer, or any law enforcement official.

B. In addition to the imposition of any criminal penalty, the County, without prior notification, may remove or dispose of any sign or campaign literature, in its entirety, which is placed on County Property in violation of this Ordinance.

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

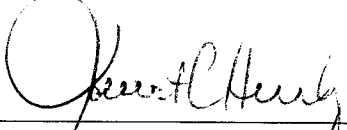
D. An individual who violates this Ordinance is subject to a criminal charge of a Class C Misdemeanor pursuant to § 61.003(c) TEX. ELEC. CODE. A Class C Misdemeanor is punishable by a fine not to exceed \$500.00.

**SECTION 5: EFFECTIVE DATE**

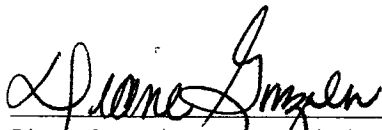
This Ordinance shall become effective immediately upon adoption.

Read and adopted on this 24<sup>th</sup> day of September 2018.

ATASCOSA COUNTY

  
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Robert L. Hurley, County Judge

Attest:

  
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Diane Gonzales, County Clerk

