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

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

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

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

(f) The entity that owns or controls a public building cannot restrict electioneering, including but not limited to posting political signs, outside the prescribed limits within which electioneering is prohibited at any time during the voting period.

In this section, the "voting period" begins with the commencement of early voting by personal appearance defined under Sec. 85.001 and ends after the polls close on the last day for early voting by personal appearance for an early voting polling place, and begins when the polls open on election day and ends when the polls close on election day for an election day polling place.

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

MAIN EARLY VOTING POLLING PLACE. (a) Early voting by
(b) In an election in which a county clerk or city secretary is the early voting clerk under Section 83.002 or 83.005, the main early voting polling place shall be located in any room selected by the early voting clerk in the building that houses the main business office of the county clerk or city secretary, as applicable. However, if the commissioners court or city governing body determines that locating the polling place in that building is impracticable, the commissioners court or city governing body may designate a different location in the city in which the business office is located that is as near as practicable to the business office. The polling place must meet the requirements prescribed in Section 43.031.

(c) In an election in which a county clerk is the early voting clerk under Section 83.003 or 83.004, the authority authorized to appoint the clerk shall designate the location of the main early voting polling place. The location must be in the territory covered by the election or in any room selected by the clerk in the building that houses the county clerk's main business office, whether or not the office is located in the territory covered by the election. However, if the commissioners court determines that locating the polling place in that building is impracticable, the commissioners court may designate a different location in the city in which the business office is located that is as near as practicable to the business office. The polling place must meet the requirements prescribed in Section 43.031.
In an election in which a person other than a county clerk or city secretary is early voting clerk, the authority appointing the clerk shall designate the location of the main early voting polling place. The location must be in the territory covered by the election. The polling place must meet the requirements prescribed in Section 43.031.

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

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

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

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

(b) A polling place established under this section may be located, subject to Subsection (d), at any place in the territory served by the early voting clerk and may be located in any stationary structure as directed by the authority establishing the branch office. The polling place may be located in a movable structure in the general election for state and county officers, general primary election, or runoff primary election. Ropes or other suitable objects may be used at the polling place to ensure compliance with Section 62.004. Persons who are not expressly permitted by law to be in a polling place shall be excluded from the
polling place to the extent practicable. The polling place must meet the requirements relating to electioneering prescribed in Section 43.031. (c) In any election, the location of a polling place established under this section shall be fixed at one place for the duration of the period that voting is required to be conducted at the polling place.

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