MEMO

TO: Candidates for 2018 City of Allen General Election
FROM: Shelley B. George, City Secretary
SUBJECT: Electioneering at the City of Allen Municipal Court and Parks and Recreation Building
DATE: January 5, 2018

The Allen City Council adopted Ordinance No. 3198-1-14 to provide reasonable regulations for electioneering on City owned or controlled public property when such property is used as an election polling place. Electioneering is defined as the posting, use, or distribution of political signs or literature.

This year, the Allen Municipal Court and Parks and Recreation Building (MCPAR) located at 301 Century Parkway, Allen, Texas, will be used for Early Voting and Election Day. While the complete ordinance is attached for your reference, please note the following:

- Political signage may be placed at MCPAR beginning seventy-two (72) hours before Early Voting begins and must be removed no later than seventy-two (72) hours after voting closes on Election Day.
- Political signage is allowed in the grass but is prohibited in the landscaped areas including areas with woodchips.
- Political signage or the distribution of literature is prohibited within ten (10) feet of Century Parkway and McDermott adjacent to MCPAR.
- Any political signs placed in violation of the ordinance will be removed.
- Electioneering on public property is limited to the property on the premises where the voting is conducted and only for the voting period.

Attachment: Ordinance No. 3198-1-14
ORNANCE NO. 3198-1-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, TO ADD ARTICLE V, ELECTIONEERING AT POLLING LOCATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 14, 2013, the Texas Legislature passed House Bill 259, amending the Texas Election Code to require a public entity that controls or owns a building used as a polling place, to allow electioneering on the premises subject to reasonable regulations; and

WHEREAS, according to this new law, “electioneering” includes the posting, use, or distribution of political signs or literature; and

WHEREAS, the polling places in the City include facilities that are simultaneously used for various other purposes and for which adequate and safe parking and access thereto must be maintained in order for those facilities to operate in a safe and effective manner; and

WHEREAS, electioneering includes posting of signs and, in order to further the general health, safety and welfare of the community, electioneering signs and literature should not be present outside of the time for voting except for a limited period to erect and remove the signs, and not be attached to improvements and landscaping; and

WHEREAS, the City Council further finds that the size of electioneering signs shall be limited and they should be set back from the public roadway in order to further traffic safety and remove visual clutter; and

WHEREAS, current City of Allen regulations prohibit signs, including political signs, on public property, therefore, those regulations must be amended to comply with the new law; and

WHEREAS, the City Council deems it is in the best interest of the citizens of the City of Allen that additional regulations be adopted to address concerns that may result from electioneering on public property, including damage to property, traffic safety concerns, and blight; and

WHEREAS, the City Council finds that the adoption of regulations is needed and that they further the public health, safety and welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Allen, Texas, be, and the same is hereby amended by adding new Article V, Electioneering at Polling Locations, to Chapter 10, Offenses - Miscellaneous, to read as follows:
“ARTICLE V. ELECTIONEERING AT POLLING LOCATIONS

Sec. 10-50. Purpose.

The purpose of this Article is to provide reasonable regulations for electioneering on City owned or controlled public property when such property is used as an election polling place. The regulations contained herein are to mitigate against any safety concerns, prevent damage to public property, and ensure that the property is sufficiently available for its patrons who use the facilities other than for election purposes.

Sec. 10-51. Definitions.

The following words and phrases as used in this article shall have the meanings as set forth in this section:

*Electioneering* shall mean the posting, use, or distribution of political signs or literature.

*Voting period* shall mean the period each day beginning the hour the polls are open for voting and ending when the polls close or the last voter has voted, whichever is later on election day and early voting days. The period for a runoff election shall be considered to be a separate voting period.

Sec. 10-52. Regulations and exceptions.

(a) Notwithstanding the provisions of the Allen Land Development Code, the following regulations apply to electioneering on the premises of public property during the voting period.

(1) It is an offense for any person to leave any electioneering sign or literature on public property that is used as a polling place other than during the voting period and for seventy-two (72) hours before and after the voting period.

(2) It is an offense for any person to engage in electioneering on driveways, parking areas, on medians within parking areas, or driveways on the premises of a polling location. This restriction shall not apply to electioneering signs that are attached to vehicles that are lawfully parked at the premises of a polling location.

(3) It is an offense for any person to attach, place or otherwise affix or erect any electioneering sign, literature or material in any area designated as a planting or landscaped area or to any tree, shrub, building, pole, or other improvement on public property used as a polling location.

(4) It is an offense for any person to place any electioneering sign or literature within ten (10) feet of the public road way adjacent to the public property where a polling location is located.
(5) It is an offense for any person to place an electioneering sign on the premises of a polling location that exceeds thirty-six square feet and is more than eight feet in height.

(6) In addition to imposing any criminal penalty, electioneering sign(s) located in violation of this section may be removed and disposed of by the entity in control of the public property.

(7) The authority to conduct electioneering on public property under this Article is limited to the property on the premises where the voting is conducted and only for the voting period.

(b) The regulations set forth in (a) above shall not apply to any City of Allen authorized signs, materials or other messages on its property.”

SECTION 2. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance, as amended hereby, which shall remain in full force and effect.

SECTION 3. All ordinances of the City of Allen, Collin County, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000) for each offense.

SECTION 5. This Ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide and it is, accordingly, so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 14TH DAY OF JANUARY, 2014.

APPROVED:

[Signature]

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

[Signature]

Peter G. Smith, CITY ATTORNEY

(PGS:1-7-14-TM 63848)

ATTEST:

[Signature]

Shelley B. George, TRMC, CITY SECRETARY

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