

ORDINANCE NO. 2025-11

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS CREATING A NEW CHAPTER 107 UNDER TITLE IX: GENERAL REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF HARKER HEIGHTS RELATING TO ELECTIONEERING AT CITY OWNED POLLING PLACES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY FOR VIOLATION

WHEREAS, the City of Harker Heights deems it to be in the best interest of the health, safety, and welfare of the citizens of the City to regulate signs and electioneering on City owned polling places; and

WHEREAS, the Legislature of the State of Texas has enacted §61.003 Electioneering and Loitering Near Polling Place, *Texas Election Code*, providing that a city may enact reasonable regulations concerning the time, place, and manner of electioneering at a City owned or controlled building being used as a polling place; and

WHEREAS, the City Council finds it to be in the best interest of the health, safety, and welfare of the citizens of the City of Harker Heights to create a new Chapter 107. Electioneering at City Owned Polling Places under Article XI. General Regulations of the Code of Ordinances of the City of Harker Heights;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS AS FOLLOWS:

SECTION 1: A new Chapter 107. ELECTIONEERING AT CITY OWNED POLLING PLACES is hereby created under Article IX. General Regulations of the Code of Ordinances of the City of Harker Heights:

CHAPTER 107: ELECTIONEERING AT CITY OWNED POLLING PLACES

§107.01 PURPOSE

The purpose of this chapter is to provide reasonable regulations for electioneering on city owned or controlled property when such property is used as an election polling place. The provisions of this chapter are intended to mitigate against any safety concerns, prevent damage to public property, ensure that the property is sufficiently available for its patrons to use the facilities for other than election purposes, and to provide fair and equitable opportunity for all candidates and advocates for and against measures to conduct an election at city owned polling places.

§107.02 DEFINITIONS

The following words and phrases found in Chapter 107 shall have the meanings set forth herein:

- (1) **CITY OWNED POLLING PLACE** means a building or structure owned or controlled by the City of Harker Heights in which a polling place is designated according to Chapter 43 of the Texas Election Code. This definition includes the tract of land upon which any such building or structure is located and any city owned land adjacent to the tract of land upon which said building or structure is located.
- (2) **ELECTIONEERING** means the posting, using or distributing of political signs or literature.
- (3) **ELECTIONEERING LITERATURE** means any written material other than a sign (i) promoting the election of a candidate or political party, or (ii) promoting approval or rejection of a measure.
- (4) **ELECTIONEERING SIGN** means a sign (i) promoting the election of a candidate or political party, or (ii) promoting approval or rejection of a measure.
- (5) **VOTING PERIOD** means the period beginning the hour the polls are open for voting on the first day of the early voting period and ending on election day at the later of (i) the time the polls are closed on election day, or (ii) when the last voter has voted on election day. For this definition, a runoff election shall be considered a separate election to determine when the voting period begins and ends.

§107.03 REGULATIONS AND EXCEPTIONS

- (A) The following regulations apply to electioneering at a City owned polling place during a voting period:
 - (1) it is an offense for any person to place or leave an Electioneering Sign or Electioneering Literature on a city owned polling place:
 - a. earlier than fourteen (14) calendar days before the beginning of a Voting Period, or
 - b. later than five (5) calendar days after the end of a Voting Period.

- (B) It is an offense for any person to place an Electioneering Sign that is more than thirty-six (36) square feet in area and over eight feet (8') in height on a City Owned Polling Place. An Electioneering sign may not be illuminated or have any moving elements.
- (C) It is an offense to place an Electioneering Sign in any location that obstructs vision for traffic. City staff may remove any sign they determine to be in violation of this provision if the sign creates a hazardous condition. An Electioneering sign shall not be placed anywhere on city property that is not a designated area identified for electioneering shown in Exhibit A.
- (D) All Electioneering Signs shall comply with all state and federal regulations, including Texas Election Code Chapter 255 and §61.003, and the Texas Transportation Code Chapters 392 and 393.
- (E) It is an offense for any person to place more than ten (10) Electioneering Signs on a City Owned Polling Place for the same candidate or the advocated position on a measure.
- (F) It is an offense for any person to place an Electioneering Sign on a City Owned Polling Place using four inch by four inch wooden posts or metal fence posts including safety fence posts, U-channel posts or T-posts.
- (G) It is an offense for any person electioneering on a City Owned Polling Place to cook food for human or animal consumption at or on a City Owned Polling Place.
- (H) It is an offense for any person to block, impede or impair pedestrian traffic on a sidewalk or to block, impede or impair vehicular traffic on a driveway or parking located at a City Owned Polling Place while electioneering.

§107.04 TENTS AND CANOPIES.

A tent or canopy placed on a City Owned Polling Place during a Voting Period may not be erected more than two (2) hours before the polling place opens and must be taken down and removed within two (2) hours after the polling place closes each day. All tents and canopies shall not be placed on city property that is not a designated area identified for electioneering shown in Exhibit A.

§107.05 NO OVERNIGHT PARKING.

No person electioneering on a City Owned Polling Place may park or leave a motor vehicle on a City Owned Parking Lot between the hours of 11:00 p.m. and 6:00 a.m.

§107.06 SCOPE OF CHAPTER.

Nothing in this chapter shall be construed as allowing electioneering to occur when or where otherwise prohibited by State law or other applicable provisions of this Code of Ordinances.


SECTION 2. SEVERABILITY: The terms and provisions of this ordinance shall be deemed to be severable. If any section, subsection, sentence, clause or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect as if such invalid or unconstitutional provision had never been a part of the ordinance.

SECTION 3. VIOLATION: The violation of this ordinance shall be a Class C misdemeanor and the penalty for violation of any provision of this ordinance or the above sections of the Code of Ordinances of the City of Harker Heights shall be a fine not exceeding \$500.00. Each day a violation exists, it shall be a separate offense.

PASSED AND APPROVED this the 11th day of March 2025, by a vote of 4 ayes and 1 nays at a regular meeting of the City Council of the City of Harker Heights, Texas.



CITY OF HARKER HEIGHTS, TEXAS



Michael D. Blomquist
Mayor

ATTEST:



Julie Helsham, City Secretary

City Hall and Rec Center Public Entrance Buffers

