

- SUBJECT:** Penalty for the removal of political signs from private property
- COMMITTEE:** Urban Affairs —favorable, without amendment
- VOTE:** 5 ayes — Dutton, Jr., Alvarado, Callegari, Mallory Caraway, Simpson
0 nays
4 absent — Gutierrez, P. King, Parker, Paxton
- WITNESSES:** For —Jennifer Riggs
Against — John Cabrales, City of Denton
- BACKGROUND:** Currently a property owners’ association is prohibited from restricting a property owner from displaying signs that advertise a political candidate or ballot item. However, current law does not provide a penalty for offenders.

Ch. 51 of the Local Government Code authorizes the governing body of a municipality to establish and enforce regulations. Many municipalities employ code enforcement officers whose duties include enforcing regulations set by the municipality.
- DIGEST:** HB 2601 would prohibit a public official from removing or requiring a person to remove a political sign from his or her private property. A public official would be defined as a member of a governing body or another officer, whether elected, appointed, paid, or unpaid, of any district, county, municipality, precinct, or other local governmental entity.

A public official in violation would be held liable for a civil penalty of \$500 to \$1,000. The county attorney could recover the penalty on behalf of the state. The collected money would be paid to the comptroller for deposit into the general revenue fund.

HB 2601 also would authorize a property owner to recover from a property owners’ association an amount ranging from \$500 to \$1,000 plus actual damages, court costs, and reasonable attorney’s fees if the property

owners' association prohibited the property owner from displaying a political sign or caused the removal of the sign.

The bill would take effect September 1, 2011.

**SUPPORTERS
SAY:**

The penalty in HB 2601 would help deter public officials from removing a lawfully placed political sign from someone's private property.

HB 2601 would provide uniformity for municipalities, property owners' associations, and other governing bodies statewide. This would eliminate confusion caused by varying ordinances across the state, which often infringe upon the right to place a political sign on private property.

Furthermore, most campaigns for local office, such as for the school board or city council, are family run, and the candidates usually pay for the signs out of pocket. HB 2601 could save candidates money by minimizing the number of signs that would be removed from private properties because of a local ordinance.

**OPPONENTS
SAY:**

Municipalities and other governing bodies employ personnel to enforce local ordinances, and this bill would subject them to a civil suit even if the employee, in good faith, removed a sign in compliance with a local ordinance.

Also, current law already has trespassing provisions that prohibit someone from entering private property and removing a sign, so this bill is unnecessary.