

BILL ANALYSIS

Senate Research Center
79R6767 ATP-D

H.B. 535
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State Affairs
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, it is a Class C misdemeanor to operate a vehicle with a loudspeaker for the purposes of campaigning or electioneering within 1,000 feet of a polling place during the voting period. There are other requirements in the law to keep candidates, campaign workers, and campaign signs at least 100 feet from the polling place. These distance requirements exist to give voters the opportunity to cast their ballots in an atmosphere free from distracting or harassing influences that may seek to sway them to vote one way or another. A loophole in the law exists because the use of other sound amplification devices, such as bullhorns or microphones, outside of the 100 foot marker but within 1,000 feet of a polling place is not prohibited. While individuals engaging in this activity are not technically breaking the law, their actions disturb voters in the polling place. H.B. 535 closes the loophole by adding the operation of a sound amplification device to the provision relating to an offense for the operation of a sound truck near a polling place on election day.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 61.004, Election Code, to read as follows:

Sec. 61.004. UNLAWFUL OPERATION OF SOUND AMPLIFICATION DEVICE OR SOUND TRUCK.

SECTION 2. Amends Section 61.004(a), Election Code, to include the operation of a sound amplification device for the purpose of making a political speech or electioneering for or against any candidate, measure, or political party, amongst the actions that constitute an offense under this section.

SECTION 3. Effective date: September 1, 2005.