

BILL ANALYSIS

Senate Research Center
86R30994 ATP-F

H.B. 2554
By: Bucy (Zaffirini)
State Affairs
5/16/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are various statutory provisions relating to the display of signs containing political advertising. These regulations are spread out across various sections of the Property, Local Government, and Election Codes, which could cause confusion.

H.B. 2554 would group these provisions together in statute in the Election Code. This would provide clearer notice to property owners regarding their rights related to displaying political signs.

H.B. 2554 amends current law relating to regulation of the display of signs containing political advertising.

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 Title 15, Election Code, by adding Chapter 259 and by adding a heading to that chapter, to read as follows:

CHAPTER 259. POLITICAL SIGNS

SECTION 2. Transfers Section 255.007, Election Code, to Chapter 259, Election Code, as added by this Act, and redesignates it as Section 259.001, Election Code, as follows:

Sec. 259.001. NOTICE REQUIREMENT ON POLITICAL ADVERTISING SIGNS.
Makes no further changes to this section.

SECTION 3. Transfers Section 202.009, Property Code, to Chapter 259, Election Code, as added by this Act, redesignates it as Section 259.002, Election Code, and amends it, as follows:

Sec. 259.002. New heading: REGULATION OF DISPLAY OF POLITICAL SIGNS BY PROPERTY OWNERS' ASSOCIATION. (a) Creates Subsection (b) from existing text and redesignates existing Subsections (b)-(d) as Subsections (c)-(e). Defines "property owners' association" for purposes of this section.

(b) Prohibits a property owners' association, except as otherwise provided by this section, from enforcing or adopting a restrictive covenant that prohibits a property owner from displaying on the owner's property one or more signs advertising a candidate or measure for an election during certain time periods, rather than a political candidate or ballot item for an election during certain time periods.

(c) Makes a conforming change to this subsection.

(d) and (e) Makes no further changes to these subsections.

SECTION 4. Transfers Section 216.903, Local Government Code, to Chapter 259, Election Code, as added by this Act, and redesignates it as Section 259.003, Election Code, as follows:

Sec. 259.003. REGULATION OF POLITICAL SIGNS BY MUNICIPALITY. Makes no further changes to this section.

SECTION 5. Amends Section 255.001(c), Election Code, as follows:

(c) Provides that a person who learns that political advertising signs, as defined by Section 259.001, rather than Section 255.007, that have been distributed do not include the disclosure required by Subsection (a) or include a disclosure that does not comply with Subsection (a) does not commit a continuing violation of this subsection if the person makes a good faith attempt to remove or correct those signs.

SECTION 6. Amends Section 571.1211(2), Government Code, to redefine "category One violation" to include a failure to include in any written political advertising intended to be seen from a road the right-of-way notice in violation of Section 259.001, rather than Section 255.007, Election Code

SECTION 7. Effective date: September 1, 2019.