

**STATE OF TEXAS
KENDALL COUNTY**

KENDALL COUNTY ORDER NO. 01-27-2014

**ORDER REGULATING ELECTIONEERING ON KENDALL COUNTY
OWNED PROPERTY AND BUILDINGS**

WHEREAS, the Commissioners Court has control over all property and buildings owned by Kendall County; and

WHEREAS, Section 61.003, Texas Election Code provides that an entity that owns or controls a public building being used as a polling location during an election may not, at any time during the voting period, including the early voting period and election day, prohibit electioneering on the building premises outside of the area described in subsection 61.003(a), Texas Election Code; and

WHEREAS, Section 61.003, Texas Election Code provides that an entity that owns or controls a public building being used as a polling place during the voting period may adopt reasonable regulations concerning the time, place, and manner of electioneering;

NOW THEREFORE, the following Order is adopted regulating the time, place, and manner of electioneering on property and buildings owned by Kendall County, including buildings and property that is not being used as a polling location during a voting period and buildings being used as a polling location during a voting period. This Order is in addition to statutory requirements that restrict political activity within 100 feet of a polling location during a voting period. [See Texas Election Code, Section 61.003(a)].

Section 1. Definitions

A. When used in this Order the following terms shall be defined as follows:

1. "Early voting period" means the period prescribed by Section 85.001, Texas Election Code.
2. "Electioneering" includes the posting, use, or distribution of political signs or literature.
3. "Voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.
4. "Polling location" means those buildings designated as locations where voters can cast ballots during a voting period.

B. Terms not defined herein shall have the meaning as defined by the Texas Election Code.

Section 2. Prohibitions and Regulations:

- A. In County owned buildings and on County property and premises not used as a polling location, electioneering is prohibited except as set out herein.

1. Motor vehicles with bumper stickers supporting or opposing a candidate or issue will be permitted to park in County owned parking areas provided the owner/operator of the vehicle is present on the premises: (a) as an officer, agent or employee of Kendall County and is conducting County business on the premises other than electioneering; or (b) is a citizen on the premises for purposes related to County matters other than electioneering.
 2. Motor vehicles with not more than two signs – one sign located on each side of the vehicle, and each sign not being larger than three square feet (24 inches by 18 inches being the standard size) - that support or oppose a candidate or issue will be permitted to park in County owned parking areas provided the owner/operator of the vehicle is present on the premises: (a) as an officer, agent or employee of Kendall County and is conducting County business on the premises other than electioneering; or (b) is a citizen on the premises for purposes related to County matters other than electioneering; and provided further that such signs are in compliance with state law.
- B. On the premises of a polling location beginning 24 hours prior to early voting and/or a voting period and continuing during the voting period or as set out herein:
1. As provided in the Texas Election Code, all electioneering is prohibited within 100 feet of a polling location. Such distance shall be measured from the entrance to a polling location where voters are allowed to enter for the purpose of voting. If there is more than one such entrance, the distance shall be measured from each such entrance.
 2. At the Elections Office located at 221 Fawn Valley Drive in the City of Boerne, signs limited in size to three square feet supporting or opposing a political candidate or issue may be posted in the designated area beginning 24 hours before the beginning of early voting. Such signs shall be removed within seven days following the election to which the sign relates and shall otherwise comply with state law and applicable city ordinances. (Note: Signs may be placed in the area adjacent to the sidewalk along Commercial Drive and within an area extending for a distance of five feet from the sidewalk. Signs may not be placed in the right-of-way of city streets or state highways. The wood fence on the northwest side of the property adjacent to Commercial Drive is in the right-of-way and signs are not allowed on the fence. Signs may be placed outside the right-of-way of Fawn Valley and Esser Road (State Highway 474) and within an area extending five feet from such right-of-way. Signs may be placed adjacent to the parking area and within an area extending five feet from the parking area into the grassy area. Signs may not be posted in the parking area. Signs placed in unauthorized areas will be removed.)
 3. At all polling locations, (including polling locations for early voting and polling locations for election day), electioneering may be conducted subject to the following regulations:
 - a. Signs limited in size to three square feet may be posted in designated areas beginning 24 hours before the beginning of the voting period. Such signs shall be removed within seven days following the end of the voting period. (Note: Generally, the area allowed for posting signs will be adjacent to any

sidewalk, parking area or road right-of-way and extending for an area five feet from the sidewalk, parking area or road right-of-way, provided such area is outside of the 100 feet prohibited area. Signs may not be posted in the right-of-way of streets or roads. Signs must be located outside of any parking area. Signs placed in unauthorized areas will be removed.)

- b. Motor vehicles with bumper stickers supporting or opposing a candidate or issue will be permitted to park in the parking area, provided the owner/operator of the vehicle is present on the premises: (a) as an officer, agent or employee of Kendall County and is conducting County business on the premises other than electioneering; or (b) is a citizen on the premises for purposes related to County matters other than electioneering.
- c. Electioneering will be permitted within designated areas provided state law and any applicable city ordinances are followed and provided further that such electioneering shall not result in an obstruction of a sidewalk, driveway, parking area, passageway, or entrance used by voters or the public generally. (Note: Generally, electioneering will be allowed in the areas where the posting of signs and location of shelters is permitted. Electioneering is not permitted in parking areas.)
- d. No vehicles, trailers, buildings, or structures of any type will be allowed on the premises except as set out herein. Shelters, awnings, umbrellas, and similar coverings of a flexible material and portable nature with a surface area of not more than 10 feet by 10 feet (100 square feet) for the protection of persons from the sun and weather may be erected in designated areas beginning one hour prior to a voting period and may remain on the premises for one hour following the end of the voting period daily. Shelters may remain on the premises overnight throughout the voting period provided the person responsible for such shelter signs a release of liability and indemnity agreement releasing the County from any liability. (Forms available in the Elections Office.) No grills, barbeque pits or other cooking devices shall be allowed on the premises. Reasonable size coolers, water, non-alcoholic beverages, and food will be allowed on the premises daily for the use of candidates, their volunteers, and workers only. No food, water or beverages will be distributed to voters or the public generally. Suitable chairs, stools, benches, and tables for the use of candidates, their volunteers, and workers are permitted in designated areas beginning one hour prior to a voting period daily and may remain on the premises for one hour following the end of the voting period daily. (Such items may remain on the premises overnight provided the person responsible for such items signs a release of liability and indemnity form.) Erection and location of shelters and other permitted items shall be done so that there is no damage to County property or surrounding property. (Note: At the Elections Office on Fawn Valley, shelters, tables and chairs may be located outside of the area designated for the posting of signs – the five feet wide area adjacent to the sidewalk, parking area and street/road right-of-way. Such shelters, tables and chairs should be placed so that they do not obstruct the passage of voters and the public generally. No shelters, tables or chairs will be allowed on the parking area.) (For location of allowable areas for the placement of signs and shelters and other items, see Exhibit "A" attached hereto and incorporated herein for all purposes.)

- e. Littering is prohibited. Each candidate is responsible for ensuring that all garbage, trash and debris is contained in a sanitary manner and removed from the premises daily.
- f. Due to the need for voters, election officials and others lawfully on the premises to conduct County business other than electioneering to have sufficient parking areas for their motor vehicles, candidates, their volunteers, and workers shall not park their motor vehicles on County parking areas but should park their motor vehicles in legal areas off of County premises. If possible, alternative parking areas will be designated prior to a voting period.

SECTION 3. PENALTIES: Violation of this Order is subject to penalties applicable to all orders adopted by the Commissioners Court. In addition, violators may be required to depart polling location premises and remove all electioneering materials from the premises.

SECTION 4. REPEAL OF CONFLICTING ORDERS: All prior orders adopted by the Commissioners Court which are in conflict with this Order are hereby repealed.

SECTION 5. SEVERABILITY: Should any provision of this Order be held invalid, void, or unenforceable by a court or authority of competent jurisdiction, such invalid, void, or unenforceable provision shall be severed from this Order and the remaining and unaffected provisions of this Order shall remain in full force and effect.

APPROVED AND EFFECTIVE THIS 27th DAY OF Jan. 2014.


DARREL L. LUX, COUNTY JUDGE

ATTEST:


DARLENE HERRIN, COUNTY CLERK

Exhibit "A" - DESIGNATED AREA FOR ELECTIONEERING



