

## ORDINANCE 2024-03

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF UVALDE BY ADDING A NEW SECTION TO CHAPTER 12.28, CIVIC CENTER, BEING SECTION 12.28.200, "ELECTIONEERING AT THE CIVIC CENTER", ESTABLISHING RULES FOR ELECTIONEERING ACTIVITIES ON THE CIVIC CENTER GROUNDS, PROVIDING A PENALTY, AND RELATED MATTERS.**

WHEREAS, the City of Uvalde owns and operates a civic center which the City uses or allows to be used from time to time as a site for conducting elections; and

WHEREAS, electioneering activities take place on the civic center grounds in conjunction with such elections; and

WHEREAS, an entity that owns or controls a public building being used as a polling place may not prohibit electioneering outside of the 100-foot distance marker from the polling entrance, as provided in the Texas Election Code, but may enact reasonable regulations in regards to the time, place, and manner of electioneering. (Tex. Elec. Code § 61.003(a-1)); and

WHEREAS, in order to provide for the safety and convenience of pedestrians and vehicular traffic around the civic center during elections, the City Council finds it necessary to minimally limit electioneering activities in the parking areas and on the walkways at the civic center; and

WHEREAS, electioneering activity, such as the placement of stands and signs, often results damage and defacement of civic center property and the City Council finds that such situations must be addressed, as well;

### **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS, THAT:**

**Section 1:** That Chapter 12.28 of Code of Ordinances of the City of Uvalde be amended by adding new Section 12.28.200 to read as follows:

#### **12.28.200 – Electioneering at the Civic Center**

The document "City of Uvalde Rules for Electioneering at the SSGT Willie De Leon Civic Center and the accompanying map on file in the City Secretary's office are hereby adopted (attached to this ordinance).

**Section 2. Penalty.** That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1.12.010 of the Code of Ordinances.

**Section 3. Conflicting Ordinances.** All prior ordinances of the city are hereby amended to the extent of any conflict herewith. In the event of a conflict or inconsistency between this ordinance

and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

**Section 4. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance which shall remain in full force and effect.

**Section 5. Effective Date.** This ordinance shall take effect on immediately upon adoption following publication of the caption or summary, as provided by the City Charter or the Texas Local Government Code.

**PASSED AND APPROVED, this the \_\_\_\_\_ day of , \_\_\_\_\_ 2024.**

**CITY OF UVALDE, TEXAS**

\_\_\_\_\_  
**Everardo "Lalo" Zamora, Mayor Pro Tem**

**ATTEST:**

\_\_\_\_\_  
**Sorayda Sanchez, City Secretary**

## City of Uvalde Rules for Electioneering at the SSGT Willie de Leon Civic Center

In order to ensure the safety and convenience of voters, other patrons of the Willie de Leon Civic Center (Civic Center), and individuals with business at Uvalde Chamber of Commerce and Visitor's Center (UCCVC), and to protect public property, the city council finds it necessary to adopt rules for electioneering during those times when voting is taking place at the Civic Center.

Willie de Leon Civic Center will be referred to as Civic Center and Uvalde Chamber of Commerce and Visitor's Center will be referred to as UCCVC throughout the document.

### Legal Bases

Each early voting and Election Day polling place must be organized with 100-foot distance markers posted at surrounding outside entrances to the building. During the voting period and inside this protected area, it is prohibited to electioneer, including expressing preference for or against any candidate, measure, or political party. A violation of this provision in the Election Code is a Class C misdemeanor. (Tex. Elec. Code §§ 61.003, 85.036)

An entity that owns or controls a public building being used as a polling place may not prohibit electioneering outside of the 100-foot distance marker. However, the entity may enact reasonable regulations in regards to the time, place, and manner of electioneering. (Tex. Elec. Code § 61.003(a- l))

Only a court of law can determine what is reasonable in terms of time, place and manner. However, an example of a reasonable regulation may include prohibiting electioneering on sidewalks or driveways to keep them clear for pedestrians and traffic. (Election Advisory No. 2019-22, Office of the Texas Secretary of State.)

Although the law requires an entity to allow electioneering outside the 100-foot boundary around a building where an election is taking place, no law requires the entity to allow, or entitles the candidate or campaign workers to, the placement of tables, canopies, seating, stands, booths, and the like anywhere on the premises of such building.

### Rules

No electioneering of any kind is allowed inside the 100-foot distance prescribed by state law and marked with the required signs.

1. The southwest (1) portion of the Civic Center parking lot, as shown on the included map, is reserved for voters, Civic Center patrons, and others with non-election related business at the Civic Center. The reserved area will be kept clear of all tables, canopies, seating, etc. typically used by candidates and their campaign workers for electioneering activities. This does not prohibit electioneering in this area.
2. The northwest side (3) is reserved for candidates and campaign workers. Along with the south (3) and southeast (3) parking areas.
3. The parking directly south (2) and north (2) of the UCCVC office is reserved only for

**UCCVC employees and patrons.**

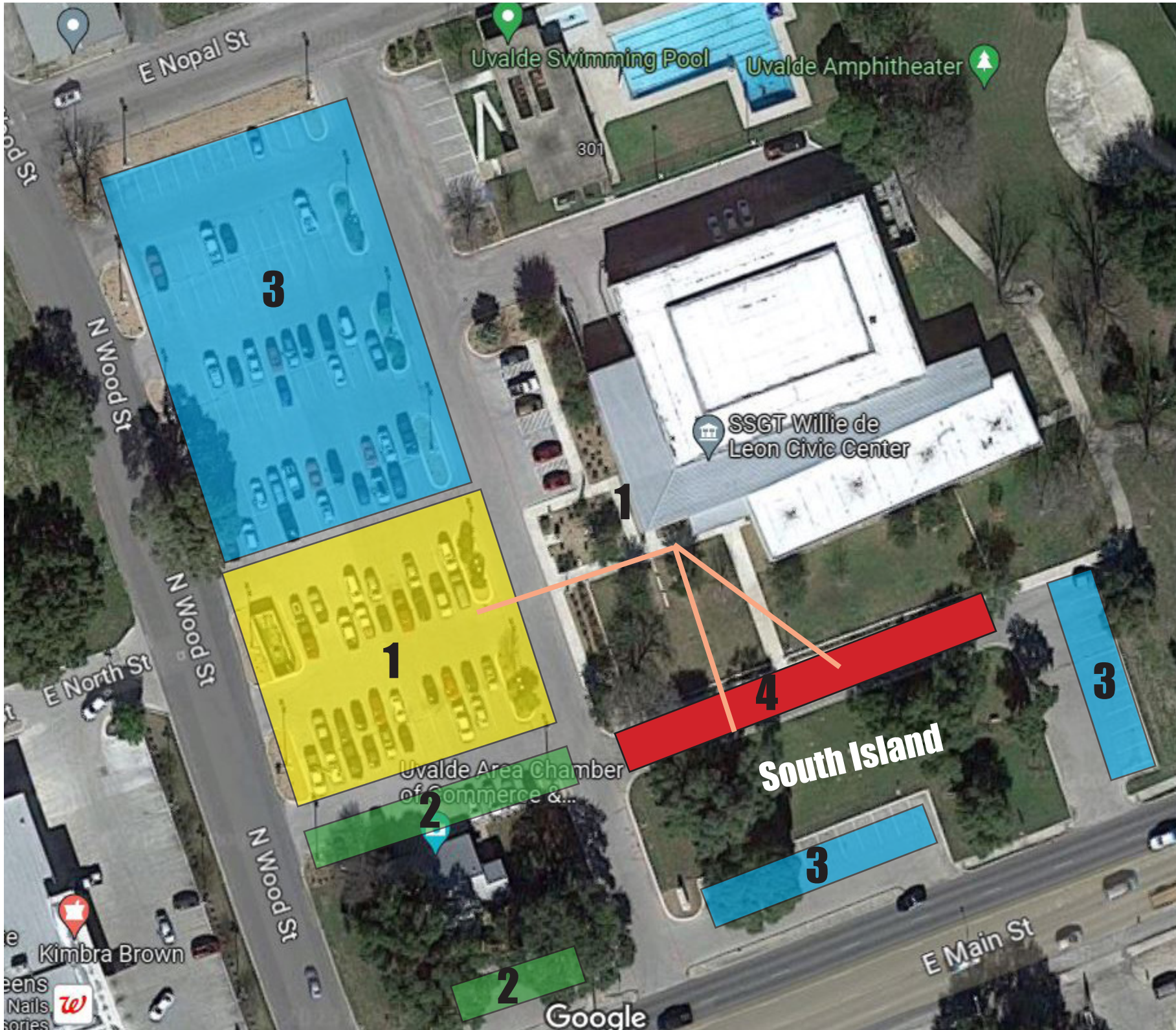
4. The driveway section in front of the Civic Center (4) is reserved for City employees and emergency personnel only.
5. Candidates and all those soliciting votes need to adhere to the 100 ft. marker rule.
6. All traffic lanes in the parking lot and around the Civic Center will be also be kept clear of any electioneering-related obstructions.
7. Candidates and their campaign organizations will be held liable for any damage they or their campaign workers cause to the parking lot, landscaping, sprinkler systems, or any other public property.
8. No electioneering of any kind, including the posting of signs, are allowed on the UCCVC grounds. Any signs placed there may be removed by any UCCVC employee.
9. The civic center is a large facility and the bulk of it remains available for other use during the election season. If necessary to accommodate the needs of Civic Center patrons and events, the City may require electioneering activities to temporarily relocate or shut down.
10. Signs will only be allowed in the south island (see attached map) of the Civic Center. Signs placed anywhere else on the grounds will be removed and disposed of.
  - a. Three signs per candidate are allowed. One (1) 4'x8'; no metal stakes such as rebar or t-posts allowed only wooden stakes and two (2) 24"x18" with thin metal stakes are only allowed.
  - b. All signs and related items may be placed at the Civic Center starting on the Sunday before the start of early voting after 12 noon. If any items are placed before this time, the city will cause them to be removed and discarded and may charge the campaigns for the time and effort of doing so.
  - c. All signs and related items must be removed by 8 a.m. on the day following Election Day. If any items remain after this time, the city will cause them to be removed and discarded and may charge the campaigns for the time and effort of doing so.
11. Canopies (10'x10') only, tables, chairs, are permitted but are required to be removed each day after the polls close.
12. No RV's, trailers or large vehicles are allowed for campaigning purposes. Only vehicles that are for personal use such as cars, trucks or SUV's. Vehicles used for campaigning must be removed each day once the polls have closed.
13. You must dispose of all trash in your area. The trashcans inside the Civic Center will not be available for public use.
14. There is no access to restrooms at the Civic Center.
15. The Civic Center is city-owned property, which is used for many purposes, such as

weddings, quinceañeras, trainings, meetings, dances, etc. Campaign workers must be respectful of other users.

16. The City of Uvalde, Willie de Leon Civic Center, and Uvalde Chamber of Commerce and Visitor's Center is not responsible for lost, stolen, or damaged items.

Adopted by Ordinance 2024-03





**1**

Reserved for voters, Civic Center patrons and others with non-election related business at the Civic Center.

**2**

Reserved for Uvalde Area Chamber of Commerce/ Visitor's Center only.

**3**

Candidates and campaign workers are allowed to set up in these areas.

**4**

No parking except for City employees and emergency vehicles.

100-foot distance