ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING CHAPTER 66, "OFFENSES," OF THE CITY OF MISSION CODE OF ORDINANCES BY ADDING ARTICLE V, "ELECTIONEERING AT CITY-OWNED OR CONTROLLED POLLING PLACES"; AMENDING CHAPTER 86, "SIGNS," RELATING TO TEMPORARY SIGNS AT POLLING PLACES; REPEALING ORDINANCE NO. 5863; PROVIDING REGULATIONS CONSISTENT WITH THE TEXAS ELECTION CODE; PROVIDING FOR POLITICAL SIGNS, CANOPIES, VEHICLES, ACCESS, SAFETY, SOUND, FOOD AND BEVERAGES, AND REMOVAL OF ELECTIONEERING MATERIALS; PROVIDING A PENALTY; PROVIDING FOR CODIFICATION, PUBLICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mission recognizes and respects the right of persons to engage in lawful political expression and electioneering; and

WHEREAS, the Texas Election Code establishes areas around polling places in which electioneering is prohibited and authorizes the governmental entity that owns or controls a public building used as a polling place to adopt reasonable regulations concerning the time, place, and manner of electioneering on the premises outside those areas; and

WHEREAS, the City Council finds that reasonable regulations are necessary to protect voter access, pedestrian and traffic safety, accessibility, fire and emergency access, voting operations, and City property; and

WHEREAS, the City Council intends that lawful electioneering remain permitted outside the areas where electioneering is prohibited by state law, subject to reasonable, content-neutral regulations; and

WHEREAS, the City Council desires to simplify and codify the City's electioneering regulations and repeal prior ordinances governing the same subject;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT:

SECTION 1. AMENDMENT OF CHAPTER 66.

Chapter 66, "Offenses," of the City of Mission Code of Ordinances is amended by adding Article V, "Electioneering at City-Owned or Controlled Polling Places," to read as follows:

ARTICLE V. ELECTIONEERING AT CITY-OWNED OR CONTROLLED POLLING PLACES

Sec. 66-151. Purpose and Applicability.

(a) This article establishes reasonable, content-neutral regulations governing electioneering and the placement of electioneering materials on City-owned or City-controlled property being used as an early voting or Election Day polling place.

(b) Nothing in this article shall be construed to prohibit lawful electioneering outside the areas where electioneering is prohibited by the Texas Election Code.

(c) The Texas Election Code, including Sections 61.003, 61.004, 64.009, and 85.036, shall control in the event of a conflict between this article and state law.

Sec. 66-152. Electioneering-Free Areas.

(a) Electioneering is prohibited on city-owned property within the areas established by the Texas Election Code, in addition to:

1. The area within one hundred (100) feet of the entrance to a polling place;
2. The area within twenty (20) feet of the boundary of a designated curbside-voting parking space, and
3. Outside City-designated electioneering areas as further described in subsection (e) of this section.

(b) The distance markers placed by election officials shall control the location of the electioneering-free areas.

(c) Outside the areas described in subsection (a), lawful electioneering, including holding hand-held signs and distributing political literature, is permitted, provided the activity complies with this article and other applicable law.

(d) Individuals engaging in electioneering activities on City property shall remain within the designated electioneering space where their respective candidate's, political parties, political action committees, or political organization's canopy or tent is located. The designated electioneering space shall be limited to the area occupied by the canopy or tent. Parking spaces and areas designated for vehicular traffic shall not be used for electioneering purposes**,** including approaching vehicles, distributing campaign materials, displaying political signs, or soliciting voters. Electioneering activities shall not extend beyond the designated canopy or tent area or interfere with pedestrian or vehicular traffic, voter access, parking, public safety, or the activities of other candidates or organizations. Except as otherwise permitted by applicable state or federal law.

(e) **Designated Electioneering Areas and Official Maps.** The designated electioneering areas for Bannworth Park and the City of Mission Parks and Recreation facility shall be identified on the maps attached hereto as **Exhibit "A"**, incorporated herein by reference and made a part of this ordinance. Such maps shall identify the specific areas where canopies, tents, and electioneering activities are permitted.

For any additional City-owned facility or property designated as a polling location in future elections, the City shall prepare and provide a map identifying the designated electioneering areas prior to the commencement of early voting or Election Day, whichever is applicable.

The City shall place crowd-control fences in front of the designated electioneering areas to clearly identify and establish the boundaries of the areas where electioneering activities are permitted. All individuals engaging in electioneering activities shall remain within the designated boundaries and shall not move, remove, or alter any crowd control fences placed by the City. Crowd control fences shall be positioned so as not to obstruct pedestrian or vehicular traffic, voter access, accessible routes, emergency access, or voting operations.

All candidates, political parties, political action committees, political organizations, and individuals engaging in electioneering activities shall comply with the designated areas identified on the applicable maps. Parking spaces shall not be designated or utilized for electioneering purposes.

The City Administration may update the maps as necessary to address public safety, traffic circulation, accessibility, emergency access, or voting operations, provided that any modifications are applied uniformly and without regard to political affiliation or viewpoint.

Sec. 66-153. Political Signs and Electioneering Materials.

(a) Political signs may be placed only in areas designated by the City for electioneering and may not obstruct voter access, traffic, accessibility, fire lanes, emergency access, or voting operations.

(b) Each candidate, political party, political action committee, or other political organization may place no more than one (1) political sign at a designated location.

(c) A political sign shall not exceed four feet by eight feet (4 ft. x 8 ft.) and shall not exceed 6 feet in height.

(d) Political signs, stakes, sandbags, supports, or other materials shall not be attached to or placed upon a City building, fence, tree, light pole, traffic-control device, City sign, or other City property.

(e) All political signs and materials used to secure or support a political sign shall be removed by the person or organization responsible for the sign within twenty-four (24) hours following Election Day. Any material not removed shall be subject to removal by the City and the candidate whose campaign it promotes shall be billed for the cost of public resources used to remove including but not limited to the hourly rate of the employees.

(f) The City may remove any political sign or electioneering material that violates this article or remains after the required removal period.

Sec. 66-154. Canopies and Temporary Structures.

(a) Each space may contain no more than one Canopy no larger than ten feet by ten feet (10 ft. x 10 ft.) Canopies may be placed only in areas designated by the City and may be placed no earlier than 12:00 noon on the day preceding the first day of voting at applicable polling locations unless otherwise authorized by the City and shall not obstruct voter access, accessible routes, fire lanes, emergency access, traffic, or voting operations.

(b) A canopy shall not have political signs, banners, feather flags, or other electioneering materials attached to, hanging from, or extending from the canopy.

(c) A screen-printed or otherwise branded canopy displaying political messaging shall not be considered a substitute for the permitted political sign.

(d) Canopies and all materials associated with them shall be removed within twenty-four (24) hours following Election Day.

Sec. 66-155. Vehicles and Parking.

(a) A vehicle displaying political signs or electioneering materials may not be parked or stationed on City-owned or City-controlled property for the purpose of electioneering.

(b) A vehicle may be present on City property for the purpose of dropping off or picking up voters, conducting official business, making a delivery, or conducting other lawful business.

(c) Vehicles shall not block or obstruct a polling place entrance, sidewalk, accessible route, fire lane, emergency access area, designated curbside-voting space, passenger-loading area, or active traffic lane.

(d) A vehicle dropping off or picking up a voter shall depart after the passenger has been safely loaded or unloaded, unless the vehicle is otherwise lawfully parked.

(e) Nothing in this section shall interfere with a voter's lawful transportation, curbside voting, or accessibility rights.

Sec. 66-156. Prohibited Physical Conduct; Sound; Food and Beverages.

(a) Physical obstruction and safety. No person shall:

1. Block or obstruct a sidewalk, accessible route, entrance, ramp, fire lane, emergency access area, designated curbside-voting space, passenger-loading area, or active traffic lane;
2. Stand or remain in an active traffic lane for the purpose of electioneering, solicitation, or distribution of materials;

(b) Prohibited equipment and objects. Feather flags, inflatables, balloons, or similar wind-driven objects are prohibited to be placed on the ground or attached to a canopy.

(c) Sound amplification. The use of a sound-amplification device or a vehicle equipped with a loudspeaker for political speech or electioneering is prohibited within one thousand (1,000) feet of a polling-place building during the period prohibited by Texas Election Code Section 61.004. Nothing in this section shall be construed to authorize conduct prohibited by state law.

During Voting Hours no private person may operate a loudspeaker, microphone, megaphone, sound truck, or other amplified-sound device on City owned property, without regard to the content of the sound.

(d) Food and beverages. Prepared food and nonalcoholic beverages may be distributed without charge, provided the distribution does not obstruct voter access, create a safety or sanitation hazard, or violate any applicable law. Cooking or heating food on City polling place premises is prohibited. Alcoholic beverages may not be distributed.

(e) Content-neutral enforcement. This section shall be enforced based on the conduct, location, physical characteristics, or safety impact of the activity and shall not be enforced based upon the candidate, political party, organization, message, or viewpoint being expressed.

Sec. 66-157. Removal and Correction of Violations.

(a) An authorized City employee shall identify the objective violation and provide the responsible person a reasonable opportunity, not less than thirty (30) minutes, to correct it. Notice may be verbal or written. If no responsible person is present, the City may attach a written notice to the Temporary Object and may relocate or remove the object if the violation is not corrected within thirty (30) minutes.

(b) An authorized City employee may direct immediate correction, relocation, cessation, or removal, without a thirty-minute cure period, when conduct or an object:

(1) involves prohibited cooking, flame, fuel, or amplified sound; or

(2) materially obstructs a voter's access to voting, materially interferes with official election operations, or presents a true threat of unlawful violence.

Sec. 66-158. Offense and Penalty.

(a) A person who violates any provision of this article commits an offense.

(b) An offense under this article is punishable by a fine not to exceed Five Hundred Dollars ($500.00) for each offense, as authorized by applicable law.

(c) A person shall not be held responsible solely because the person's name, image, logo, candidacy, political affiliation, or message appears on a sign or other material. Responsibility must be established by evidence that the person placed, authorized, maintained, possessed, or controlled the material or conduct.

(d) Enforcement of this article shall be consistent with the United States Constitution, the Texas Constitution, the Texas Election Code, and other applicable law.

Sec. 66-159. Administration and Enforcement.

(a) The City Secretary shall administer the provisions of this article relating to designated electioneering areas and shall coordinate, as appropriate, with election officials. The City Secretary shall provide and distribute maps identifying the areas designated for electioneering and the locations where political signs and canopies may be placed at each City-owned or City-controlled polling place.

(b) The Code Enforcement Department, Mission Police Department, other authorized City personnel may enforce the provisions of this article.

(c) Nothing in this article shall interfere with the authority of the early voting clerk, presiding election judge, or other election official under the Texas Election Code.

(d) Nothing in this article shall be construed to prohibit lawful electioneering outside the areas where electioneering is prohibited by state law.

Sec. 66-160. Severability and Applicable Law.

If any provision of this article is determined to be invalid or unconstitutional, such determination shall not affect the validity of the remaining provisions. This article shall be interpreted and enforced consistently with applicable federal and state law.

SECTION 2. AMENDMENT OF CHAPTER 86.

Section 86-42(d)(2) of the City of Mission Code of Ordinances is amended to provide that temporary political signs at polling places shall be removed within twenty-four (24) hours following Election Day, consistent with Chapter 66, Article V.

SECTION 3. REPEAL OF PRIOR ORDINANCES.

Ordinance Nos. 4878, 5236, and 5440, and any provisions of those ordinances governing electioneering at City-owned or City-controlled polling places, are hereby repealed in their entirety.

SECTION 4. CODIFICATION.

The City Secretary is authorized to forward this Ordinance to the City's official code codifier for inclusion in the City of Mission Code of Ordinances.

SECTION 5. SAVINGS.

The repeal of any prior ordinance shall not affect any violation, penalty, liability, or proceeding arising before the effective date of this Ordinance. Such matters shall be governed by the law in effect at the time the violation occurred.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. PUBLICATION.

The City Secretary shall cause the caption or title of this Ordinance, including the penalty provision, to be published in accordance with the City Charter and applicable law.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect upon publication as required by law and shall apply to conduct occurring on or after its effective date and to elections thereafter unless amended or repealed.

SECTION 9. REPEALER.

All ordinances or portions of ordinances in conflict with this Ordinance are repealed only to the extent of such conflict.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Mission, Texas, on this 10th day of November, 2026.

CITY OF MISSION, TEXAS

_____

Norie Gonzalez Garza, Mayor

ATTEST:

_____

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

_____

Eden Ramirez, City Attorney

CERTIFICATE OF PUBLICATION

I certify that the caption or title of Ordinance No. _____, including the penalty provision, was published in accordance with the City Charter and applicable law.

_____

Anna Carrillo, City Secretary

Date of Publication: _____

Effective Date: _____