

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
AMENDING ORDINANCE 5236 REGARDING ELECTIONEERING
WITHIN CITY PROPERTY, PROVIDING FOR COMPLIANCE
AND SETTING A FINE FOR VIOLATION THEREOF**

WHEREAS, The City Council of the City of Mission, Texas recognizes the importance of a citizen's right to vote in elections within the City as guaranteed by the United States Constitution; and,

WHEREAS, The City of Mission observed that electioneering creates traffic congestion and public traffic safety hazards by such campaign people approaching moving vehicles within the public streets and various parking lots and further observed the placement of excessive campaign signs created an obstruction for the citizens and created a traffic hazard; and

WHEREAS, The City of Mission desires the process to be as pleasant as possible to its voting public; and in particular, establishing an amicable electioneering atmosphere near the City's official polling place(s); and,

WHEREAS, The City of Mission recognizes and respects the provisions of the State of Texas' Election Code, Title 6 (Conduct of Elections), Chapter 61 (Conduct of Voting Generally), Subchapter A (General Provisions); in particular Sec. 61.003 (1)(2)(a-1) that legislatively allows municipalities to "enact reasonable regulations concerning the time, place, and manner of electioneering." In this regard, the following measures will hereafter be enacted with the intent of having respectful and professional electioneering conduct.

WHEREAS, The City Council of the Mission does hereby set policy to regulate the time, place and manner of electioneering at City owned property during any election period

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

Section 1. Electioneering, defined as any activity that it intended to promote (A) the election of any candidate for public office or (B) the adoption or rejection of a proposition that is or is anticipated to be on an election ballot.

Section 2. The City of Mission will allow each candidate or Political Action Committee (PAC's for the purpose of financing independent expenditures and other independent political activity) the placement of one political sign, no larger than four feet by eight feet (4ft x 8ft) on designated areas of City owned property during Early Voting and Election day period. Feather flags are allowed if attached to canopy or are hand held. No feather flags will be placed on the ground.

Section 3. One (10 x 10) canopy may be placed per candidate or PAC at the early voting and Election Day locations no earlier than 12 noon before the start of voting. The City is not responsible for any lost or stolen items left overnight. No tents larger than (10 x 10) will be allowed at any city owned property during the Early Voting and Election day period.

Section 4. The City of Mission will not allow any type of BBQ pits (trailer or self-standing, flat top grill or gas grills), tractor trailers, banners, use of loudspeakers, microphones, megaphone, amplified devices, or any other activity not defined as “electioneering” on City owned property at any time before, during, or after the Early Voting Period and the Voting Period. Prepared food and beverages such as water or drink that does not contain alcohol are allowed.

Section 5. Should there be a perceived violation, the City of Mission will inform the person of the proper code of electioneering conduct. If the violation persists, the violator shall be subject to a fine not to exceed \$500 per occurrence.

Section 6. The electioneering policies shall be enforced in close coordination with the City of Mission Code Enforcement Department by the City Secretary’s Office and the City Manager’s office, or other staff as may be assigned by them.

Section 7. It is apparent that not all electioneering issues can be documented since there is an overabundance of electioneering variables to factor-in. Therefore, the City Manager’s Office shall be delegated the authority to use his/her understanding and knowledge, as well as consult as often as necessary with the City Attorney’s Office, to resolve all matters or conduct that may challenge the electioneering policies shown herein.

Section 8. This Ordinance shall be published in a newspaper of general circulation that serves the City of Mission, Texas and shall be enforceable thereafter.

READ, DISCUSSED, AND APPROVED on this the 12th day of February, 2024.

Norie Gonzalez Garza, Mayor

ATTEST:

Anna Carrillo, City Secretary