

INDEXED

576

CC: 05-26-2015
Item# 6

STATE OF TEXAS

§
§
§

COUNTY OF WILSON

5-26-2015

AN ORDINANCE
PROHIBITING THE USE OF SOUND AMPLIFICATION DEVICES OR LOUDSPEAKERS
WITHIN 1,000 FEET OF POLLING PLACES

BE IT ORDAINED, ORDERED AND ADOPTED BY THE COMMISSIONERS COURT OF WILSON COUNTY, TEXAS:

SECTION 1. DEFINITIONS

- A. "A person is operating a vehicle with a loudspeaker" means a person driving a vehicle, uses a loudspeaker or operates sound equipment in connection with the loudspeaker.
- B. "voting period" means the period prescribed by § 61.003(B), TEX. ELEC. CODE.
- C. "Wilson County" means Wilson County, Texas.

SECTION 2. AUTHORITY

A County may prohibit the operation of a sound amplification device or vehicle with a loudspeaker when the device or loudspeaker is being used for the purpose of making a speech or electioneering for or against any candidate, measure or political party within 1,000 feet of a building where a polling place is located. § 61.004, TEX. ELEC. CODE.

SECTION 3. APPLICABILITY

This Ordinance applies:

- A. During the voting period;
- B. For all general, special, and primary elections held in Wilson County;
- C. Within 1,000 feet of a building in which a polling place is located.

SECTION 4. GENERAL PROVISION AND FINDINGS

WHEREAS, Wilson County Commissioners Court has both the responsibility and desire to encourage its citizens to exercise their right to vote; and

WHEREAS, Wilson County Commissioners Court has both the responsibility and authority to protect the health, safety and welfare of its citizens every day and specifically on official election days; and

WHEREAS, Wilson County Commissioners Court believes that the use of sound amplification device(s) or loudspeakers for an individual to make a political speech or electioneer for or against any candidate, measure, or political party within one-thousand (1,000) feet of an early voting or election day polling place, is disruptive to the election process and to the citizen's right to vote: to-wit:

The Court finds that strict enforcement of the state law prohibiting the use of a sound amplification device(s) or loudspeakers for an individual to make a political speech or electioneer for or against any candidate, measure, or political party within one-thousand (1000) feet of an early voting or election day polling place, is a necessary response to prevent the disruption of the election process and of the citizen's right to vote.

SECTION 5. SOUND AMPLIFICATION DEVICE PROHIBITED WITHIN 1000 FEET

IT IS ORDAINED AND ORDERED that the use of a sound amplification device(s) or vehicle with a loudspeaker by an individual to make a political speech or electioneer for or against any candidate, measure, or political party within one-thousand (1000) feet of an early voting or election day polling place is PROHIBITED within Wilson County, Texas.

SECTION 6. CIVIL AND CRIMINAL PENALTIES

A. The Commissioners Court may bring legal action against an individual to enjoin violation of this ordinance and may seek civil penalties; and

B. An individual who violates this ordinance is subject to a criminal charge of a Class C. Misdemeanor pursuant to the Texas Election Code 61.004. A Class C Misdemeanor is punishable by a fine not to exceed \$500.00.

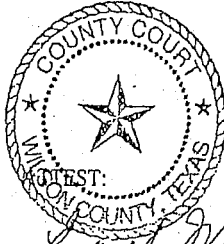
SECTION 7. SEVERABILITY

If any portion of this ordinance is deemed in violation of the Constitution of Texas or the United States, or any statutes by a court of competent jurisdiction, said portion shall be severed and the remaining portions shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption.

Read and adopted on this 26th day of May, 2015, by a vote of 4 ayes and 0 nays.



Eva S. Martinez
Eva S. Martinez
Wilson County Clerk

WILSON COUNTY

Richard L. Jackson
Richard L. Jackson
Wilson County Judge