



RESOLUTION

REGULATIONS OF POLITICAL SIGNAGE ON BRAZOS COUNTY OWNED POLLING PLACES

RECITALS:

WHEREAS, the persons seeking elective office have historically placed political advertising signs on Brazos County, Texas owned properties that are being used as polling places; and

WHEREAS, the political signs that have been placed on Brazos County owned polling place locations have varied in size and the political signs have often times used metal rebar, PVC posts, metal posts and "T-posts" (customarily used to construct fences) to affix the sign to the property; and

WHEREAS, the metal rebar, PVC posts, metal posts and "T-Posts" are very likely to hit water and electrical lines due to the depth they are driven into the ground and thereby could cause substantial damage to same; and

WHEREAS, due to Brazos County's population growth and the increase in the number of candidates for public office, signs placed at Brazos County owned polling places has dramatically proliferated; and

WHEREAS, some political signs have become considerably large and have caused a public health and safety concern in that, they affect the line of sight of vehicles that are entering and exiting polling place locations situated on Brazos County property; and

WHEREAS, Section 61.003 of the Texas Election Code sets forth that the entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building's premises outside of the area described in Subsection (a) of said section, but may enact reasonable regulations concerning the time, place, and manner of electioneering; and

WHEREAS, the Commissioners Court of Brazos County desires to establish regulations to mitigate against any safety concerns, prevent damage to public property and ensure that the

property is sufficiently available for its patrons who use the facilities other than for election purposes; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF BRAZOS COUNTY, TEXAS THAT THE FOLLOWING REGULATIONS RELATIVE TO POLITICAL SIGNAGE ON POLLING PLACES OWNED BY BRAZOS COUNTY, TEXAS ARE HEREBY ADOPTED AS SET FORTH BELOW:

REGULATIONS:

1. These regulations are intended to only regulate, in accordance with Section 61.003 of the Texas Election Code, political signs placed, held, erected, or otherwise situated at Brazos County owned properties that are being used as a polling place. These regulations are not intended to regulate political signs placed on property owned by other entities or individuals.
2. No one may place, hold, erect or otherwise situate political signs on Brazos County owned property that is being used as a polling place at any times other than during the voting period of a particular election, as defined in Section 61.003(b)(2) of the Texas Election Code, and for seventy-two (72) hours before and after the voting period. **NOTE: Political signs must be removed within seventy-two (72) hours after the voting period.**
3. No political signs may be placed or erected utilizing posts that may damage subterranean water and electrical lines. For purposes of these regulations, the term “posts” shall include, but not be limited to, rebar, PVC posts, metal posts and/or metal “T-posts” typically used with farm and ranch type fencing. Heavy gauged wire that is generally used for political yard signs is allowed.
4. No political signs larger than 576 square inches or taller than forty-eight (48) inches from the ground may be placed, held, erected or otherwise situated on a Brazos County owned property that is being used as a polling place.
5. No political sign may be placed, held, erected or otherwise situated in any location that obstructs vision for traffic entering, exiting or driving in, on or around a Brazos County owned polling location.
6. Any political sign in violation of these regulations may be removed by Brazos County staff and placed in temporary storage. The owner of political signs that have been removed may contact the Brazos County Facilities Department at (979) 361-4480 during normal business hours to arrange a time to pick them up. If the owner of the political sign fails to pick up any removed signs within ten (10) days following the voting period, Brazos County will dispose of them.

7. All political signs shall comply with all state and federal requirements, including Texas Election Code, Chapter 255 and Section 61.003, and Texas Transportation Code, Chapter 392 and 393.
8. Should any sentence, paragraph, subdivision, clause, phrase, or section of these regulations be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of these regulations as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the regulars as a whole.
9. As set forth in Section 61.003(c) of the Texas Election Code, a violation of the provisions of these regulations is a Class “C” Misdemeanor.
10. These regulations will be in full force and effect from and after the date of passage by the majority of the Brazos County Commissioners Court.

RESOLVED this _____ day of _____, 2023.

Duane Peters
County Judge

Steve Aldrich
County Commissioner, Precinct 1

Chuck Konderla
County Commissioner, Precinct 2

Nancy Berry
County Commissioner, Precinct 3

Wanda J. Watson
County Commissioner, Precinct 4

ATTEST:

Karen McQueen, County Clerk