

ORDINANCE NO. 2025-5120

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EDINBURG, TEXAS, T I T L E I I I : A D M I N I S T R A T I O N , B Y A D D I N G C H A P T E R 3 8 , " E L E C T I O N S , " A R T I C L E I , " E L E C T I O N E E R I N G , " T O P R O V I D E R E A S O N A B L E T I M E , P L A C E , A N D M A N N E R R E G U L A T I O N S F O R E L E C T I O N E E R I N G A C T I V I T Y ; P R O V I D I N G A S A V I N G S C L A U S E , P R O V I D I N G F O R P U B L I C A T I O N A N D E F F E C T I V E D A T E ; P R O V I D I N G F O R C O D I F I C A T I O N ; P R O V I D I N G A W A I V E R O F T H E T H R E E (3) S E P A R A T E R E A D I N G S ; A N D O R D A I N I N G O T H E R P R O V I S I O N S R E L A T E D T O T H E S U B J E C T M A T T E R H E R E O F .

WHEREAS, the City of Edinburg, Texas is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code, possessing the full power of local self-government; and

WHEREAS, the City is authorized by Texas Local Government Code §51.001 to adopt or amend any ordinance that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and

WHEREAS, Chapter 54 of the Texas Local Government Code authorizes the City to adopt a fine or penalty for the violation of a rule, ordinance, or other police regulation; and

WHEREAS, Section 54.004 allows the City to enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, Texas Election Code Sections 61.003 and 85.036 require an entity that controls or owns a public building used as a polling location to allow electioneering on the premises subject to reasonable regulations on time, place, and manner; and

WHEREAS, the City Council of the City of Edinburg, Texas finds that the regulations herein are compliant with section 259.003 of the Texas Election Code; and

WHEREAS, the City recognizes the importance of a citizen's right to vote as guaranteed by the United States Constitution and the Constitution of the State of Texas; and

WHEREAS, polling locations include public facilities that are simultaneously used for various other purposes and for which adequate and safe parking and access must be maintained for those facilities to operate in a safe and effective manner; and

WHEREAS, based on the experience gained from, and observations made of, electioneering occurring on publicly owned and controlled property used as a polling place in the City of Edinburg, the City Council finds that the adoption of certain regulations on electioneering is needed to further the public health, safety, and welfare of the community; and

WHEREAS, enactment of this ordinance is an appropriate exercise of the City's authority as a home rule municipality under Texas law, and that the benefits of this ordinance will include a more efficient and safe election process; and

WHEREAS, this ordinance is being considered at a posted meeting of the Edinburg City Council where the public was given an opportunity to speak on these regulations; and

WHEREAS, this ordinance is enacted based on these findings, in furtherance of these policies, and is a narrowly tailored remedy to address the compelling government interests of protecting the public health and safety, and for the good governance of the City; and

WHEREAS, the City Council now deems it necessary, expedient, and in the best interest of the City and to promote public safety, to adopt the below revisions and further finds that the following are reasonable time, place, and manner regulations.

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

SECTION I. INCORPORATION OF RECITALS. The City Council finds that the statements set forth in the Recitals are true and correct and the City Council hereby incorporates such Recitals as findings of fact.

SECTION II. AUTHORITY OF LAW. All requirements of the law have been met in the passing of this Ordinance.

SECTION III. The Code of Ordinances of the City, Title III (“Administration”), Chapter 38 (“Elections”) is hereby amended to add the following: “Chapter 38 – Elections; Article I. – Electioneering”, to be read in its entirety as shown in Exhibit A attached to this ordinance.

SECTION IV. REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject, and any provision of any ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION V. SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION VI. PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage.

SECTION VII. CODIFICATION: That this Ordinance shall be published in the Code of Ordinances of the City of Edinburg, Texas.

SECTION VIII. WAIVER CLAUSE. The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

SECTION IX. AUTHORITY. The City Council authorizes the City Manager, or her designee, to take all necessary steps to implement the provisions of this Ordinance. The City Secretary is directed to create education material for the candidates' election packet and provide a copy to the Hidalgo County Elections Administrator, as necessary.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas, at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on October 7, 2025.

CITY OF EDINBURG

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Josephine Ramirez-Solis, City Attorney

Exhibit “A”

Chapter 38 - Elections

Article I. Electioneering

Section. 38-1 PURPOSE

The purpose of this article is to provide reasonable time, place, and manner regulations for electioneering on City-owned or controlled property when such property is used as an election polling place. The regulations contained herein are to mitigate against any safety concerns, prevent damage to public property, ensure that the property is sufficiently available for the patrons who use the facilities other than for election purposes, and provide a fair and equitable opportunity for all candidates and advocates for and against measures to conduct electioneering at City-owned polling places.

Section. 38-2 DEFINITIONS

- A. Electioneering means the posting, use, or distribution of political signs or literature.
- B. Voting period means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later. (the "Voting Period")
- C. Early voting period means the period described by section 85.001 of the Texas Election Code. (the "Early Voting Period")

Section. 38-3 PROHIBITED CONDUCT

- A. Except as provided herein Electioneering is prohibited at all times on City owned property not designated as a polling location;
- B. Electioneering will not be allowed at any time within 100 ft. of the polling location or within 20 feet of a parking space designated for curbside voting when that specific poll location is a City owned property in accordance with the Texas Election Code;
- C. To the extent allowed under the law, Electioneering will be allowed outside the 100 ft. marker at polling locations owned by the City of Edinburg, but only during the Early Voting Period and the Voting Period and at no time before, during, or after. This means electioneering on City owned property can only take place during the Early Voting Period and Voting Period. Signage, equipment, and literature can only be left over night during the Early Voting Period or Voting Period, but not later than one hour after the Early Voting Period or Voting Period ends.
- D. City of Edinburg will not allow tractors, trailers, tents, canopies, 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. The use of any type of incendiary equipment such as but not limited to barbeque pits or any flammable or combustible equipment or supplies are strictly prohibited on City owned property;

- E. City of Edinburg will allow prepared food and beverages such as water or drink that does not contain alcohol. The consumption or distribution of alcoholic beverages or illegal drugs on City owned property at any time before, during, or after the Early Voting Period and the Voting Period is strictly prohibited;
- F. Threatening or harassing conduct, and the use of inappropriate language will not be allowed and may result in the removal of any candidate, measure, or political party;

Section. 38-4 ELECTIONEERING PROCESS

- A. Persons, candidates and/or political parties with political signs, literature, or other political material (i.e. to conduct electioneering) may enter City owned property no earlier than 12 noon of the day before the Early Voting Period or Voting Period begins, and shall remove all signage, literature or materials no later than one hour after the Early Voting Period or Voting Period ends;
- B. Persons, candidates and/or political parties wishing to obtain a designated space to place political signs, literature, and/or other political material shall contact the City Secretary to obtain information on designated spaces and areas for electioneering. Spaces will be given on a first come first serve basis by drawing held by the City Secretary's Office.
- C. City of Edinburg will allow the placement of one political sign, no larger than four feet by eight feet (4ft x 8ft) on designated City owned property during the Early Voting Period and the Voting Period. The distribution of literature or other political materials will not be allowed within the 100 ft. marker;
- D. City of Edinburg parking lots are for public use and to conduct official City business; therefore, use of handicapped or other City designated parking spaces will not be allowed for electioneering purposes.

Section. 38- 5 VIOLATIONS

- A. The provision of this article shall be administered and enforced by the City Secretary and/or their designee, code enforcement officer, or other law enforcement official.
- B. A person in violation of this chapter shall be issued a warning for their first notice of violation. A subsequent failure to comply with any applicable provision of this chapter constitutes a class C misdemeanor and is punishable pursuant to section 11.05 of this code.
- C. In addition to civil and criminal enforcement, electioneering signs and other material or equipment present on City property in violation of this section may be removed and disposed of by the City.