

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 010-002

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN BY ADDING A NEW SECTION 54-4 MAKING IT AN OFFENSE FOR ANY PERSON TO ELECTIONEER, AS DEFINED HEREIN, FOR OR AGAINST ANY CANDIDATE OR MEASURE WITHIN CERTAIN PUBLIC BUILDINGS OWNED BY THE TOWN; PROVIDING EXCEPTIONS THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF \$500.00 FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY UPON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the "City") is the owner of a number of public buildings located within the City and identified in Section 1 of this Ordinance, below; and

WHEREAS, each of such buildings are used by the City for certain governmental and municipal purposes, including administrative, finance, law enforcement, fire, emergency medical, public health and recreation, arts, parks, public works, engineering, building inspection, code enforcement, development, and court services, and, except as described below, none of such buildings have been established or designated for political campaign purposes; and

WHEREAS, the active, direct, face-to-face solicitation of a person to vote for or against a person or measure in connection with a political campaign can have a disruptive effect on the public business occurring within such buildings, and such face-to-face solicitation presents a risk of duress that is an appropriate target of regulation;

WHEREAS, the adoption of this Ordinance is in the best interests of the health and welfare of the citizens of the City.

Section 1. Amendment. The Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended by adding to the said Code of Ordinances a new Section 54-4 regarding electioneering in public buildings owned by the City, to read as follows:

Section 54-4. Electioneering in Public Buildings.

(a) For purposes of this section, the term "electioneer" means the active, direct solicitation of a person to vote for or against a candidate or measure to be

considered in a public election. The term does not include, and it is not the intent of this section to regulate or prohibit, the incidental or casual discussion of any such candidate or measure, or to regulate or prohibit the wearing of clothing, buttons, or other items that promote such a candidate or measure.

(b) A person commits an offense if the person knowingly or intentionally electioneers within any of the following buildings owned by and located within the Town of Addison and (each building being, for purposes of this section, a "Public Building"): Town Hall (located at 5300 Belt Line Road), the Finance Building (located at 5350 Belt Line Road), Fire Station 1 (located at 4798 Airport Parkway), Fire Station 2 (located at 3950 Beltway Drive), the Addison Athletic Club (located at 3900 Beltway Drive), the Addison Conference and Theatre Centre (located at 15650 Addison Road), the Police Department building (located at 4799 Airport Parkway), and the Addison Service Center (located at 16801 Westgrove Drive).

(c) Notwithstanding the provisions of subsection (a) of this section, it is not a violation of subsection (b):

(i) for a person to rent space within the Addison Conference and Theatre Centre (located at 15650 Addison Road) to conduct electioneering activities, provided such rental is in accordance with and subject to the rules and regulations applicable to the Addison Conference and Theatre Centre;

(ii) for a person to electioneer at a public election polling place that is located inside a Public Building, , provided such electioneering is in accordance with State law; and

(iii) for a person to be introduced at a meeting of the City Council as a candidate for an elected public office as an incidental part of such meeting.

Section 2. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 3. Savings. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where and to the extent the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 4. Penalty. It shall be unlawful for any person to knowingly or intentionally violate any provision of this Ordinance, and any person violating any

provision hereof shall be fined, upon conviction, in an amount of not less than One and No/100 Dollars (\$1.00) and not more than Five Hundred and No/100 Dollars (\$500.00), and a separate offense shall be deemed committed each day during or on which a violation or failure occurs or continues.

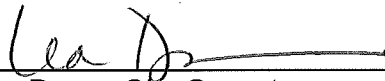
Section 5. Effective Date. This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law (including, without limitation, the City Charter, and the ordinances of the City).

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this 12th day of January 2010.




Joe Chow, Mayor

ATTEST:

By: 

Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: 

Jason Mathis, Assistant City Attorney