

ORDINANCE NO. 2025-10-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY AMENDING CHAPTER 38, "ELECTIONS," BY AMENDING SECTION 38-73, "PERMITTED SIGNS AND POSTING METHODS," TO AMEND THE NUMBER OF ELECTION SIGNS A PERSON MAY HOLD ON CITY-OWNED OR CITY-CONTROLLED PROPERTY BEING USED AS A POLLING PLACE LOCATION; PROVIDING FOR ENFORCEMENT; PROVIDING A PENALTY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas (the "City") is a Home-Rule City possessing the full power of local self-governance pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City adopted the Code of Ordinances, City of McKinney, Texas ("McKinney Code"), for the protection of the public health and general welfare of the people of the City; and

WHEREAS, in accordance with the applicable provisions of the Texas Election Code, the City Council of the City of McKinney, Texas (the "City Council") previously adopted electioneering regulations contained in Chapter 38 of the McKinney Code, including prohibiting a person from holding more than one election sign on those City-owned or City-controlled public properties being used as a polling place location; and

WHEREAS, the City Council believes said electioneering regulations contained in Chapter 38 of the McKinney Code should be modified so as to allow a person to hold up to two election signs on those City-owned or City-controlled public properties being used as a polling place location; and

WHEREAS, the City Council finds and determines that it is in the best interest of the public health, safety, and general welfare of the citizens of McKinney, Texas, to amend Chapter 38, entitled "Elections," of the McKinney Code as provided herein below.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT;

Section 1. FINDINGS

All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if set forth in their entirety.

Section 2. ENFORCEMENT CLAUSE

The City Council hereby authorizes the City Manager, or his or her designee, to enforce the regulations adopted under this Ordinance.

Section 3. AMENDING CHAPTER 38, "ELECTIONS," BY AMENDING SECTION 38-73, "PERMITTED SIGNS AND POSTING METHODS," TO AMEND THE NUMBER OF ELECTION SIGNS A PERSON MAY HOLD ON CITY-OWNED OR CITY-CONTROLLED PROPERTY BEING USED AS A POLLING PLACE LOCATION

From and after the effective date of this Ordinance, Chapter 38, "Elections," of the City of McKinney Code of Ordinances, as amended, is hereby

amended by amending Section 38-73, “Permitted Signs and Posting Methods” to amend subsection 38-73(a)(3), to read as follows:

“Chapter 38 – ELECTIONS

...

ARTICLE IV. - ELECTIONEERING

...

Sec. 38-73. Permitted Signs and Posting Methods.

(a) It shall be unlawful to post any sign on City-owned or City-controlled property that is used as a polling place location, except only as described below:

...

(3) Posted signs must strictly comply with the size, height and thickness standards contained with ILLUSTRATION I, below. A person may hold no more than two (2) signs that comply with the size standard contained within ILLUSTRATION I below, and no more than one (1) posted sign may be mounted to each H-frame; and

...”

Section 4. PROVIDING A PENALTY

Any person, firm or corporation violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty provisions set forth in Section 1-18 of the City’s Code of Ordinances; and each and every day such violation or failure to comply shall continue shall be deemed to constitute a separate offense.

Section 5. REPEALER CLAUSE

All ordinances, orders, or resolutions heretofore passed and adopted by the City Council of the City of McKinney, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, conflict with this Ordinance.

Section 6. SAVINGS CLAUSE

All rights and remedies of the City of McKinney are expressly saved as to any and all violations of the provisions of any ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 7. PUBLICATION OF CAPTION

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and this Ordinance shall become effective from and after the date of its final passage and publication as provided by law.

Section 8. SEVERABILITY CLAUSE

If any section, subsection, clause, phrase or provision of this Ordinance is for any reason held unconstitutional or void by a court of competent

jurisdiction, such holding shall not affect any valid portion of this or any other ordinance of the City of McKinney, Texas.

Section 9. **EFFECTIVE DATE**

This Ordinance shall take effect and be in full force from on January 1, 2026, and after its passage and publication, in accordance with law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 21ST DAY OF OCTOBER 2025.

CITY OF MCKINNEY, TEXAS

BILL COX
Mayor
GERÉ FELTUS
Mayor Pro Tem

CORRECTLY ENROLLED:

EMPRESS DRANE, TRMC
City Secretary
TENITRUS PARCHMAN, TRMC
Deputy City Secretary

DATE:_____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney
ALAN LATHROM
Assistant City Attorney