

What to do if you see an infraction:

- Notify PRESIDING JUDGE of Infraction
- If correction made: Document incident noting correction.
- If correction not made: Inform AJ and document incident noting outcome
- If major infraction and not addressed: call Hotline and report issue.
- Include time and names of POLL STAFF. DO NOT list names of voters.
- Description of violation: what you witnessed and what was said.
- FACTS ONLY: Leave out opinion/emotion
- Complete WRITTEN REPORT when time allows.

Professional Conduct / Conflict Resolution:

- Remember: Your PRIMARY MISSION is observation & documentation.
- Be professional in speech and body language
- Avoid being dismissed as "disruptive"
- Know your reference materials – **highlight**
- Ask PRESIDING JUDGE to deal with hostile persons.
- Dealing with errors by PRESIDING JUDGE:
 - Politely point out correct action from reference materials.
 - If not corrected, inform Alternate Judge, document, and call the hotline.

Infractions**Conflict Resolution****Arrival****Opening the Polls****Voting Area****2 Hr Count****Voter ID****Voter Check-In****Provisional Ballots****Ballot Access****Voting Booth****Voter Assistance****Electioneering****Closing the Poll****Poll Watcher Rules & Privileges**

Arrival:

- Check in with PRESIDING JUDGE
- Show Photo ID. Submit copy of SOS Cert. and sign Certificate of Appointment
- If not accepted, judge returns to you with written/signed REASON (Sec.33.051(e))
- Show Presiding Judge cell phone is off and recording device is disabled
- Get name tag from Presiding Judge. Take Poll Watcher oath. Introduce yourself to election workers – NOT other Poll Watchers

Note Taking

- Your name, poll location and date
- Record names of all election workers
- Draw a floor plan of the poll layout showing the placement of equipment
- Observe and document all activities: note time and brief description of events
- STATE FACTS – NOT OPINION

Opening The Poll:

- Presiding Judge (PJ) waits for Alternate Judge (AJ) to break any seals on equipment & supplies (ED).
- All election equipment and forms are in plain view and visible from any point in the polling place.
- Be sure seals on equipment/supplies are in place before PJ begins opening
- Observe opening of all boxes with equipment, ballots and/or supplies
- Be sure numbers on seals match up with forms inside sealed boxes, once opened
- PJ and AJ both sign all forms (if there is an AJ).
- Note where PJ places closing seals after opening boxes
- Ask PJ to show you verification that no votes are on machines or in ballot box
- Be sure all required signs are posted outside the entry to the polling place
- Be sure 100-foot non-electioneering line is correctly marked
- Judges & clerks take an oath.

Arrival**Opening the Polls****Voting Area****2 Hr Count****Voter ID****Voter Check-In****Provisional Ballots****Ballot Access****Voting Booth****Voter Assistance****Electioneering****Closing the Poll****Poll Watcher Rules & Privileges**

**List "A" Valid Forms of I.D. for Voting – Only
Need 1 (Not More than 4 Years Expired)**

- Texas Driver License
- Texas DPS election identification certificate
- Texas DPS personal identification card
- Texas handgun license issued by DPS
- US Military identification Card with photo
- US passport
- US Citizenship Certificate with photo
- Signed & current voter registration card with the letter "E" after the VUID

**Reasonable Impediment Declaration Form
(Choose 1)**

- Lack of transportation
- Disability or illness
- Lack birth certificate needed to get Photo ID
- Work schedule
- Family responsibilities
- Lost or stolen photo ID
- Photo ID applied for but not received
- Other (voter must provide a description)

**List "B" Supporting Forms of ID with "Reasonable
Impediment" Declaration**

- Valid signed voter registration card
- Certified Birth Certificate (Original, not copy; another state/country OK)
- Original or copy of a current utility bill (no more than 2 months old) with an address
- Original or copy of a bank statement (must have an address for the voter)
- Original or copy of a government check (must have an address)
- Original or copy of a paycheck (must have an address)
- Copy or original of other government document (must have an address; original required if contains photo; federal, state, local or tribal)

Examples:

- DL from other state
- Tribal ID Card
- DPS Receipt (no photo)
- Expired Texas Voter Registration
- Expired Texas DPS license (4years)
- Expired Texas ID card (not over 4 years)

Who can be in voting area? See 61.001

- Voters
- Certified Poll Watchers (ID Tag from PJ)
- Interpreters providing assistance to voters
- Children under 18 accompanying a parent to vote
- Persons admitted to provide assistance to voter
- Election Judges and Clerks (Name Tag/ID)
- State and Federal Election Inspectors (Name tag/ID)
- Certified Texas Peace Officers appointed by PJ to preserve order (Name tag/ID)
- County Clerk and Staff (Name tag/ID)
- **Class C misdemeanor for candidate to be inside polling place unless:**
 - Voting
 - Assisting a voter
 - Conducting Official Business in building
 - Must be in plain view and not campaigning

New Procedure for ID:

- Ask Voter if they have obtained List "A" ID (Not more than 4 years expired)
- If "yes," they MUST present that form of Photo ID
- If not with them, they vote Provisional Ballot
- If "no," ask voter if they have a "reasonable impediment" for not having Photo ID
- Inform voter they may vote Regular Ballot with List "B" ID and Reasonable Impediment Declaration
- Have voter present List "B" ID and fill out Reasonable Impediment Declaration

Note: address on ID does not have to match address in poll book, but voter must verbally confirm address in poll book.

2 hour vote count:

- 9:30 – 5:30 every 2 hours
- Posted outside door
- Poll list should equal votes cast
- Common error: poll list may not have been updated when the poll was busy.

Voter Book:

- Can be paper or electronic list of all voters registered to vote
- If voter is not listed in the voter book, must vote provisional ballot unless county clerk or EA intervenes with added information
- If voter has "EV" next to name in book, voter has already vote dearly and may not vote a regular ballot.
- If name on ID presented by voter is not exact match for voter book, voter initials "similar name" box
- If voter's registration card has upper case "E" after VUID #, no ID is required
- If voter has NO valid ID and no "E" on registration card, voter can only vote a provisional ballot
- If voter has words "mail ballot" or acronym after name voter must present the mail ballot, have it canceled by PJ in order to vote regular ballot. Otherwise voter MUST vote a provisional ballot Clerk must ask EVERY voter if address in the voter book is still current
- If voter has new address but still in precinct and county, voter MUST fill out a statement-of-residence card, sign it, and give it to clerk BEFORE voting
- If voter no longer lives in precinct or county, PJ should consult county clerk or EA for instructions on processing voter
- Before voting each voter must sign the voter book (paper or electronic)

Registrations Omissions Form:

- If voter is not in voter book but insists he/she lives in precinct, call county election authority for confirmation
- If election authority confirms, EA provides certificate number
- Voter fills out affidavit PJ fills out omissions form to add voter to voter book

Statement of Residence Card:

- If the letter "S" or the letters "SOR" are next to a voter's name in the voter book...
- If the voter's current address is NOT the address in the voter book...
- Voter MUST fill out & sign a Statement of Residence form and hand it to the clerk BEFORE being allowed to vote a regular ballot
- Completed form is filed by PJ in special envelope

Keeping Track:

- # of voters checking in
- # of ballots used/spoiled
- # of provisional ballots issued

Provisional Ballot: When voter eligibility is in question but insists on voting

EXAMPLES:

- ❖ No valid ID
- ❖ Mailed ballot but didn't return
- ❖ Address outside county
- ❖ Voter not qualified but insists on voting
- ❖ If court order keeps polls open after 7pm
- PJ must make the decision not a clerk
- PJ must inform voter that his vote may/will not count
- Provisional Affidavit completed by PJ and voter with reason for provisional ballot
- Provisional ballot access code issued & # recorded on affidavit
- Voter prepares provisional ballot but **DOES NOT** scan it
- Voter returns ballot to judge
- Judge has voter place ballot in envelope attached to the affidavit.

Voter Check-In

Provisional Ballots

Ballot Access

Voting Booth

Voter Assistance

Electioneering

Closing the Poll

Poll Watcher Rules & Privileges

At Ballot Access Point:

- Clerk uses bar code reader to scan screen
NOT any bar code on paper near desk of clerk.
- Be sure voters qualified for regular ballot get a regular ballot
- Be sure voters required to vote a provisional ballot don't get a regular ballot
- Without touching ballots, be sure each voter is only getting correct # of ballots and ONE access code
- If voter gets wrong ballot, be sure PJ follows correct steps to spoil the wrong ballot
- **VOTERS CANNOT HAVE CELL PHONES IN HAND, EVEN TO LOOK AT ELECTION SLATES**

Voter Assistance:

- Voter may request assistance for:
 - Language barrier
 - Physically unable to mark ballot
- Voter may choose an assistant or interpreter
- Voter may bring assistant, but may not be voter's employer, union representative or agent
- Assistant takes oath and all information entered in e-Poll Book
- Voter may bring translator
- Translator must take oath
- Two Election Officers can provide assistance; one from each Party, if available

At the Voting Booth:

- Only the voter may touch the machine and ballot
- Only exception is a voter without use of arms and/or hands
- Voters may have written/printed notes at booth—**NO CELL PHONE**
- Voter may **NOT** ask for help on how to vote on any position/issue
- Voter may ask questions on voting procedure
- **Class B Misdemeanor for election worker to suggest how a voter should vote**
- If voter is assisted by election judge or worker, Poll Watcher may observe
- If voter is assisted by person brought by voter, Poll Watcher may **NOT** observe
- Poll Watcher may ask for translation into English of any discussion between voter and poll worker in any other language
- If voter leaves room without scanning ballot, election worker **MAY NOT** scan ballot or deposit paper ballot into ballot box. Either get voter to return or spoil the ballot/cancel the booth

Curbside Voting: Voter may request that an Election Officer deliver a portable E-SLATE to the curb if voter is physically unable to enter polling place without assistance or likelihood of injuring the voter's health. Regular voting procedures may be modified by the Election Officer to the extent necessary.

Ballot Access Voting Booth Voter Assistance

Electioneering Closing the Poll

Poll Watcher Rules & Privileges

Sec. 61.011. REMOVING WRITTEN COMMUNICATIONS FOUND IN POLLING PLACE. (a) An election officer shall periodically check each voting station and other areas of the polling place for sample ballots or other written communications used by voters that were left or discarded in the polling place. (b) An election officer shall remove from the sight of the voters any written communication found under Subsection (a).

Sec. 61.012. ACCESS BY PERSONS WITH DISABILITIES. (a) Except as provided by Section 61.013, each polling place must provide at least one voting station that: (1) complies with: (A) Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments; (B) Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments; and (C) the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) and its subsequent amendments; and (2) provides a practical and effective means for voters with physical disabilities to cast a secret ballot.

Sec. 63.012. UNLAWFULLY ACCEPTING OR REFUSING TO ACCEPT VOTER. (a) An election officer commits an offense if the officer knowingly: (1) permits an ineligible voter to vote other than as provided by Section 63.011; or (2) refuses to accept a person for voting whose acceptance is required by this code. (b) **An offense under this section is a Class B misdemeanor.**

Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT. (a) After a voter is accepted for voting, the voter shall select a ballot, go to a voting station, and prepare the ballot. (b) A voter who executes an affidavit in accordance with Section 63.011 shall select a provisional ballot.

Sec. 64.002. OCCUPANCY OF VOTING STATION. (a) Except as otherwise provided by this code, only one person at a time may occupy a voting station. (b) A child under 18 years of age may accompany the child's parent to a voting station.

Sec. 64.009. VOTER UNABLE TO ENTER POLLING PLACE. (a) If a voter is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health, on the voter's request, an election officer shall deliver a ballot to the voter at the polling place entrance or curb. (b) The regular voting procedures may be modified by the election officer to the extent necessary to conduct voting under this section. (c) After the voter is accepted for voting, the voter shall mark the ballot and give it to the election officer who shall deposit it in the ballot box. (d) On the voter's request, a person accompanying the voter shall be permitted to select the voter's ballot and deposit the ballot in the ballot box.

Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. A voter is eligible to receive assistance in marking the ballot, as provided by this subchapter, if the voter cannot prepare the ballot because of: (1) a physical disability that renders the voter unable to write or see; or (2) an inability to read the language in which the ballot is written.

Sec. 64.032. PERSONS PROVIDING ASSISTANCE. (a) Except as provided by Subsection (c), on a voter's request for assistance in marking the ballot, two election officers shall provide the assistance. (b) If a voter is assisted by election officers in the general election for state and county officers, each officer must be aligned with a different political party unless there are not two or more election officers serving the polling place who are aligned with different parties. (c) On the voter's request, the voter may be assisted by any person selected by the voter other than the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs. (d) If assistance is provided by a person of the voter's choice, an election officer shall enter the person's name and address on the poll list beside the voter's name.

Sec. 64.036. UNLAWFUL ASSISTANCE. (a) A person commits an offense if the person knowingly: (1) provides assistance to a voter who is not eligible for assistance; (2) while assisting a voter prepares the voter's ballot in a way other than the way the voter directs or without direction from the voter; (3) while assisting a voter suggests by word, sign, or gesture how the voter should vote; or (4) provides assistance to a voter who has not requested assistance or selected the person to assist the voter. (b) A person commits an offense if the person knowingly assists a voter in violation of Section 64.032(c). (c) An election officer commits an offense if the officer knowingly permits a person to provide assistance: (1) to a voter who is not eligible for assistance; or (2) in violation of Section 64.032(c). (d) **An offense under this section is a Class A misdemeanor.**

Texas Election Code

Electioneering:

- Within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, persons may NOT:
 - Loiter
 - Electioneer for or against any candidate, measure or party
 - An offense is a Class C Misdemeanor
- Within 1000 feet of an outside door through which a voter may enter the building in which a polling place is located, persons may NOT:

7:00 PM:

- Only voters in line at 7:00pm may vote
- An Election Official may stand at the end of the line to mark the last voter
- Numbered cards may be used to identify voters who were in line at 7:00pm
- A Poll Watcher may NOT be asked stand in line to mark the last person allowed to vote
- When last voter has voted, door is locked and shut down begins
- Poll Watchers may observe all closing procedures
- All election paperwork completed, signed, and security seal numbers on paperwork match seals on

Electioneering:

- Within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, persons may NOT:
 - Loiter
 - Electioneer for or against any candidate, measure or party
 - An offense is a Class C Misdemeanor
- Within 1000 feet of an outside door through which a voter may enter the building in which a polling place is located, persons may NOT:
 - Use a loudspeaker or sound amplification device to electioneer for or against and candidate, measure or party
- It is the duty of the presiding judge to prevent unlawful electioneering or loitering. [Sec.32.075(a)]

7:00 PM:

- Only voters in line at 7:00pm may vote
- An Election Official may stand at the end of the line to mark the last voter
- Numbered cards may be used to identify voters who were in line at 7:00pm
- A Poll Watcher may NOT be asked stand in line to mark the last person allowed to vote
- When last voter has voted, door is locked and shut down begins
- Poll Watchers may observe all closing procedures
- All election paperwork completed, signed, and security seal numbers on paperwork match seals on equipment
- Poll Watchers record numbers in notes

Closing down the Poll:

- Observe Judges & Clerks.
- Ask to see all forms filled out
- Ask to see serial # of return seals
- Confirm seals #s on forms are correct

Exit Polling:

- Exit polling without electioneering is permissible outside the polling place but within the 100 foot markers
- The Presiding Judge has discretion to tell persons conducting exit polls to go beyond the distance markers if their activities are disruptive to voters

Transporting:

- Poll Watcher may follow Election Official(s) in a different vehicle to the central collection location

Election Workers are responsible for storing equipment, forms and supplies.
POLL WATCHERS MAY NOT ASSIST. They may ONLY observe & document.

Electioneering

Closing the Poll

Poll Watcher Rules & Privileges

Sec. 61.001. BYSTANDERS EXCLUDED; UNLAWFUL PRESENCE OF CANDIDATE. (a) Except as permitted by this code, and as described by Subsection (a-1), a person may not be in the polling place from the time the presiding judge arrives there on election day to make the preliminary arrangements until the precinct returns have been certified and the election records have been assembled for distribution following the election. (a-1) Under this code, a person may be lawfully present in a polling place during the time described by Subsection (a) if the person is: (1) an election judge or clerk; (2) a watcher; (3) the secretary of state; (4) a staff member of the Elections Division of the office of the Secretary of State performing an official duty in accordance with this code; (5) an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies; (6) a state inspector; (7) a person admitted to vote; (8) a child under 18 years of age who is accompanying a parent who has been admitted to vote; (9) a person providing assistance to a voter under Section 61.032 or 64.032; (10) a person accompanying a voter who has a disability; (11) a special peace officer appointed by the presiding judge under Section 32.075; (12) the county chair of a political party conducting a primary election as authorized by Section 172.1113; (13) a voting system technician, as authorized by Section 125.010; (14) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or (15) a person whose presence has been authorized by the presiding judge in accordance with this code. (b) A candidate in the election commits an offense if the candidate is in a polling place during the period described by Subsection (a) for a purpose other than: (1) voting; or (2) official business in the building in which the polling place is located. (c) It is an exception to the application of Subsection (b) that the candidate: (1) is not within plain view or hearing of the persons in the voting area or the area in which voters are being accepted for voting; and (2) is not engaged in campaign activity. (d) An offense under this section is a Class C misdemeanor.

Sec. 61.003. ELECTIONEERING AND LOITERING NEAR POLLING PLACE. (a) A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person: (1) loiters; or (2) electioneers for or against any candidate, measure, or political party. (a-1) 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), but may enact reasonable regulations concerning the time, place, and manner of electioneering. (b) In this section (1) "Electioneering" includes the posting, use, or distribution of political signs or literature. This section does not include the distribution of a notice of a party convention authorized under Section 172.1114; (2) "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. (c) An offense under this section is a Class C misdemeanor.

Sec. 61.004. UNLAWFUL OPERATION OF SOUND AMPLIFICATION DEVICE OR SOUND TRUCK. (a) A person commits an offense if, during the voting period and within 1,000 feet of a building in which a polling place is located, the person operates a sound amplification device or a vehicle with a loudspeaker while the device or loudspeaker is being used for the purpose of: (1) making a political speech; or (2) electioneering for or against any candidate, measure, or political party. (b) For the purpose of Subsection (a), a person operates a vehicle with a loudspeaker if the person drives the vehicle, uses the loudspeaker, or operates sound equipment in connection with the loudspeaker. (c) In this section, "voting period" means the period prescribed by Section 61.003(b). (d) An offense under this section is a Class C misdemeanor.

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, AND ENVELOPES. (a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, and envelopes used for provisional ballots in a manner not authorized by law. (b) The ballots, ballot boxes, and envelopes used for provisional ballots at a polling place shall be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified. (c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing a voter's provisional ballot in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

Sec. 61.006. UNLAWFULLY DIVULGING VOTE. (a) A person commits an offense if the person was in a polling place for any purpose other than voting and knowingly communicates to another person information that the person obtained at the polling place about how a voter has voted. (b) An offense under this section is a felony of the third degree. (c) This section does not apply to information presented in an official investigation or other official proceeding in which the information is relevant.

Sec. 61.007. UNLAWFULLY REVEALING INFORMATION BEFORE POLLS CLOSE. (a) An election officer, watcher, or other person serving at a polling place in an official capacity commits an offense if, before the polls close or the last voter has voted, whichever is later, the officer, watcher, or other person reveals: (1) the number of votes that have been received for a candidate or for or against a measure; (2) a candidate's position relative to other candidates in the tabulation of the votes; (3) whether a measure is passing or failing; or (4) the names of persons who have or have not voted in the election. (b) An offense under this section is a Class A misdemeanor. (c) Beginning at 9:30 a.m. and at each subsequent two-hour interval through 5:30 p.m., the presiding judge shall post written notice of the total number of voters who have voted in the precinct. The notice shall be posted at an outside door through which a voter may enter the building in which the polling place is located.

Sec. 61.008. UNLAWFULLY INFLUENCING VOTER. (a) A person commits an offense if the person indicates to a voter in a polling place by word, sign, or gesture how the person desires the voter to vote or not vote. (b) An offense under this section is a Class B misdemeanor.

Sec. 61.009. INSTRUCTING VOTER ON CASTING BALLOT. On the request of a voter, an election officer shall instruct the voter on the proper procedure for casting a ballot.

Sec. 61.010. WEARING NAME TAG OR BADGE IN POLLING PLACE. (a) Except as provided by Subsection (b), a person may not wear a badge, insignia, emblem, or other similar communicative device relating to a candidate, measure, or political party appearing on the ballot, or to the conduct of the election, in the polling place or within 100 feet of any outside door through which a voter may enter the building in which the polling place is located. (b) An election judge, an election clerk, a state or federal election inspector, a certified peace officer, or a special peace officer appointed for the polling place by the presiding judge shall wear while on duty in the area described by Subsection (a) a tag or official badge that indicates the person's name and title or position. (c) A person commits an offense if the person violates Subsection (a). An offense under this subsection is a Class C misdemeanor.

Texas Election Code (Continued on next page)

Rules for Poll Watchers to follow - The poll watcher:

- May begin service at any time after the Presiding Judge arrives

Texas Election Code (continued on next page)

Rules for Poll Watchers to follow - The poll watcher:

- May begin service at any time after the Presiding Judge arrives
- At arrival, must present Presiding Judge with ID, SOS Training Certificate, *Certificate of Appointment* and *Affidavit of Poll Watcher*. **MUST SIGN IN FRONT OF PRESIDING JUDGE**
- If not accepted for service, the PJ must return the *Certificate of Appointment* to the PW with a signed statement of the reason for the rejection.
- **Cell phone** be turned **off** and **recording devices disabled**
- Must wear ID Tag provided by Presiding Judge
- May sign the Zero tape and all election results (2 Poll Watchers may sign per location)
- May stay at the polling place until election officials complete their duties.
- May come and go **after** watcher has served **5 consecutive hours**. If watcher leaves polling area temporarily to use cell phone or other wireless device, this temporary absence does not affect his 5 hours of consecutive service.

The poll watcher may NOT:

- Wear anything for or against any candidate, party or position
- Use a cell phone inside polling location
- Possess any means of recording images or sound (must disable if on cell phone)
- Watch a voter vote except when voter being assisted by election officials
- Converse with other poll watchers while election in progress
- Reveal any information concerning the election before the polls close. Examples: How a voter has voted; The number of votes for a candidate; Tabulation of votes; Whether a measure is passing or failing; The names of persons who have or have not voted.
- Signal, converse or communicate with any voter in any way regarding the election
- Talk while election is in progress except to point out an irregularity or violation
- **If the Clerk refers the Poll Watcher to the Judge, the Poll Watcher may not discuss the matter further with the clerk unless the Presiding Judge invites the discussion.**

Privileges of the Poll Watcher: The poll watcher must be permitted to:

- Observe all election activities performed by the election Judges and Clerks
- Sit or stand near enough to see and hear election officials conducting the observed activity
- Make written notes while on duty. Document names of Election Officials, time and location of all concerns.
- **Presiding Judge may require Poll Watcher to leave notes behind with another poll worker/watcher of Poll Watcher's choice, if leaving location while polls are open**
- Point out to an Election Judge or Clerk any observed irregularity or violation of the Texas Election Code. **However, if the Clerk refers the watcher to the Judge, the Poll Watcher may not discuss the matter further with the clerk unless the Presiding Judge invites the discussion.**
- Observe assistance given to voters by election officials
- Inspect the returns and other records prepared by the Election Officers
- Witness securing of the voting system equipment at the time the polls close
- Receive an English translation of any language spoken other than English between an Election Official and a voter
- Accompany the Election Official who delivers election records (in a separate car)

Poll Watcher Rules & Privileges

Sec. 33.051. ACCEPTANCE OF WATCHER. (a) A watcher appointed to serve at a precinct polling place, a meeting place for an early voting ballot board, or a central counting station must deliver a certificate of appointment to the presiding judge at the time the watcher reports for service. A watcher appointed to serve at an early voting polling place must deliver the following materials to the presiding judge at the time the watcher reports for service: (1) a certificate of appointment; and (2) a certificate of completion from training completed by the watcher under Section 33.008. (a-1) a watcher appointed to serve at an early voting polling place must deliver the certificates under Subsection (a) to the early voting clerk or deputy clerk in charge of the polling place when the watcher first reports for service. (b) The officer presented with a watcher's certificate of appointment shall require the watcher to countersign the certificate of appointment to ensure that the watcher is the same person who signed the certificate. Except as provided by Subsection (c), a watcher who presents himself or herself at the proper time with the certificates required under Subsection (a) shall be accepted for service unless the person is ineligible to serve or the number of appointees to which the appointing authority is entitled have already been accepted. (c) A watcher may not be accepted for service if the watcher has possession of a device capable of recording images or sound unless the watcher agrees to disable or deactivate the device. The presiding judge may inquire whether a watcher has possession of any prohibited recording device before accepting the watcher for service. (d) The certificates of a watcher serving at an early voting polling place shall be retained at the polling place until voting at the polling place is concluded. At each subsequent time that the watcher reports for service, the watcher shall inform the clerk or deputy in charge. The officer may require the watcher to sign the watcher's name in the officer's presence, for comparison with the signature on the certificate of appointment, if the officer is uncertain of the watcher's identity. (e) If a watcher is not accepted for service, the certificates shall be returned to the watcher with a signed statement of the reason for the rejection. (f) On accepting a watcher for service, the election officer shall provide the watcher with a form of identification, prescribed by the secretary of state, to be displayed by the watcher during the watcher's hours of service at the polling place. (g) An election officer commits an offense if the officer intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required by this section. An offense under this subsection is a Class A misdemeanor. (h) Before accepting a watcher, the officer presented with a watcher's certificate of appointment shall require the watcher to take the following oath, administered by the officer: "I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties."

Sec. 33.052. HOURS OF SERVICE AT PRECINCT POLLING PLACE. (a) A watcher at a precinct polling place may begin service at any time after the presiding judge arrives at the polling place on election day and may remain at the polling place until the presiding judge and the clerks complete their duties there. A watcher that serves for more than five continuous hours may serve at the polling place during the hours the watcher chooses, except that if the watcher is present at the polling place when ballots are counted, the watcher may not leave until the counting is complete. (b) For purposes of this section, a watcher is considered to have served continuously if the watcher leaves the polling place for the purpose of using a wireless communication device prohibited from use in the polling place under Section 61.014 and the watcher promptly returns.

Sec. 33.056. OBSERVING ACTIVITY GENERALLY. (a) Except as provided by Section 33.057, a watcher is entitled to observe any activity conducted at the location at which the watcher is serving. A watcher is entitled to sit or stand near enough to see and hear the election officers conducting the observed activity, except as otherwise prohibited by this chapter. (b) A watcher is entitled to sit or stand near enough to the member of a counting team who is announcing the votes to verify that the ballots are read correctly or to a member who is tallying the votes to verify that they are tallied correctly. (c) A watcher is entitled to inspect the returns and other records prepared by the election officers at the location at which the watcher is serving. (d) A watcher may not be prohibited from making written notes while on duty. Before permitting a watcher who made written notes at a precinct polling place to leave while the polls are open, the presiding officer may require the watcher to leave the notes with another person on duty at the polling place, selected by the watcher, for retention until the watcher returns to duty. (e) Except as provided by Section 33.057(b), a watcher may not be denied free movement where election activity is occurring within the location at which the watcher is serving. (f) In this code, a watcher who is entitled to "observe" an election activity is entitled to sit or stand near enough to see and hear the activity.

Sec. 33.057. OBSERVING PREPARATION OF VOTER'S BALLOT. (a) A watcher is entitled to be present at the voting station when a voter is being assisted by an election officer, and the watcher is entitled to examine the ballot before it is deposited in the ballot box to determine whether it is prepared in accordance with the voter's wishes. (b) A watcher may not be present at the voting station when a voter is preparing the voter's ballot or is being assisted by a person of the voter's choice.

Sec. 33.058. RESTRICTIONS ON WATCHER'S ACTIVITIES. (a) While on duty, a watcher may not: (1) converse with an election officer regarding the election, except to call attention to an irregularity or violation of law; (2) converse with a voter; or (3) communicate in any manner with a voter regarding the election. (b) A watcher may call the attention of an election officer to any occurrence that the watcher believes to be an irregularity or violation of law and may discuss the matter with the officer. An officer may refer the watcher to the presiding officer at any point in the discussion. In that case, the watcher may not discuss the occurrence further with the subordinate officer unless the presiding officer invites the discussion.

Sec. 33.059. OBSERVING SECURING OF VOTING SYSTEM EQUIPMENT BEFORE ELECTION. (a) A watcher appointed to serve at a polling place in an election using voting system equipment that is required to be delivered to the polling place in a secured condition is entitled to observe the inspection and securing of the equipment in the jurisdiction of the authority responsible for distributing election supplies to the polling place at which the watcher is appointed to serve. (b) On request of a watcher, the authority responsible for distributing the election supplies shall inform the watcher of the place, date, and hour of the inspection. A watcher shall be admitted on presentation of a certificate of appointment. The person admitting the watcher shall return the certificate to the watcher.

Sec. 33.060. OBSERVING DELIVERY OF ELECTION RECORDS. (a) On request of a watcher, an election officer who delivers election records from a precinct polling place, an early voting polling place, a meeting place for an early voting ballot board, or a central counting station shall permit the watcher appointed to serve at that location to accompany the officer in making the delivery. (b) If delivery is made in a vehicle, an election officer complies with this section if the officer permits the watcher to follow in a different vehicle and drives in a manner that enables the watcher to keep the vehicle in sight.

Sec. 33.061. UNLAWFULLY OBSTRUCTING WATCHER. (a) A person commits an offense if the person serves in an official capacity at a location at which the presence of watchers is authorized and knowingly prevents a watcher from observing an activity or procedure the person knows the watcher is entitled to observe, including any action taken to obstruct the view of a watcher or distance the watcher from the activity or procedure to be observed in a manner that would make observation not reasonably effective. (b) An offense under this section is a Class A misdemeanor.

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