

# Quick Reference Guide

Build-It-Yourself Version

## Overview

This Quick Reference Guide is a 'build it yourself' resource that can be taken into the poll location and used to quickly reference Election Day procedures and activities.

Refer to your state's election code to fill in specific information needed to be a well-informed Election Observer. The election codes by state have been aggregated by volunteers. Please see your state's codes by visiting:

<https://truethevote.org/info-by-state>

## Assembly Instructions

1. Print this document (double-sided, flip on the long edge)
2. Cut along the dotted line at the bottom of each page.
3. Order the pages according to the page numbers (don't include this page).
4. Align all pages along the top edge and staple.
5. Your finished document will have handy tabs along the bottom of each page for quick reference and space for taking notes as you flip the previous page.
6. Keep those elections honest and help true the vote!



Finished Document

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# Texas Election Observer Quick Reference Guide



## Polling Place Staff

Lead authority: \_\_\_\_\_

Other election workers: \_\_\_\_\_

## Primary Mission of a Poll Watcher

OBSERVE and DOCUMENT activities of the Election Workers at the poll to ensure that proper elections procedures are followed. DO NOT TALK or ENGAGE with voters in any way. If a voter or other person approaches you in the poll, walk over to the LEAD AUTHORITY and ask him/her to explain to the person that you are not allowed to speak to them.

**Staff & Mission**

**Hotline #:** \_\_\_\_\_

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## Notes & Election Codes

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.0015>

### **Sec. 33.0015. CHAPTER PURPOSE AND WATCHER DUTY.**

"...a watcher appointed under this chapter shall observe without obstructing the conduct of an election and call to the attention of an election officer any observed or suspected irregularity or violation of law in the conduct of the election."

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.056>

### **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.

(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.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.058>

### **Sec. 33.058. RESTRICTIONS ON WATCHER'S ACTIVITIES.**

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.



### **What to Do If You See an Infraction**

- Notify Lead Authority of infraction
- If correction made: Document incident noting correction
- If correction not made: Document incident noting outcome
- Include time and names of Election Workers involved. DO NOT list names of voters.
- Description of violation:
  - What you witnessed and what was said
  - FACTS ONLY, leave out opinion/emotion
- Complete INCIDENT REPORT when time allows

### **Professional Conduct & Conflict Resolution**

- Remember: Your PRIMARY MISSION is observation & documentation
- Be professional in speech and body language
- Tone of voice says more than words chosen
- Avoid being dismissed as “disruptive”
- Know your election code as much as possible
- Ask Lead Authority to deal with hostile persons
- Dealing with errors by LEAD AUTHORITY
  - Politely point out correct action from reference materials
  - If not corrected, document and share with your state’s election authority

## **Infractions**

## **Conflict Resolution**

## Infractions

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.058>

### **Sec. 33.058. RESTRICTIONS ON WATCHER'S ACTIVITIES.**

(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.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.001>

### **Sec. 61.001. BYSTANDERS EXCLUDED; UNLAWFUL PRESENCE OF CANDIDATE.**

(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.

## Conflict Resolution

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.061>

### **Sec. 33.061. UNLAWFULLY OBSTRUCTING WATCHER.**

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 by taking any action 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.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.063>

### **Sec. 33.063. RELIEF.**

The appointing authority for a watcher who believes that the watcher was unlawfully prevented or obstructed from the performance of the watcher's duties may seek: (1) injunctive relief under Section 273.081, including issuance of temporary orders; (2) a writ of mandamus under Section 161.009 or 273.061; and (3) any other remedy available under law. (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."



### **Arrival Checklist**

- Check in with Presiding Judge: At check-in, watcher to deliver certificates of appointment and training completion.
- Submit any required paperwork upon arrival and receive ID: Certificates of appointment, training completion and takes oath. Receives badge from election officer before starting poll watching service.
- Badge if required: Badge given by election officer.
- Ask Lead Authority for cell phone policy: No cellphone use within 100 feet of polling station.

### **Poll Layout**

- Write your name, poll location info and date at top of note pad
- Record names of all election workers
- Draw a schematic of the poll layout noting the placement of equipment

### **Note Taking**

- Observe and document all activities, include time of activity and brief description of events
- State observations using facts; DO NOT INCLUDE OPINIONS

### **Opening Procedures**

#### **Things to watch for during the opening of the poll:**

- All security seals were intact prior to poll opening
- All ballots boxes were empty (if using paper ballots)
- All voting machines/ballots/ballot boxes are accounted for and within your line of sight

## **Opening the Polls**

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## Opening the Polls

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.051>

### Sec. 33.051. ACCEPTANCE OF WATCHER.

(a) A watcher ... 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.

(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.

(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.

(h) Before accepting a watcher, the officer presented with a watcher's certificate of appointment shall require the watcher to take ... oath...

<https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.014>

### Sec. 61.014. USE OF CERTAIN DEVICES.

(a) A person may not use a wireless communication device within 100 feet of a voting station.

(b) A person may not use any mechanical or electronic means of recording images or sound within 100 feet of a voting station.

(c) The presiding judge may require a person who violates this section to turn off the device or to leave the polling place. Sec.

(d) This section does not apply to: (1) an election officer in conducting the officer's official duties; (2) the use of election equipment necessary for the conduct of the election; or (3) a person who is employed at the location in which a polling place is located while the person is acting in the course of the person's employment.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.059>

### Sec. 33.059. OBSERVING SECURING OF VOTING SYSTEM EQUIPMENT BEFORE ELECTION.

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.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.002>

### Sec. 61.002. OPENING AND CLOSING POLLING PLACE FOR VOTING.

(a) Immediately before opening the polls for voting on the first day of early voting and on election day, the presiding election judge or alternate election judge shall confirm that each voting machine has any public counter reset to zero and shall print the tape that shows the counter was set to zero for each candidate or measure on the ballot.

(b) At the official time for opening the polls for voting, an election officer shall open the polling place entrance and admit the voters.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.125.htm#125.061>

### Sec. 125.061. INSPECTING EQUIPMENT AT POLLING PLACE.

(a) Before opening a polling place for voting on election day, the presiding judge shall inspect any electronic voting system equipment installed at the polling place to determine whether it is installed and functioning properly.





### Who can be in the voting area?

- Voters
- Lead Authority, Election Workers, Poll Watchers
- Interpreters providing assistance to voters
- Children under 18 accompanying a parent to vote
- Persons admitted to provide assistance to voter
- Voting machine technicians

### Valid Forms of ID If Required by Your State

There are 7 forms of Photo ID on List A:

- Texas Driver License issued by the Texas Department of Public Safety (DPS);
- Texas Personal Identification Card issued by DPS;
- Texas Election Identification Certificate issued by DPS;
- Texas Handgun License issued by DPS;
- United States Military Identification Card containing the person's photograph;
- United States Citizenship Certificate containing the person's photograph;
- United States Passport (book or card).
- (Non-Photo ID) Government document that shows voter's name and address or one of the following documents that shows the name and address of the voter: a copy of a current utility bill; a bank statement; a government check; or a paycheck; or a certified copy of a domestic birth certificate.
- Any person 70 years or older may use expired Photo ID to vote.

## Voting Area

## Valid Forms of ID

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## Voting Area

<https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.001>  
**Sec. 61.001. BYSTANDERS EXCLUDED; UNLAWFUL PRESENCE OF CANDIDATE.**

(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.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.62.htm#62.004>  
**Sec. 62.004. ARRANGING VOTING STATIONS.**

The voting stations shall be arranged so that: (1) the voting area is in view of the election officers, watchers, and persons waiting to vote but is separated from the persons waiting to vote; (2) access to the voting area through any entrance other than one designated by the presiding judge is prevented; and (3) the voting area is adequately lighted.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.62.htm#62.002>  
**Sec. 62.002. TIME FOR COMPLETING ARRANGEMENTS.**

Sec. 64.002(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.

## Valid Forms of ID

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.001>  
**Sec. 63.001. REGULAR PROCEDURE FOR ACCEPTING VOTER.**

(b): Except as provided by Subsection (h), on offering to vote, a voter must present to an election officer at the polling place: (1) one form of photo identification listed in Section 63.0101(a); or (2) one form of identification listed in Section 63.0101(b) accompanied by the declaration described by Subsection (i).

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.0101>  
**Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.** (a):

The following documentation is an acceptable form of photo identification under this chapter: (1) a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety that has not expired or that expired no earlier than four years before the date of presentation; (2) a United States military identification card that contains the person's photograph, as authorized by Section 172.1113; (13) a voting system technician, as defined 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.

(b): The following documentation is acceptable as proof of identification under this chapter: (1) a government document that shows the name and address of the voter, including the voter's voter registration certificate; (2) one of the following documents that shows the name and address of the voter: (A) a copy of a current utility bill; (B) a bank statement; (C) a government check; or (D) a paycheck; or (3) a certified copy of a domestic birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity. (c): A person 70 years of age or older may use a form of identification listed in Subsection (a) that has expired for the purposes of voting if the identification is otherwise valid.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.0102>  
**Sec. 63.0102. USE OF CERTAIN ELECTRONICALLY READABLE INFORMATION.**

(a) An election officer may access electronically readable information on a driver's license or personal identification card for proof of identification when determining whether a voter shall be accepted for voting.



### **Voter Check-In**

Voter is required to show: one form of photo ID or one form of ID (non-photo, government issued document or bank statement, etc as per Sec. 63.0101.)

Voter name is matched to list of registered voters for precinct and voter is admitted into voting area.

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### **Voter Check-In**

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## Voter Check-In

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.001>  
**Sec. 63.001. REGULAR PROCEDURE FOR ACCEPTING VOTER.**

(b) Except as provided by Subsection (h), on offering to vote, a voter must present to an election officer at the polling place: (1) one form of photo identification listed in Section 63.0101(a); or (2) one form of identification listed in Section 63.0101(b) accompanied by the declaration described by Subsection (i).

(c) On presentation of the documentation required under Subsection (b), an election officer shall determine whether the voter's name on the documentation is on the list of registered voters for the precinct. If in making a determination under this subsection the election officer determines under standards adopted by the secretary of state that the voter's name on the documentation is substantially similar to but does not match exactly with the name on the list, the voter shall be accepted for voting under Subsection (d) if the voter submits an affidavit stating that the voter is the person on the list of registered voters.

(c-1) An election officer may not refuse to accept documentation presented to meet the requirements of Subsection (b) solely because the address on the documentation does not match the address on the list of registered voters.

(d) If, as determined under Subsection (c), the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b), the voter shall be accepted for voting. An election officer may not question the reasonableness of an impediment sworn to by a voter in a declaration described by Subsection (i).

(e) On accepting a voter, an election officer shall indicate beside the voter's name on the list of registered voters that the voter is accepted for voting. If the voter executes a declaration of reasonable impediment to meet the requirement for identification under Subsection (b), the election officer must affix the voter's voter registration number to the declaration either in numeric or bar code form.

(g) If the requirements for identification prescribed by Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011....

(h) The requirements for identification prescribed by Subsection (b) do not apply to a voter who is disabled and presents the voter's voter registration certificate containing the indication described by Section 15.001(c) on offering to vote.

(i) (I) If the requirement for identification prescribed by Subsection (b)(1) is not met, an election officer shall notify the voter that the voter may be accepted for voting if the voter meets the requirement for identification prescribed by Subsection (b)(2) and executes a declaration declaring the voter has a reasonable impediment to meeting the requirement for identification prescribed by Subsection (b)(1):

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.0011>  
**Sec. 63.0011. STATEMENT OF RESIDENCE REQUIRED.**

(a) Before a voter may be accepted for voting, an election officer shall ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county....(b) If the voter's residence address is not current because the voter has changed residence within the county, the voter may vote, if otherwise eligible, in the election precinct in which the voter is registered if the voter resides in the county in which the voter is registered....

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.002>  
**Sec. 63.002. SIGNATURE ROSTER.**

(a) A signature roster shall be maintained by an election officer at the polling place. NOTE: May be electronic.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.003>  
**Sec. 63.003. POLL LIST.**

(a) A poll list shall be maintained by an election officer at the polling place. NOTE: May be electronic.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.005>  
**Sec. 63.005. REGISTRATION OMISSIONS LIST.**

(a) A registration omissions list shall be maintained by an election officer at the polling place. NOTE: The registration omissions list is for each voter who is accepted for voting but whose name is not on the list of registered voters for the precinct in which the voter is accepted.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.006>  
**Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION WHO IS NOT ON LIST.**

(a) A voter who, when offering to vote, presents the documentation required under Section 63.001 (b) but whose name is not on the precinct list of registered voters shall be accepted for voting if the voter also presents a voter registration certificate indicating that the voter is currently registered.... and the voter executes an affidavit stating that the voter: (A) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct; ... and (D) is voting only once in the election.



### **Paper Ballots and Ballot Box**

Ballot box is locked and kept in plain view of election officers, watchers and waiting voters.

Election officer unseals ballot packages and checks numbering/printing on each ballot.

Presiding judge signs backs of ballots used and / or can stamp signature on each ballot.

Voters cannot have or use unsigned ballots.

Election officer can disarrange/shuffle ballots and are always placed face-down on table for ballot and voter privacy purposes.

To vote: Voter makes selection, folds ballot and deposits in ballot box.

Provisional ballots are always stored separately from other ballots.

Ballot boxes must be monitored by at least one election official at all times from the time the polling station opens until results are certified.

### **Electronic Ballots**

Electronic Ballots can be used for early voting if electronic voting systems are used in regular voting.

Electronic voting machines are periodically inspected for tampering and damage throughout the day.

If tamper/damage discovered, equipment is immediately taken out of use and reported to presiding judge.

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## **Paper Ballots**

## **Electronic Ballots**

## Paper Ballots

<https://states.capitol.texas.gov/Docs/EL/htm/EL.62.htm#62.006>  
**Sec. 62.006. PLACING BOX FOR DEPOSIT OF MARKED BALLOTS.**  
The ballot box to be used by the voters to deposit marked ballots shall be locked. The ballot box and the box used for the deposit of provisional ballots shall be placed where they will be in plain view of the election officers, watchers, and persons waiting to vote.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.62.htm#62.007>  
**Sec. 62.007. EXAMINING BALLOTS.**

(a) An election officer shall unseal the ballot package, remove the ballots, and examine them to determine whether they are properly numbered and printed.  
(b) An unnumbered or otherwise defectively printed ballot shall be placed in ballot box no. 4.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.62.htm#62.008>  
**Sec. 62.008. PRESIDING JUDGE TO SIGN BALLOTS.**

(a) The presiding judge's signature shall be placed on the back of each ballot to be used at the polling place.  
(b) The judge shall sign each ballot or an election officer shall stamp a facsimile of the judge's signature on each ballot. Sec.  
(c) The signing of ballots need not be completed before the polls open, but an unsigned ballot may not be made available for selection by the voters.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.62.htm#62.009>  
**Sec. 62.009. DISARRANGING BALLOTS FOR VOTERS' SELECTION.**

(a) As needed for voting, an election officer shall disarrange a supply of the ballots so that they are in random numerical order.  
(b) The disarranged ballots shall be placed face down on a table in a manner preventing an election officer or other person from ascertaining the number of a ballot selected by a voter.  
(c) The provisional ballots shall be placed separately from the regular ballots.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.64.htm#64.008>  
**Sec. 64.008. DEPOSITING BALLOT.**

(a) Except as provided by Subsection (b), after a voter has marked the ballot, the voter shall fold the ballot to conceal the way it is marked but to expose the presiding judge's signature, and shall deposit it in the ballot box used for the deposit of marked ballots.  
(b) After a voter has marked a provisional ballot, the voter shall enclose the ballot in the envelope on which the voter's executed affidavit is printed. The person shall seal the envelope and deposit it in a box available for the deposit of provisional ballots.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.005>  
**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. NOTE: See TX Election Code Chapter 87 for paper early voting (in person and by mail) and TX Election Code Chapter 127 for voted ballots that are to be tabulated at a central counting stations.

## Electronic Ballots

<https://states.capitol.texas.gov/Docs/EL/htm/EL.81.htm#81.003>  
**Sec. 81.003. SUBSTITUTION OF ELECTRONIC SYSTEM BALLOTS FOR PAPER BALLOTS.**

In an election in which an electronic voting system is used in regular voting but not for all or part of the early voting, the electronic system ballots prepared for use in regular voting may be used for early voting, if practicable, at the discretion of the authority responsible for having the official ballot prepared for the election.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.125.htm#125.005>  
**Sec. 125.005. MAINTAINING SECURITY OF EQUIPMENT DURING VOTING.**

(a) The presiding judge shall periodically have an election officer inspect the voting system equipment for tampering and damage while voting is in progress.  
(b) If any tampering or damage is discovered, the inspecting officer shall immediately stop use of the equipment and report to the presiding judge, who shall promptly take appropriate action.



### Provisional Ballots

When the eligibility of the voter is in question, a voter should be given a provisional ballot. Some examples are:

- Voter is in the wrong precinct
- Voter has an address that is outside the country
- Voter not qualified but insist on voting

**Provisional ballot procedures that should be followed in your state:**

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### Mail Ballots

Mail Ballots: Voter may correct absentee ballot in person and poll watcher is entitled to accompany clerk to observe absentee ballot correction.

Correction includes any ballots that are defective in original application, received timely and before the deadline.

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## Provisional Ballots

## Mail Ballots



## Provisional Voting

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.001>  
**Sec. 63.001. REGULAR PROCEDURE FOR ACCEPTING VOTER.**

(g) If the requirements for identification prescribed by Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011....

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.0051>  
**Sec. 63.0051. CONFIRMING REGISTRATION STATUS OF VOTER.**

(e) The voter shall be accepted for provisional voting under Section 63.011 if the election officer cannot determine that the voter is a registered voter or the territory covered by the election in which the voter is offering to vote.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.009>  
**Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.**

A voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.63.htm#63.011>  
**Sec. 63.011. PROVISIONAL VOTING.**

(a) A person to whom Section 63.001(g) or 63.009 applies may cast a provisional ballot if the person executes an affidavit stating that the person: (1) is a registered voter in the precinct in which the person seeks to vote; and (2) is eligible to vote in the election.  
(a-1) A person to whom the early voting clerk was required to provide an early voting ballot by mail under Section 86.001 and who did not vote early by mail may cast a provisional ballot on election day if the person executes an affidavit stating that the person: (1) is a registered voter in the precinct in which the person seeks to vote; and (2) did not vote early by mail. Sec.  
(b) A form for an affidavit required by this section must be printed on an envelope in which the provisional ballot voted by the person may be placed and must include: (1) a space for entering the identification number of the provisional ballot voted by the person; and (2) a space for an election officer to indicate whether the person presented a form of identification described by Section 63.0101.  
(c) After executing the affidavit, the person shall be given a provisional ballot for the election. An election officer shall record the number of the ballot on the space provided on the affidavit.  
(d) An election officer shall enter "provisional vote" on the poll list beside the name of each voter who is accepted for voting under this section.  
(e) A person who is permitted under a state or federal court order to cast a ballot in an election for a federal office after the time allowed by Subchapter B, Chapter 41, must cast the ballot as a provisional vote in the manner required by this section.

## Mail Ballots

See TX Election Code Chapter 86 (conduct of voting by mail, including application for ballot to be voted by mail) and Chapter 87 (processing early voting results by early voting board).

<https://states.capitol.texas.gov/Docs/EL/htm/EL.86.htm#86.008>

**Sec. 86.008. OPPORTUNITY TO CORRECT DEFECT: APPLICATION.**

NOTE: Under Sec. 86.008(d), a poll watcher is entitled to accompany the clerk and observe the procedures under this subsection (ex. the clerk may deliver in person to the voter a second application [for ballot to be voted by mail] if the defective original application is timely and may receive, before the deadline, the corrected application in person from the voter).

<https://states.capitol.texas.gov/Docs/EL/htm/EL.86.htm#86.011>

**Sec. 86.011. ACTION BY CLERK ON RETURN OF BALLOT.**

(d) A poll watcher is entitled to observe the procedures under this subsection (ex. if the clerk receives a timely carrier envelope that does not fully comply with the applicable requirements prescribed by this title, the clerk may deliver the carrier envelope in person or by mail to the voter and may receive, before the deadline, the corrected carrier envelope from the voter, or the clerk may notify the voter of the defect by telephone and advise the voter that the voter may come to the clerk's office in person to correct the defect or cancel the voter's application to vote by mail and vote on election day).





### **Curbside Voting**

For voters physically unable to enter polling place without assistance or risk of injury to health. Ballot is requested under such conditions from the election officer, voter can mark ballot and give to election officer or person accompanying voter to deposit in the ballot box.

### **Rules on Voters Needing Assistance**

Watcher can observe voter assistance by an election officer and examine ballot before it is entered in ballot box but watcher may not be present when voter is preparing their ballot or being assisted by another person of their choice. Voter can receive assistance if voter has physical disability (vision impairment), illiteracy or cannot read in ballot language and requires interpreter.

### **Who may provide assistance to a voter?**

Any person the voter chooses or an election official. Interpreter guidelines: Interpreter cannot be person's employer, officer or agent of voter's labor union and must be registered voter of county or adjacent county of voter requiring interpreter services. Interpreter must take oath. Election officer and watcher may request English translation of all non-English communications made. Voter may obtain assistance with using regular paper ballots if physically unable to operating the voting machine.

### **Electioneering**

No electioneering (posting, using or distributing political signs or literature), campaigning for or against any party, candidate or measure within 100 feet of outside entry door of polling station during polling station opening hours. No person or vehicle operating a loudspeaker to be used within 1,000 feet of polling place building for purpose of making a political speech or electioneering/campaigning in favor or against any candidate, measure or political party. No influencing another voter at polling place. No wearing any political badges related to any parties, candidates or measures on the ballot within 100 feet of any polling station voter entry door.

**Curbside Voting**

**Voters Needing Assistance**

**Electioneering**

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## Curbside Voting

<https://states.capitol.texas.gov/Docs/EL/htm/EL.64.htm>  
**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 curbside.
- (b) The regular voting procedures, except those in Subchapter B, 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.
- (e) Except as provided by Section 33.057, a poll watcher is entitled to observe any activity conducted under this section.

## Voters Needing Assistance

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.057>  
**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 or the voter's provisions for assisting voters using regular paper ballots. choice.
- Sec. 125.007. ASSISTING VOTER.**
- If a voter who is voting with a voting machine is physically unable to operate the machine, the voter is entitled to assistance under the applicable provisions for assisting voters using regular paper ballots. choice.
- <https://states.capitol.texas.gov/Docs/EL/htm/EL.62.htm#62.0115>  
**Sec. 62.0115. PUBLIC NOTICE OF VOTERS' RIGHTS.**
- (b) Except as revised by the secretary of state under Subsection
- (d) ... a voter has the right to: (4) request instructions on how to cast a ballot, but not to receive suggestions on how to vote; (5) bring an interpreter to translate the ballot and any instructions from election officials; (6) receive assistance in casting the ballot if the voter: (A) has a physical disability that renders the voter unable to write or see; or (B) cannot read the language in which the ballot is written;....
- <https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.009>  
**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.
- <https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.031>  
**Sec. 61.031. USE OF ENGLISH LANGUAGE.**
- (b) If a voter cannot communicate in English, an election officer may communicate with the voter in a language that the voter and the officer understand.
- <https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.032>  
**Sec. 61.032. INTERPRETER PERMITTED.**
- If an election officer who attempts to communicate with a voter does not understand the language used by the voter, the voter may communicate through an interpreter selected by the voter or, if the voter has not selected an interpreter, any interpreter an election officer may appoint.
- <https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.033>  
**Sec. 61.033. ELIGIBILITY TO SERVE AS INTERPRETER.**
- To be eligible to serve as an interpreter, a person: (1) may be any person 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; and (2) if appointed to serve as an interpreter by an election officer, must be a registered voter of the county in which the voter needing the interpreter resides or a registered voter of an adjacent county.
- <https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.035>  
**Sec. 61.035. OATH.**
- (a) Before serving as an interpreter, the person selected as interpreter must take ... oath administered by an election officer....
- <https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.036>  
**Sec. 61.036. TRANSLATION REQUIRED.**
- (a) If an election officer and a voter communicate in a language other than English, any other election officer or watcher may request an English translation of anything communicated in the other language.

## Electioneering

<https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.003>  
**Sec. 61.003. ELECTIONEERING AND LOTTERING 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. The term does not include the distribution of a notice of a party convention authorized under Section 172.114. (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.
- <https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.004>  
**Sec. 61.004. UNLAWFUL OPERATION OF SOUND AMPLIFICATION DEVICE OR SOUND TRUCK.**



### **Closing Procedures**

- Securing and Transporting Ballots / Equipment: Election officer secures and inactivates voting equipment.
- Breaking Down Equipment (Notes from your state’s election code)
- Election workers are responsible for breaking down equipment; poll watchers only observe and document the process.

### **Voting After the Polls Close**

- Doors close at 7:00pm.
- Presiding judge shall direct waiting voters to enter the polling place and close it to others.
- If not possible, presiding judge shall distribute numbered identification cards to those waiting voters and permit entry after closing only by those possessing a numbered identification card.

### **Securing and Transporting Ballots / Equipment**

- Election officer secures and inactivates voting equipment at closing of the polling place and as prescribed by the secretary of state so that its unauthorized operation is prevented.

### **Breaking Down Equipment**

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## **Closing the Poll**

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## Closing the Poll

<https://statutes.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.002>  
**Sec. 61.002. OPENING AND CLOSING POLLING PLACE FOR VOTING.**

(c): Immediately after closing the polls for voting on election day, the presiding election judge or alternate election judge shall print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine.

(d): Each election judge or alternate election judge present shall sign a tape printed under this section.

<https://statutes.capitol.texas.gov/Docs/EL/htm/EL.125.htm#125.063>  
**Sec. 125.063. SECURING EQUIPMENT ON CLOSE OF VOTING.**

On the close of voting at each polling place at which electronic voting system equipment is used, an election officer shall secure or inactivate the equipment as prescribed by the secretary of state so that its unauthorized operation is prevented.

<https://statutes.capitol.texas.gov/Docs/EL/htm/EL.41.htm#41.031>  
**Sec. 41.031. VOTING HOURS.**

(a) Except as provided by Section 41.033, the polls shall be opened at 7 a.m. for voting and shall be closed at 7 p.m. (b) Voting may not be conducted after the time for closing the polls except as provided by Section 41.032.

<https://statutes.capitol.texas.gov/Docs/EL/htm/EL.41.htm#41.032>  
**Sec. 41.032. VOTING AFTER POLLS CLOSE.**

(a) A voter who has not voted before the time for closing the polls is entitled to vote after that time if the voter is inside or waiting to enter the polling place at 7 p.m.

(b) If voters are waiting to enter the polling place at closing time, the presiding judge shall direct them to enter the polling place and shall close it to others. However, if that procedure is impracticable, at closing time the presiding judge shall distribute numbered identification cards to the waiting voters and permit entry into the polling place for voting after closing time only by those possessing a card.

(c) The presiding judge shall take the precautions necessary to prevent voting after closing time by persons who are not entitled to do so.

<https://statutes.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.007>  
**Sec. 61.007. UNLAWFULLY REVEALING INFORMATION BEFORE POLLS CLOSE.**

(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.



### **Election Observers MUST**

- Deliver a certificate of appointment to the general custodian of election records at time they report to service.
- Be of opposing interests if present and sign the seal for container storing test materials.

### **Election Observers MAY**

- Begin service at any time after the presiding judge arrives.
- Serve at the polling place during the hours they choose and may choose to remain when ballots are being counted (but cannot leave until all votes are counted if present during ballot counting).
- Observe early voting ballot by mail - signature verification and voter opportunity to correct on election day.
- Be present for an audit if appointed by a candidate in the election.

### **Election Observers MAY NOT**

- Reveal the number of votes, a candidate's position relative to another, whether a measure is passing or failing or names of persons who may or may not have voted.
- Leave the polling place until ballots are completely counted if they remain at the polling place during the time votes are being counted.

## **Election Observer Rules & Privileges**

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## Election Observer Rules & Privileges

<https://states.capitol.texas.gov/Docs/EL/htm/EL.61.htm#61.007>

### **Sec. 61.007. UNLAWFULLY REVEALING INFORMATION BEFORE POLLS CLOSE.**

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.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.052>

### **Sec. 33.052. HOURS OF SERVICE AT PRECINCT POLLING PLACE.**

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 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.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.053>

### **Sec. 33.053. HOURS OF SERVICE AT EARLY VOTING POLLING PLACE.**

A watcher serving at an early voting polling place may be present at the polling place that is required to be secured on the close of voting each day. The watcher may serve during the hours the watcher chooses.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.054>

### **Sec. 33.054. HOURS OF SERVICE AT EARLY VOTING BALLOT BOARD MEETING OR SIGNATURE VERIFICATION COMMITTEE MEETING.**

(a) A watcher serving at the meeting place of an early voting ballot board or committee completes its duties. The watcher may serve during the hours the board or committee is processing or counting ballots and until the board or committee completes its duties. The watcher may serve during the hours the board watcher chooses, except as provided by Subsection (b).

(b) A watcher serving at the meeting place of an early voting ballot board may not leave during voting hours on election day without the presiding judge's permission if the board has recorded any votes cast on voting machines or counted any ballots, unless the board has completed its duties and has been dismissed by the presiding judge.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.33.htm#33.055>

### **Sec. 33.055. HOURS OF SERVICE AT CENTRAL COUNTING STATION.**

(a) A watcher serving at a central counting station may be present at any time the station is open for the purpose of processing or preparing to process election results and until the election officers complete their duties at the station. The watcher may serve during the hours the watcher chooses, except as provided by Subsection (b).

(b) A watcher may not leave during voting hours on election day without the presiding judge's permission if the counting of ballots at the central counting station has begun.

(b) Under this code, a person may be lawfully present in the meeting place of an early voting ballot board during the time of the board's operations if the person is: ... (2) a watcher; ...

<https://states.capitol.texas.gov/Docs/EL/htm/EL.87.htm#87.026>

### **Sec. 87.026. BYSTANDERS EXCLUDED.**

(b) Under this code, a person may be lawfully present in the meeting place of an early voting ballot board during the time of the board's operations if the person is: ... (2) a watcher; ...

<https://states.capitol.texas.gov/Docs/EL/htm/EL.87.htm#87.0271>

**Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE VERIFICATION COMMITTEE.**

(e) A poll watcher is entitled to observe an action taken under Subsection (b) or (c) [early voting ballot by mail - signature verification committee gives voter opportunity to correct defect].

<https://states.capitol.texas.gov/Docs/EL/htm/EL.87.htm#87.0411>

### **Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING BALLOT BOARD.**

(e) A poll watcher is entitled to observe an action taken under Subsection (b) or (c) [early voting ballot by mail - early voting ballot board gives voter opportunity to correct defect].

<https://states.capitol.texas.gov/Docs/EL/htm/EL.127.htm#127.099>

**Sec. 127.099. SECURITY OF TEST MATERIALS.**

(a) On completing each test, the presiding judge shall place the test ballots and other test materials in a container provided for that purpose and seal the container so it cannot be opened without breaking the seal. The manager, tabulation supervisor, presiding judge, and not more than two watchers, if one or more watchers are present, shall sign the seal. The watchers must be of opposing interests if such watchers are present.

<https://states.capitol.texas.gov/Docs/EL/htm/EL.127.htm#127.302>

### **Sec. 127.302. RISK-LIMITING AUDIT.**

A watcher may be present for the audit if appointed by a candidate in the election. A watcher must deliver a certificate of appointment to the general custodian of election records at the time the watcher reports for service. The certificate must be in writing and must include: (1) the printed name and signature of the watcher; (2) the election subject to the audit; and (3) the printed name and signature of the candidate making the appointment.



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**Additional Notes**

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