

Authorized Election Observers: Poll Watchers and State Inspectors



Poll Watchers



Purpose

- Poll watchers are allowed to observe and report on irregularities in the conduct of any election, but may not interfere in the orderly conduct of an election.
- A duly appointed poll watcher shall observe without obstructing the conduct of an election.



A Poll Watcher is NOT....

- **An election worker** – election judges and clerks are responsible for the management and conduct of an election. Do not ask poll watchers to assist with official duties!
- **A state inspector** – an individual appointed and trained by the SOS to observe election activities.
- **An auditor** - person authorized to review and verify the accuracy of records.



Duties and Privileges

- The primary duty of a watcher is to observe the conduct of the election at the location where the watcher has been appointed.
 - A watcher is entitled to sit or stand near enough to see and hear the election officers conducting the observed activity.
- A watcher may not be denied free movement where election activity is occurring within the location at which the watcher is serving.
 - It is an offense if a person serving in an official capacity takes any action to obstruct the view of a watcher or distance the watcher from the activity in a manner that would make observation not reasonably effective.
- **NEW LAW** – poll watchers are no longer required to serve five continuous hours at a polling place on election day. The poll watcher can serve the hours they choose.

[Secs. 33.056 and 33.061]



Qualifications of a Watcher

- A watcher MUST:
 - Be a registered voter of the territory covered by the election and of the county for November general elections;
 - NOT be a candidate for public office in an election held on the day the watcher seeks to serve;
 - NOT hold an elective public office;
 - Does not include party officers
 - NOT be an employee of an election judge or clerk serving at the same polling place;
 - NOT have been finally convicted of an election-related offense; and
 - NOT be related within the second degree of consanguinity or affinity to an election judge or clerk serving at that polling place.
 - A watcher can be related to a candidate.



Appointment of Watcher

- A poll watcher may be appointed by:
 - **A political party** – the county chair of each political party that has nominee(s) on the official ballot; or three members of the county executive committee if the chair fails to act
 - **A candidate** whose name appears on the official ballot or on the list of declared write-in candidates
 - A campaign treasurer or assistant campaign treasurer of a **specific-purpose political action committee** that supports or opposes a measure



Watchers are Required to:

- Provide the following to the Presiding Judge:
 - A certificate of appointment
 - A certificate of completion of the poll watching training program administered by the SOS
- The judge must keep the certificate of appointment and certificate of completion in envelope no. 2
 - If a watcher is serving at more than one location the watcher must provide a certificate of appointment and certificate of completion for EACH location the watcher is appointed to serve
- Wear a form of identification (name tag) provided by the presiding judge or other election officer
- Take the following oath administered by the presiding judge, before they are accepted as a watcher:
 - *“I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties.”*



Poll Watcher Training

- Poll watchers who completed the required SOS training before September 1, 2024 will need to retake the poll watcher training before the November 5, 2024 election.
 - In order to ensure poll watchers are trained on any law changes, the certificate of completion will cover the following dates:
 - **January 1 – August 31**
 - **September 1 – December 31**



Maximum Number of Poll Watchers

- **Early Voting** – a maximum of **seven (7)** watcher may be appointed for each early voting polling places (no more than two may be on duty at the same location at the same time) by each appointing authority
- **Election Day Polling Place** – a maximum of **two (2)** watchers by each appointing authority
- **Early Voting Ballot Board** – a maximum of **two (2)** watchers by each appointing authority
- **Central Counting Station** – a maximum of **two (2)** watchers by each appointing authority



What Poll Watchers Can and Cannot Do

Permitted:

- Witness the installation of voting system equipment at the polling place
- Observe the securing of voting system equipment before the election
- Leave the polling place temporarily in order to use a cell phone or other wireless communication device
- Observe any activity conducted at the location at which the watcher is serving, and sit or stand near enough to see and hear the election officials to observe the activities of the election
- Observe any activity related to curbside voting (except when a voter is being assisted by a person of the voter's choice)
- Make written notes while on duty
 - Can be required to leave their written notes with another person if the watcher is permitted to leave the polling place while the polls are open
- Observe assistance given to voters **by election officials** and inspect the ballot before it is deposited in the ballot box to determine if it was prepared in accordance with the voter's wishes
 - 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
- Inspect the returns and other records prepared by election officers
- Observe, but not participate in, the tallying and counting of the votes to verify that the votes are tallied and read correctly
- Observe all election activities relating to closing the polling place, including the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed for use with voting system equipment
- Accompany authorized election officials in delivering 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
 - Do NOT need to ride in the same vehicle
- Witness the securing of the voting system equipment at the time the polls close
- Follow the transfer of election materials from the polling place to the regional tabulating center, central counting station, or other location designated to process election materials
- Receive an English translation of any language spoken other than English between an election official and a voter.



What Poll Watchers Can and Cannot Do

Prohibited

- Converse with a voter
 - Talk with an election worker except to call attention to an irregularity or violation of law
 - Communicate in any manner with a voter regarding the election
 - Use certain devices in the polling place
 - A watcher may not have possession of a device capable of recording images or sound. If the watcher does have such a device, the watcher must disable or deactivate the device while serving as a watcher
 - Observe a voter voting independently or a voter being assisted by a person of the voter's choice
 - Cause a disruption or breach of the peace or harass voters
- Reveal the following information before the polls close:
 - How a voter has voted; this offense is a third-degree felony. [Sec. 61.006(b)]
 - The number of votes that have been received for a candidate or for or against a measure; this offense is a Class A misdemeanor. [Sec. 61.007(a)(1)]
 - A candidate's position relative to other candidates in the tabulation of the votes; this offense is a Class A misdemeanor. [Sec. 61.007(a)(2)]
 - Whether a measure is passing or failing; this offense is a Class A misdemeanor. [Sec. 61.007(a)(3)]
 - The names of persons who have or have not voted in the election; this offense is a Class A misdemeanor. [Sec. 61.007(a)(4)]



Transfer from Polling Place to Central Count

- Poll watchers may follow the transfer of election materials from the polling place to the regional tabulating center, central counting station, or other location designated to process election materials.
 - Once the chain of custody paperwork has been completed for the polling place the watcher was assigned to they must leave (unless they have a separate appointment as a watcher for central count)
- Watchers assigned to central count may observe the delivery of election materials



Removal of a Poll Watcher

- A presiding judge may NOT have a watcher removed from the polling place for violating a provision of the Election Code *unless* the violation was observed the an election judge or clerk.
- A presiding judge may remove a poll watcher for a violation of the Penal Code, regardless of whether the election judge or clerk observed the violation
- A presiding judge a call law enforcement to request a poll watcher be removed if the poll watcher commits a breach of the peace or a violation of law.

[Sec. 32.075]



Removal of a Watcher from EVBB or Central Count

- A presiding judge may NOT have a watcher removed from the for violating a provision of the Election Code *unless* the violation was observed the an election judge or clerk.
- A presiding judge may remove a poll watcher for a violation of the Penal Code, regardless of whether the election judge or clerk observed the violation
- A presiding judge a call law enforcement to request a poll watcher be removed if the poll watcher commits a breach of the peace or a violation of law.
 - Utilize the licensed peace officer that is required to be there per 127.1232

[Sec. 32.075]



State Inspector



Authority and Purpose

- A State Inspector's role is *to be present at and observe* any function or activity at a polling place, central counting station, place of canvass, or other place at which official election or voter registration functions or activities take place.
- The Secretary of State may appoint one or more state inspectors for an election
 - The Secretary of State shall appoint one or more inspectors for an election if the secretary receives a written request for the appointment from 15 or more registered voters

[Sec. 34.001 and 34.002]



A State Inspector is NOT...

- **An election worker** – election judges and clerks are responsible for the management and conduct of an election
- **A poll watcher** – a person appointed by a candidate or political action committee to observe the conduct of an election on behalf of a candidate, a political party, or the proponents or opponents of a measure
- **An auditor** - person authorized to review and verify the accuracy of records
- **An Election Trainer**



Duties and Privileges

A state election inspector:

- Is entitled to be present at a polling place, and **observe** the functions and activities of the central counting station, ballot board meetings, place of canvass, or other places at which official elections or voter registration activities take place.
 - Point out any irregularities or concerns to the presiding judge
- Shall prepare an Inspector Report to the Secretary of State detailing any issues or violations of law that the inspector observed.



A State Inspector CANNOT...

- Talk to anyone in the polling place, except the election officials
- Argue with the election judge or tell them how to do their job
- Take sides on any issue or disagreement



Is an Inspector there to answer questions?

- No. However, if the election judge asks an inspector an election question, the inspector may serve as a resource and provide as much assistance as possible.
 - If the inspector cannot answer a question with the reference material(s) provided, the inspector should contact the Office of the Secretary of State for assistance.



Questions?

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