

INSTRUCTIONS

Registered voters have the authority to appoint a poll watcher on behalf of a write-in candidate whose name appears on the ballot. This type of appointment is made on behalf of a write-in candidate who is not a declared write-in candidate.

A group of registered voters may appoint watchers on behalf of a write-in candidate in an election in which a declaration of write-in candidacy is not required to be filed.

To be eligible to participate in the appointment (under this section) of a watcher for a precinct polling place, a person must be a registered voter of the precinct. If the countywide polling place program is being used, the voters signing the Certificate of Appointment must be registered voters of the county.

To be eligible to participate in the appointment (under this section) of a watcher for an early voting polling place, the meeting place of an early voting ballot board, or a central counting station, a person must be a registered voter of the territory served by that facility.

The minimum number of voters required to make an appointment under this section is the lesser of:

15; or

5% of the registered voters of the appropriate territory as determined from the list of registered voters to be used for the election.

A certificate issued to a watcher appointed for a write-in candidate under Section 33.004 Texas Election Code must:

Include the residence address and voter registration number of eligible signers in the required number;

Include the signed statement of the candidate, or a person who would be authorized to make appointments on the candidate's behalf if the candidate's name appeared on the ballot, that the appointment is made with the signer's consent; and

State the residence or office address of the signer and the capacity in which the signer signs, if the statement is not signed by the candidate.

A watcher appointed to serve at a precinct 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]

The officer presented with a watcher's certificates shall require the watcher to countersign the certificate of appointment to ensure that the watcher is the same person who signed the certificate of appointment. A watcher who presents himself or herself at the proper time with the required certificates 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.

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.

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.

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.

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.

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."