

CHAPTER 15

POLL WATCHERS AND ELECTION INSPECTORS

SECTION A: POLL WATCHERS

1. Appointed by:

•Candidate [Sec. 33.002]

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•County Chairman of each political party with nominees on the ballot [Sec. 33.003]

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•Group of registered voters: [Sec. 33.004]

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(1) for write-in candidate;

(2) minimum of 15 or 5% of registered voters.

•Campaign treasurer of a specific-purpose political committee which supports or opposes a measure on the ballot. [Sec. 33.005]

2. Requirements

•Eligibility:

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(1) registered voter of the territory; [Sec. 33.031]

(2) not a candidate for public office in an election held on same day; [Sec. 33.032]

(3) not a public officer; and [Sec. 33.034]

(4) not employed or related to a presiding judge or clerk of that polling place. [Sec. 33.033]

•Must present certificate of appointment to the presiding judge. [Sec. 33.006] Certificate must:

(1) be in writing; and

(2) include:

- name of poll watcher;
- residence address of poll watcher;
- voter registration number of poll watcher;

- signature of poll watcher;
- election and precinct number;
- signature(s) of person(s) making appointment and indication of capacity in which signing;
- in election on measure, identify measure, and which side supported; and
- an affidavit executed by the poll watcher that they do not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher. NOTE: A watcher with such a device may not be accepted for service. Judge is permitted to inquire as to whether a watcher has possession of such items. [Sec. 33.051(c)]

Presiding judge must require poll watcher to countersign certificate and compare signatures. The completion of the affidavit in front of the presiding election judge serves as the counter-signature. [Sec. 33.051(b)]

If accepted, retain certificate in Envelope No. 2. [Sec. 66.023]

If rejected, judge must return certificate with signed statement of reasons. [Sec. 33.051(e)]

3. Services, duties, and privileges

Number of poll watchers: [Sec. 33.007]

(1) two per polling place or early voting ballot board meeting.

(2) seven per early voting branch; only two at one time.

Hours of service:

(1) A watcher serving at an early voting polling place may be present at the polling place at any time it is open and until completion of the securing of any voting equipment used at the polling place that is required to be secured on the close of voting each day. The watcher may serve during the hours he/she chooses. [33.053]

(2) Early voting ballot board - hours poll watcher chooses, except may not leave once counting begins. [Sec. 33.054]

MUST be allowed to: [Sec. 33.056]

(1) observe ALL election activities;

- (2) sit or stand conveniently near officers;
- (3) sit or stand conveniently near counting team;
- (4) inspect returns and other records;
- (5) make written notes (though judge may require poll watcher to leave notes at polling place if the poll watcher leaves while the polls are open);
- (6) talk, BUT ONLY to a presiding judge or clerk when noting an observed irregularity;
- (7) observe voter voting, IF assisted by election officer(s) [Sec. 33.057];
- (8) accompany delivery of election records [Sec. 33.060]; and
- (9) observe securing of voting machine. [Sec. 33.059]

Knowingly preventing a poll watcher from observing is a Class A Misdemeanor. [Sec. 33.061]

No name tags for poll watchers. [Sec. 61.010]

Poll watcher may NOT:

- (1) wear a badge, insignia, emblem, or other similar communicative device relating to a candidate or party [Sec. 61.010(b)]
- (2) converse with an election officer regarding the election, except to call attention to an irregularity [Sec. 33.058(a)(1)]
- (3) communicate in any manner with a voter regarding the election [Sec. 33.058(a)(3)]

SECTION B: ELECTION INSPECTORS

- 1. Appointed by the Secretary of State. [Sec. 34.001(a)]
 - a. SHALL appoint on timely request of 15 or more registered voters of the appropriate territory, received not later than the fourth regular business day before the election. [Sec. 34.001]
 - b. May appoint in all other cases.