

SECRETARY OF STATE – ELECTIONS DIVISION

Election Day Poll Watcher Information Sheet

A Poll Watcher MUST...

Be appointed by an appointing authority – Only an appointing authority may appoint a Poll Watcher. The appointing authority can be:

- A candidate on the ballot [Sec. 33.002]
- A political party [Sec. 33.003]
- Registered voters on behalf of a write-in candidate [Sec. 33.004]
- Proponents or opponents of a measure (specific-purpose political committees registered with the appropriate authority as governed by the Texas Ethics Commission) [Sec. 33.005]

****Each appointing authority may not appoint more than two watchers for each precinct polling place. [Sec. 33.007(a)]**

Meet the following eligibility requirements:

- Watcher must be a qualified voter of the county or the territory in which the election is held in a less than countywide election – [Sec. 33.031]
- Complete the Secretary of State’s Online Poll Watcher training [Sec. 33.008]
- A candidate is ineligible to serve as a watcher if the candidate is on the ballot on the same day – [Sec. 33.032]
- A person who holds an elective public office is ineligible to serve as a watcher in an election. [Sec. 33.034]
- A watcher may not be an employer of, employed by, or related within the second degree of blood or marriage to the election workers [Sec. 33.033]
- A watcher must swear by affidavit that he or she either does not possess a device capable of recording images or sound or that the watcher will disable or deactivate the device while serving as a watcher, and prohibits the watcher from serving until he or she has done so. [33.006(b)(6)]

Complete the Secretary of State Online Poll Watcher Training [Sec. 33.031] – The Secretary of State’s Poll Watcher Training must be completed within the training window in which the watcher will serve. The first part of the training year begins on January 1st and continues until August 31st. The second training period starts on September 1st and ends on December 31st.

Give the Presiding Judge a Certificate of Appointment – The appointing authority must issue a Certificate of Appointment to the watcher. The watcher must deliver the Certificate of Appointment at the time the watcher reports for service. [33.051(a)]

The certificate must:

- Be in writing and signed by the appointing authority and by the watcher [Sec. 33.006(b)(1)]
- Indicate the capacity in which the appointing authority is acting (i.e., candidate, political party) [Sec. 33.006(b)(2)]
- State the name, residence address, and Voter Registration Certificate (VUID) number of the watcher and be signed by the watcher [Sec. 33.006(b)(3)]
- Identify the election for and the location at which the watcher has been appointed to serve. For example, polling place name where the watcher will serve [Sec. 33.006(b)(4)]

Give the Presiding Judge a Certificate of Completion of the Secretary of State Online Poll Watcher Training – [Sec. 33.008] The Secretary of State Online Poll Watcher Training will issue a printed Certificate of Completion as well as a virtual one. A physical copy must be given to the Presiding Judge to fulfill the requirements for acceptance of a watcher.

Countersign the Certificate of Appointment for a signature comparison – The officer presented with a watcher’s certificate of appointment shall require the watcher to countersign the certificate to ensure that the watcher is the same person who signed the certificate. [Sec. 33.051(b)]

Take the Oath of Poll Watcher – The oath shall be administered by an election officer and repeated aloud by the watcher before being accepted for service. [Sec. 33.051(h)]

Wear name identification – A poll watcher must wear a name badge while on duty at the polling place. The Presiding Election Judge shall provide the watcher with a form of identification, prescribed by the Secretary of State, to be displayed during the watcher’s hours of service at the polling place. [Sec. 33.051(f)]

A Poll Watcher IS ALLOWED TO...

Observe and report on irregularities in the conduct of any election – A watcher 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. [Sec. 33.0015]

Observe general activity – A watcher is entitled to sit or stand near enough to see and hear the election officers conducting the observed activity except as prohibited by law. [Sec. 33.056(a)] 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.

Observe assistance of a voter by an election worker – A watcher is entitled to be present at the voting station when an election worker is assisting a voter. 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. [Sec. 33.057(a)]

Inspect election records – A watcher is entitled to inspect records prepared by election officers at the location at which the watcher is serving. [Sec. 33.056(c)]

Point out irregularities to an election officer – 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. [Sec. 33.058(b)]

Be present at the polling place at any time after the Presiding Judge arrives and may remain until the Presiding Judge and Clerks complete their duties – A watcher may serve during the hours the watcher chooses, except that if the watcher is present when ballots are counted, the watcher may not leave until the counting is complete. [Sec. 33.052]

Make written notes – 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. [Sec. 33.056(d)]

Observe Data Storage Sealing and Transfer – A watcher may 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. [Sec. 33.0605(a)].

Follow the transfer of election materials – A watcher duly accepted for service at a polling location is entitled to 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. [Sec. 33.0605(b)]

A Poll Watcher IS NOT ALLOWED TO.....

Interfere in the orderly conduct of an election. [33.0015]

Observe a voter voting independently or a voter being assisted by a person of the voter's choice – A watcher may not be present at the voting station when a voter is preparing the voter's ballot or being assisted by a person of his choice. [33.057(b)]

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 will disable or deactivate the device while serving as a watcher. [33.006(b)(6)]

Converse with election workers – A watcher may not converse with the election workers regarding the election, except to call attention to an irregularity or violation of law. [Sec. 33.058(a)(1)]

Converse with a voter – A watcher may not converse or communicate in any manner with the voter regarding the election. [Sec. 33.058(a)(2) & (3)]

Cause a disruption or breach of the peace – A watcher may not violate the Election Code either in the polling area or within 100 ft. of the entrance to the building where the polling place is located OR may be subject to removal. [Sec. 32.075]

Leave until ballot counting is complete – A watcher may serve at the polling place during the hours the watcher chooses, except that if the watcher is present when ballots are counted, the watcher may not leave until the counting is complete. [Sec. 33.052(a)]