

## CHAPTER 3

### VOTING

The voter must be allowed to cast his or her vote in a voting booth that provides privacy for him or her while marking his or her ballot. [Sec. 51.032]

#### SECTION A. PERSONS ALLOWED INSIDE THE POLLING PLACE

**NEW LAW: HB 1128 (87th Leg., R.S., 2021)** provides a list of individuals who are permitted to be lawfully present in certain locations related to elections. [Sec. 61.001].

**Polling Place:** The following individuals **may be lawfully present** in a polling place from the time the presiding judge arrives until the precinct returns have been certified and the election records have been assembled for distribution following the election:

- an election judge or clerk;
- **a watcher;**
- the Secretary of State;
- a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with the Election Code;
- an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
- a state inspector;
- a person admitted to vote;
- a child under 18 years of age who is accompanying a parent who has been admitted to vote;
- a person providing assistance to a voter under Section 61.032 or 64.032;
- a person accompanying a voter who has a disability; • a special peace officer appointed by the presiding judge under Section 32.075;
- the county chair of a political party conducting a primary election, as authorized by Section 172.1113;
- a voting system technician, as authorized by Section 125.010;
- the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
- a person whose presence has been authorized by the presiding judge in accordance with the Election Code.

NOTE: No one may be permitted to be inside the polling place unless specifically authorized by law. [Sec. 61.001] Election officers (other than the precinct election judge and clerks), party officials, or members of the media are not permitted to be in the polling place unless they are voting or fall into one of the other groups of persons listed above, who are permitted to be in the polling place. Loitering within 100 feet of an outside door through which a voter may enter during the voting period is prohibited. [Sec. 61.003] An offense under Section 61.003 is a Class C misdemeanor. [Sec. 61.003(c)] It is a Class C misdemeanor for a candidate to be present in a polling place during early voting or on election day, unless the candidate is voting, assisting a voter, or conducting official business within the building in which the polling place is located. If the candidate is not in the building for one of these reasons, the candidate will not violate the section if he or she is not engaged in campaign activity, and is not within plain view or hearing of persons waiting to vote or persons voting. [Sec. 61.001]