

2022 ELECTION TEXAS LAW ENFORCEMENT QUICK REFERENCE GUIDE



This pocket reference guide contains key penal provisions found within the Texas Election Code (§61.001 through §61.036 and §276.001 through §276.019) and other relevant sections.

- ▶ Campaigning within 100 feet of an outside door through which a voter may enter the building in which a polling place is located is a misdemeanor.
- ▶ A voter may not be arrested during the voter's attendance at an election except for treason, a felony, or a breach of peace.
- ▶ Knowingly attempting to prevent an eligible voter from casting a ballot is a misdemeanor.
- ▶ Carrying a firearm on the premises of a polling place on Election Day is a felony.

VOTING HOURS

Early Voting

October 24 - November 4
Hours Vary

Election Day

November 8, 7 a.m. to 7 p.m.

REPORT SUSPICIOUS BEHAVIOR TO

Elections Division Secretary of State

Monday - Friday, 8 a.m. to 5 p.m.
1-800-252-VOTE or 512-463-5650
elections@sos.texas.gov

Your Local Election Official

Unlawful Presence of Candidate

Texas Election Code §61.001 (b)

A candidate may not be in the polling place from the time the presiding judge arrives there on election day to make the preliminary arrangements until the precinct returns have been certified and the election records have been assembled for distribution following the election for a purpose other than: (a) voting; or (b) official business in the building in which the polling place is located.

It is an exception to the application of this section that the candidate: (1) is not within plain view or hearing of the persons in the voting area in which voters are being accepted for voting, and (2) is not engaged in campaign activity.

An offense under this section is a Class C misdemeanor.

Electioneering and Loitering Near Poling Place

Texas Election Code §61.003

A person commits this offense if, during the "voting period" (defined for these purposes as the period beginning when the polls are open for voting and ending when the polls close or the last voter has voted, whichever is later) and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person:

1. loiters; or
2. electioneers for or against any candidate, measure, or political party.

The entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building's

premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering. For these purposes, "electioneering" includes the posting, use or distribution of political signs or literature, but does not include the distribution of a notice of a party convention authorized under Section 172.1114 of the Election Code.

An offense under this section is a Class C misdemeanor.

Unlawfully Divulging Vote

Texas Election Code §61.006

A person commits an offense if the person was in a polling place for any purpose other than voting and knowingly communicates to another person information that the person obtained at the polling place about how a voter has voted.

This section does not apply to information presented in an official investigation or other official proceeding in which the information is relevant.

An offense under this section is a felony of the third degree.

Unlawfully Revealing Information Before Polls Close

Texas Election Code §61.007

An election officer, watcher, or other person serving at a polling place in an official capacity commits an offense if, before the polls close or the last voter has voted, whichever is later, the officer, watcher, or other person reveals:

1. the number of votes that have been received for a candidate or for or against a measure;
2. a candidate's position relative to other candidates in the tabulation of the votes;
3. whether a measure is passing or failing; or

4. the names of persons who have or have not voted in the election.

An offense under this section is a Class A misdemeanor.

Beginning at 9:30 a.m., and at each subsequent two-hour interval through 5:30 p.m., the presiding judge shall post written notice of the total number of voters who have voted in the precinct.

Wearing Name Tag or Badge in Polling Place

Texas Election Code §61.010

A person may not wear a badge, insignia, emblem, or other similar communicative device relating to a candidate, measure, or political party appearing on the ballot, or to the conduct of the election, in the polling place or within 100 feet of any outside door through which a voter may enter the building in which the polling place is located.

An offense under this subsection is a Class C misdemeanor.

An election judge, an election clerk, a state or federal election inspector, a certified peace officer, or a special peace officer appointed for the polling place by the presiding judge shall wear while on duty in the area described above a tag or official badge that indicates the person's name and title or position.

Places Weapons Prohibited

Texas Penal Code §46.03

A person commits this offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon listed in Section 46.05(a) of the Penal Code (Prohibited Weapons) on

the premises of a polling place on the day of an election or while early voting is in progress.

An offense under this section is a felony of the third degree.

Unlawful Removal from Ballot Box

Texas Election Code §276.003

A person commits an offense if the person knowingly or intentionally removes or attempts to remove voted ballots from a ballot box in a manner not authorized by law.

An offense under this section is a felony of the third degree unless the person is convicted of an attempt. In that case, the offense is a Class A misdemeanor.

Voters Privilege from Arrest

Texas Election Code §276.005

A voter may not be arrested during the voter's attendance at an election and while going to and returning from a polling place except for treason, a felony, or a breach of peace.

Unlawful Buying and Selling of Balloting Materials

Texas Election Code §276.010

A person commits an offense if the person buys, offers to buy, sells, or offers to sell an official ballot, official ballot envelope, official carrier envelope, signed application for an early voting mail ballot, or any other original election record. This section does not apply to a person who executes a written contract for the procurement of election supplies necessary to conduct an election under Section 51.003 of the Election Code.

An offense under this section is a state jail felony requiring a term of imprisonment unless a voter sells a ballot, ballot envelope, or carrier envelope that has been provided to the voter by the government, in which event the offense is a Class B misdemeanor.

Prohibited Activities

Texas Election Code §276.013

A person commits an offense if the person knowingly or intentionally makes any effort to:

1. influence the independent exercise of the vote of another in the presence of the ballot or during the voting process, including by altering the ballot of another or by otherwise causing a ballot to not reflect the intent of the voter;
2. cause a voter to become registered, a ballot to be obtained, or a vote to be cast under false pretenses;
3. cause any false or intentionally misleading statement, representation, or information to be provided:
 - A) to an election official; or
 - B) on an application for ballot by mail, carrier envelope, or any other official election-related form or document;
4. prevent a voter from casting a legal ballot in an election in which the voter is eligible to vote;
5. provide false information to a voter with the intent of preventing the voter from voting in an election in which the voter is eligible to vote;
6. cause the ballot not to reflect the intent of the voter;
7. cause a ballot to be voted for another person that the person knows to be deceased or otherwise knows not to be a qualified or registered voter;
8. cause or enable a vote to be cast more than once in the same election; or
9. discard or destroy a voter's completed ballot without the voter's consent.

An offense under this section is a Class A misdemeanor, unless:

1. the person committed the offense while acting in the person's capacity as an elected official, in which case the offense is a state jail felony; or

2. the person is convicted of an attempt, in which case the offense is a Class B misdemeanor.

If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

Other Election Offenses

Texas Election Code §276.014

A person commits an offense if the person knowingly or intentionally makes any effort to:

1. count votes the person knows are invalid or alter a report to include votes the person knows are invalid; or
2. refuse to count votes the person knows are valid or alter a report to exclude votes the person knows are valid.

An offense under this section is a felony of the second degree.

Disrupting Meeting or Procession

Texas Penal Code §42.05

A person commits an offense if, with intent to prevent or disrupt a lawful meeting, procession, or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance.

An offense under this section is a Class B misdemeanor.

Hindering Proceedings by Disorderly Conduct

Texas Penal Code §38.13

A person commits an offense if he intentionally hinders an official proceeding by noise or violent or tumultuous behavior or disturbance or recklessly hinders an official proceeding by noise or violent or tumultuous behavior or disturbance and continues after explicit official request to desist.

An offense under this section is a Class A misdemeanor.



Committee for
**SAFE AND SECURE
ELECTIONS**

