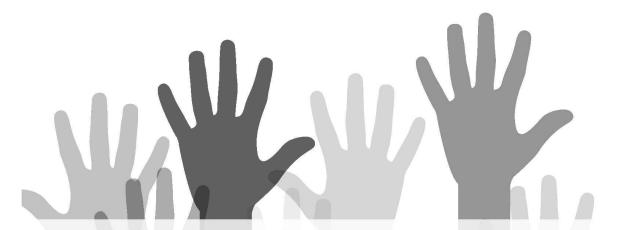
TEXAS

BRENNAN CENTER FOR JUSTICE TWENTY YEARS





at New York University School of Law



HOW TO BECOME A POLL WORKER

PROTECTING THE RIGHT TO VOTE



Disclaimer This guide provides basic information and should be used as a reference only. It is not a substitute for legal advice, and it does not purport to provide a complete recitation of the relevant local, state or federal laws. The law changes frequently. The information provided may not be current and may not apply to your specific set of facts or circumstances. If you require legal advice, please consult your attorney. © 2020 Brennan Center for Justice at NYU School of Law, Lawyers' Committee for Civil Rights Under Law & Association of Pro Bono Counsel

Table of Contents

Discla	aimer	1
I.	Introduction	
Π.	Overview of Texas Election System	
III.	Description of Roles	
a.	Categories of Poll Workers/ Responsibilities and Duties	3
b.	Qualifications for Election Clerks	4
с.	Party Affiliation	5
d.	Terms of Office	5
e.	Compensation	5
IV.	Application Process	7
a.	Applications to Become a Poll Worker	7
b.	Description of the Process	7
<i>c</i> .	Where to File	
d.	Deadlines for Filing	7
V.	After Applying	8
a.	Effective Ways to Follow Up	8
b.	Overcoming Objections	9
VI.	Training Resources	11
VII.	Election Protection Organizations in Texas	12
VIII.	High-Priority State-Specific Issues	
a.	Options for Voters Without Proper ID	
b.	Voters Who Have Moved	
<i>c</i> .	Voters Who Are Not on the Rolls	
d.	Right to Voting Assistance	
e.	Voter Mistakes on Ballots	
f.	Voters Standing in the Line by 7:00 p.m. Must Be Permitted to Vote	
g.	Polling Place Accessibility	
h. ·	Campaigning at the Polling Place	
l. :	Voter Intimidation and Disruption	
J. k.	Recent Changes in Election Law to Consider	
к.	COVID-19 Concertis	19
IX.	Be a Proactive Poll Worker	20

I. Introduction

Thank you for your interest in becoming a poll worker in Texas. By coming this far, it's clear that you cherish the principle of "one person, one vote"—a bedrock of our democracy. At the Brennan Center for Justice at New York University School of Law (BC) and the Lawyers' Committee for Civil Rights Under Law (LCCR) we also cherish that principle and therefore work every day to preserve and protect the right to vote for every eligible citizen. Poll workers are an essential part of the voting process. Informed and engaged poll workers contribute to that process, benefit their communities, and help ensure the right to vote is not unduly impeded. Indeed, a lack of qualified poll workers (different from poll watchers) has been a serious impediment to voter access. When states face difficulties attracting and hiring qualified poll workers, polling places are often understaffed or mismanaged, resulting in long lines, the spread of misinformation, and even incidents of bias and intimidation. Additionally, poll workers are often the only election officials with whom voters interact, so they play an important role in how voters experience and think about the voting process.

To address these issues, we have teamed up with the Association of Pro Bono Counsel to create state-specific guides to encourage qualified candidates to become poll workers—poll workers who know the relevant laws and processes, how to assist and troubleshoot effectively, and how to help voters have a positive experience on Election Day.

This toolkit for Texas provides an overview of the process for becoming a poll worker. We hope it is useful to you as both a technical and practical guide, including pointers that we have gleaned from experience. It is NOT a substitute for training materials provided by the state, county or local government. Instead, it is meant to equip qualified people like you with the information you need to become a poll worker and enjoy the important job of serving your fellow voters well. We hope this guide encourages you to join the movement and make a difference!

II. Overview of Texas Election System

Texas has one of the larger election systems in the nation, involving 254 counties and 1,218 cities. During an election, these government units require the services of election judges, election clerks, poll watchers and election inspectors.

Individuals serving in each of the aforementioned roles have a significant impact on the voting experience of Texans, as collectively they are in charge of monitoring the polling place and the election process. Recruiting qualified candidates and training them properly is essential to minimizing mistakes, hassle and wait time. However, a shortage of well-trained poll workers is not uncommon in Texas.

This problem correlates with issues that occur in Texas polling places on Election Day, including election workers who are unaware of voter identification requirements. This can result in voters being denied the right to vote, even after presenting proper voter identification materials.

The importance of the role of poll workers cannot be overstated. This job is vital to the voting process and essential to the well-being of our democracy. Accordingly, well-trained and qualified poll workers are severely needed. This Texas Poll Worker Toolkit will present you with an easy guide on how to become a Texas poll worker:

- Part III explains the roles and duties of poll workers on Election Day. In addition, it details the necessary qualifications needed to become a poll worker under Texas election law.
- Part IV describes the process for applying to be a poll worker.
- Part V outlines the process after you file the application to become a poll worker. This includes
 how to make sure your application is properly filed, tips to overcome objections, and the timeline
 of the appointment process.
- Part VI provides a list of available resources for poll worker training.
- Part VII lists the election protection organizations in Texas.
- Part VIII details some hands-on issues that a poll worker should be particularly prepared to handle, with tips on how to respond.

III. Description of Roles²

a. Categories of Poll Workers/ Responsibilities and Duties

Election Judges

An election judge is responsible for the management and conduct of the election at the polling place of the election precinct where the judge serves. The election judge has the power to issue an arrest warrant, appoint special officers, and report irregularities. Election judges will also designate the duties and hours of the election clerks to facilitate an efficient and honest voting process. They are expected to be involved in the entire election process; an election judge must ensure that the polling place is physically ready before elections begin and that the votes are counted after the election ends.³

In Texas, election judges are not elected. Rather, they are appointed by a commissioner's court.⁴ A county election commission is chaired by the county judge in each county and is comprised of the county judge, county clerk, county tax assessor-collector, and county chairpersons of each political party.⁵ The commission chooses two election judges. The first, a presiding judge, will be selected from the party with the highest votes for governor in the county from the prior election and an alternative presiding judge will be selected from the opposing party.⁶

Election Clerks

Generally, election clerks are expected to comply with the instructions of the election judge. The election clerk must ensure that voters are able to cast their votes in secret. Their duties include answering voter questions, checking the identification of voters, behaving impartially, and helping prepare the layout of the polling station. Like the election judge, they must also assist in the necessary procedures after the polls close.⁷

One of the election clerks must be the alternate presiding judge. To be eligible, a person must be a qualified voter of the county, in the case of a county-wide election, or a qualified voter of the political subdivision, in the case of a non-county election.

Poll Watchers

Poll watchers are people interested in elections who are entitled to observe polling place operations.¹⁰ They are allowed to monitor the election clerk during his or her time at the poll, examine the ballot of a voter being assisted, inspect the returns and records of the election clerk, and stand near members of the counting team to verify that the ballots are read correctly.¹¹ They may report any irregularities to the election judge, and may also report irregularities to the election inspector appointed by the Secretary of State.¹² Poll watchers are expected to continuously work for five hours; if they leave before that for any reason, other than to check their electronics, they may not be permitted to return to the room.¹³

To qualify, a person must be a registered voter of the election territory and bring his or her certificate of appointment. On the certificate the poll watcher must certify that he or she shall not have possession of any mechanical or electronic means of recording images or sound while serving unless

said device is deactivated. The certificate must also contain the signature of the poll watcher and the one making the appointment.¹⁴

State Election Inspectors

Election inspectors perform a similar role to poll watchers. They are entitled to observe an election, but in contrast to poll watchers, they may take reasonable steps to obtain evidence of the manner in which a function or activity is being performed. Election inspectors are also permitted to observe all the election activities performed by the election judge and clerks. They must report any violations of law that they observe to the Secretary of State. ¹⁵ Inspectors are appointed by the Secretary of State and are responsible to the Secretary of State. ¹⁶ Additionally, an inspector must wear an identifying name tag or badge while on duty at a polling place. ¹⁷

b. Qualifications for Election Clerks

You must be a qualified and registered voter of the county in a countywide election or of the part of the county or political subdivision where the election is held.¹⁸ The requirements to be a qualified voter are:

- ✓ A citizen of the United States;
- ✓ 18 years of age or older;
- ✓ A resident (for at least 30 days) of the Texas county in which the voter has registered;
- ✓ Not determined by a court to be mentally incapacitated; and
- ✓ Not finally convicted of a felony (unless fully discharged of the sentence or pardoned or released from the disability to vote). 19

You must have sufficient mental competence to perform the duties of the office. 20

- ✓ Must not have been determined mentally incompetent by a final judgment of a court.
- ✓ This overlaps with one of the requirements for being eligible to vote.

TO BE A TEXAS POLL WORKER:

You must:

- Be a qualified and registered voter of Texas
- ☐ Submit a personal application to the relevant city, township, or village clerk
- ☐ Receive a training certification by the State of Texas

You must not:

- ☐ Be a candidate or a family member of a candidate
- ☐ Have been convicted of a felony or election crime

You must submit a personal application to the relevant city, township, or village clerk where you want to serve as a poll worker.

You must be certified by the State of Texas through training conducted by the city, township clerk and/or the county clerk.

Other desirable qualifications:

- ✓ Ability to work effectively and cooperatively with fellow election workers, other election officials, and the general public;
- ✓ Ability to learn to use voting equipment, computers, and other related machines;
- ✓ Ability to sit or stand for an extended period of time; and

✓ Ability to work a long day.

Disqualifications:21

- ✓ You are a candidate or any member of a candidate's immediate family; "Immediate family" generally includes an individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.
- ✓ You are employed by a candidate for public office, or a campaign manager or treasurer.
- ✓ You hold an elective public office.
- ✓ You have been convicted of a felony or election crime.

Student Election Clerk Program²²

A student under the age of 18 can also help at the polling place on Election Day. The requirements are:

- ✓ He/she is at least 16 years old on Election Day;
- ✓ He/she is enrolled in a public, private, or qualified home school;
- ✓ He/she is a U.S. citizen; He/she has consent of his/her school principal (or parent/legal guardian for home-schooled students); and
- ✓ He/she completes any required election worker training program.

c. Party Affiliation²³

Texas law generally requires that the presiding judge and alternate presiding judge be affiliated or aligned with different political parties.

d. Terms of Office

Election judges and alternate presiding judges are appointed to serve terms of one year, or two years if specifically provided by the commissioner's court.²⁴ All appointments occur before July or August of each year (depending on county size) and individuals will be considered until the 20th day before a general election or the 15th day before a special election. To serve, a person must be a qualified voter of the precinct and fulfill any written eligibility requirements prescribed by the commissioner's court.²⁵

Election clerks are appointed by the presiding judge in each precinct, and their terms last for a single election.²⁶

Poll watchers are appointed for a single election to observe the conduct of an election on behalf of a candidate, a political party, or the proponents or opponents of a measure.²⁷

Election inspectors are appointed by the Texas Secretary of State upon receipt of a written request for the appointment by 15 or more registered voters of the county or political subdivision in which the election takes place.²⁸

e. Compensation

Compensation for election judges is fixed by the local authority, which is either the commissioner's court, the political subdivision's governing body, or the executive committee of the political party holding the primary (depending on the type of election).²⁹ Compensation must equal an amount that is at least the federal minimum wage.³⁰

Election clerks are compensated by the local authority just like election judges.³¹

Poll watchers are not compensated.

Inspectors are eligible to receive reimbursement for travel expenses in an amount that does not exceed travel expenses permitted for state employees.³²

Some examples:

- Bexar County pays election clerks \$15/hour, alternate judges \$16/hour, and presiding judges \$17/hour.³³
- Collin County pays presiding judges \$12/hour and presiding alternate judges and clerks \$10/hour.³⁴

IV. Application Process

a. Applications to Become a Poll Worker

Local government units generally have their own application, which can be accessed through their websites. For example:

- Harris County: http://www.harrisvotes.com/PollWorkers/Application.aspx
- Dallas County: http://www.dallascountyvotes.org/wp-content/uploads/2012/08/Clerk_Application.pdf
- Bexar County: <a href="https://www.bexar.org/DocumentCenter/View/7390/Application-for-Election-Judge-or-Clerk?bidId="https://www.bexar.org/DocumentCenter/View/7390/Application-for-Election-Judge-or-Clerk?bidId="https://www.bexar.org/DocumentCenter/View/7390/Application-for-Election-Judge-or-Clerk?bidId="https://www.bexar.org/DocumentCenter/View/7390/Application-for-Election-Judge-or-Clerk?bidId="https://www.bexar.org/DocumentCenter/View/7390/Application-for-Election-Judge-or-Clerk?bidId="https://www.bexar.org/DocumentCenter/View/7390/Application-for-Election-Judge-or-Clerk?bidId="https://www.bexar.org/DocumentCenter/View/7390/Application-for-Election-Judge-or-Clerk?bidId="https://www.bexar.org/DocumentCenter/View/7390/Application-for-Election-Judge-or-Clerk?bidId="https://www.bexar.org/DocumentCenter/View/7390/Application-for-Election-for
- El Paso County: https://epcountyvotes.com/election_workers_volunteers/poll_worker_information

b. <u>Description of the Process</u>

If you are qualified, just fill out an application and submit it to the city, township, or village clerk in the county where you want to serve.

c. Where to File

The application should be filed with the city, township, or village clerk in the county where the individual wishes to serve as a poll worker.

Visit https://www.sos.state.tx.us/elections/voter/cclerks.shtml to find more information about your local clerk.

d. Deadlines for Filing

Although there is no specific widespread deadline, the appointment process for certain positions begins in July or August before Election Day.³⁵ Accordingly, if you are applying to become a poll worker for the first time and want to be considered for the upcoming election, make sure to file your application at least a few months prior to the election.



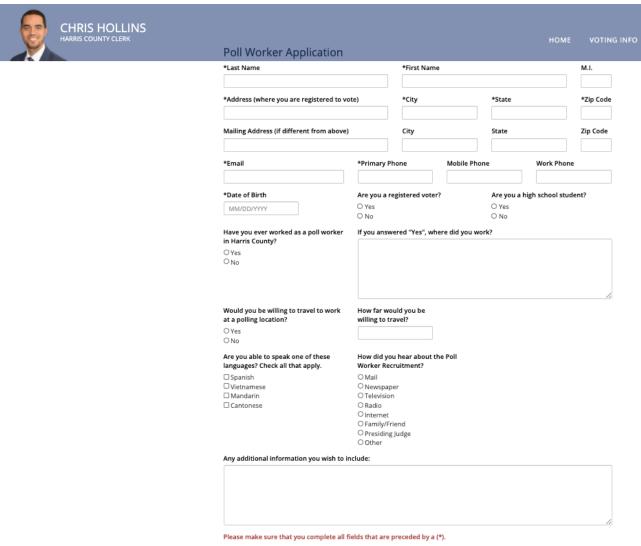


Figure 1: Harris County Poll Worker Application³⁶

V. After Applying

a. Effective Ways to Follow Up

First, you should make sure that your application is received by the city, township, or village clerk by sending your application by certified mail with receipt of delivery, or delivering the application to the city, township, or village clerk in person.

After submitting your application, you can contact your local clerk for follow up questions. To find contact information for your local clerk, visit:

https://www.sos.state.tx.us/elections/voter/cclerks.shtml

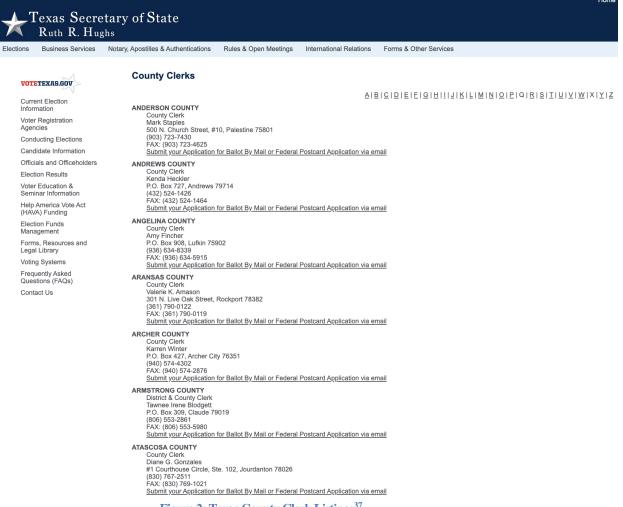


Figure 2: Texas County Clerk Listings³⁷

b. Overcoming Objections

General Process

Texas law generally does not provide a formal objection process to poll worker applications. However, applications may be denied based on a candidate failing to meet the qualifications described above. Candidates should proactively follow up to with their local government unit to resolve any outstanding application issues noted by the local government unit to which the candidate submitted an application.

TIP:

Make sure that you are registered to vote before you file your application by checking the Texas Secretary of State's voter registration website at: https://teamrv-mvp.sos.texas.gov/MVP/mvp.do

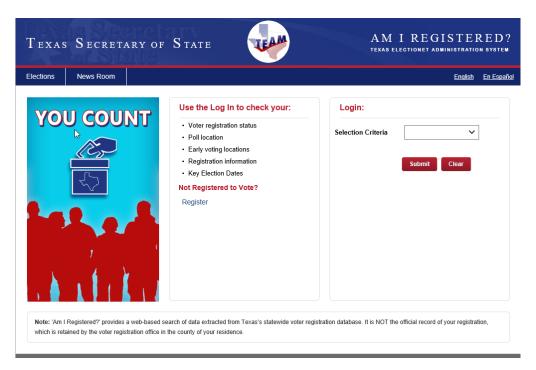


Figure 3: Texas Secretary of State Registered Voter Verification Website

When filling out the application, take time to provide all requested information so that the
applicable local government unit can review and confirm your application and qualifications
if there is a challenge.

VI. Training Resources

- Training materials are provided by the Texas Secretary of State at the following link: http://www.sos.state.tx.us/elections/onlinepollworker.shtml
- Training materials may also be provided by local cities, townships or villages. For examples:
 - o Harris County: http://www.harrisvotes.com/Pollworkers/ElectionDayTraining.aspx?L=E
 - Dallas County: http://www.dallascountyvotes.org/training-and-education/poll-worker-information/
 - El Paso County:

 https://epcountyvotes.com/election_workers_volunteers/election_day_poll_worker_training

VII. Election Protection Organizations in Texas

American Civil Liberties Union of Texas

Website: https://www.aclutx.org/

Address: P.O. Box 8306, Phone: 713-942-8146

Asian & Pacific Islander American Vote – Texas

Website: http://www.apiavote.org/tx
Address: 1612 K St. NW, Suite 510

Phone: 202-223-9170 Email: info@apiavote.org

Common Cause of Texas

Website: http://www.commoncause.org/states/texas/

Address: 1406 Smith Road, Suite E

Phone: 512-621-9787

Email: CommonCauseTexas@yahoo.com

League of Women Voters of Texas

Website: https://my.lwv.org/texas

Address: 1212 Guadalupe St. #107, Austin, TX, 78701

Phone: 512-472-1100

Email: lwvtexas@lwvtexas.org

Mexican American Legal Defense and Education Fund

Website: https://www.maldef.org/

Address: 110 Broadway, Suite 300, San Antonio, TX, 78205

Phone: 210-224-5476

Email: info@MALDEF.org

NAACP Texas State Conference

Website: https://www.txstatenaacp.org/

Address: 7901 Cameron Road, Building 3-380, Austin, TX, 78754

Phone: 512-985-9151

Sierra Club – Texas Chapter

Website: https://www.sierraclub.org/texas

Phone: 512-477-1729

Email: <u>lonestar.chapter@sierraclub.org</u>

Southwest Voter Registration Education Project

Website: https://www.svrep.org/

Address 320 El Paso St, San Antonio, TX

Phone 210-922-0225

Texas Civil Rights Project

Website: https://texascivilrightsproject.org/

Phone: 512-474-5073

Email: <u>info@texascivilrightsproject.org</u>

VIII. High-Priority State-Specific Issues³⁸

a. Options for Voters Without Proper ID

All voters will be asked to provide photo ID at the poll.³⁹ However, if the voter states that he/she does not possess one of the acceptable forms of ID, the voter can still vote if they present a supporting form of identification (as listed below) and sign the "Reasonable Impediment Declaration."

The following types of photo ID are acceptable:⁴⁰

- Texas driver license issued by the Texas Department of Public Safety ("DPS")
- Texas Election Identification Certificate issued by DPS
- Texas Personal Identification Card issued by DPS
- Texas Handgun License issued by DPS
- United States Military Identification Card containing the person's photograph
- United States Citizenship Certificate/Certificate of Naturalization containing the person's photograph
- United States Passport (book or card)

If the voter does not possess, and cannot reasonably obtain one of the forms of acceptable photo ID, the following can be presented:⁴¹

- Copy of or original government document with the voter's name and an address, including the voter's voter registration certificate (original required if it contains a photograph)
- Copy or original of a certified birth certificate
- Copy of or original current utility bill
- Copy of or original bank statement
- Copy of or original government check
- Copy of or original paycheck

After presenting a supporting form of ID, the voter must execute a Reasonable Impediment Declaration. The election judge, election clerk, or poll watcher generally cannot question the reasonableness or truthfulness of the impediment claimed by the voter. 42

b. Voters Who Have Moved

For a registered voter who moved but did not change his/her address:

- If he/she moved within the same precinct, he/she can vote where the voter previously registered. However, the voter must file a new address information in writing with the voter registrar or by submitting the "in county" change online prior to voting. ⁴³ The deadline to make a change of address varies by election, but generally will take place over a month prior to the election. If the voter missed the deadline, he/she may still return to their old precinct to vote (if still living in the political subdivision holding the election), and at that location, he/she will be required to complete a "statement of residence" confirming their new address. This will act to update the voter's registration information for the future. The voter will then be allowed to vote a regular ballot as long as otherwise eligible. ⁴⁴
- If he/she *moved outside the precinct* prior to the election, the voter must re-register in the new county of residence over a month prior to Election Day (see website for details).⁴⁵ If he/she has not re-registered in their new county of residence by the deadline, they may be eligible to vote a "limited ballot," which allows the voter to vote on any candidates and measures in common between their former and new county. *Note:* this procedure is only available during the early voting period at the main early voting polling place; the voter may not vote a limited ballot on election day.⁴⁶

******** THE BOTTOM LINE

Don't deny a voter the opportunity to vote just because his/her address is not the address shown on the e-Pollbook. The election inspector should ask the voter where and when he or she moved to properly address the situation.

c. Voters Who Are Not on the Rolls

Regardless of an administrative error or delay in the process of the voter registration application, a voter must be afforded a full opportunity to vote if he/she registered to vote prior to the close of registration for the election. If a voter's registration record cannot be located on Election Day, the poll worker should ask if the voter has his/her registration receipt.

Voting by regular ballot is ALWAYS preferred.

The poll worker must determine whether the voter is eligible to vote by regular ballot.⁴⁷

- ✓ The poll worker must check with the clerk to determine where the voter is registered, and direct the voter there, where he/she can vote a regular ballot.
- ✓ As mentioned above, if the voter does not have an acceptable ID, he/she can sign an affidavit to vote a regular ballot.
- ✓ Also mentioned above, if the voter is in the right polling place, but his/her name is not on the registration roll, ask if the voter has a voter registration receipt showing that he/she is registered in the precinct. If the voter does, he/she can vote a regular ballot.

If the voter cannot vote by regular ballot, a provisional ballot is the last resort:⁴⁸

- ✓ Confirm with the voter that he/she in the correct polling place
 - The poll worker should let voters know that provisional ballots cast in the wrong precinct will not be counted and direct the voter to the correct polling place;⁴⁹
- ✓ Provide the voter with the Provisional Ballot Form (see Figure 2).
 - NOTE: In 2016, there was a large increase in the use of provisional ballots. This caused more confusion regarding what the result of the provisional ballot process would be. A provisional ballot process can result in a "challenged ballot," which is counted like a regular ballot on Election Day, or an envelope ballot, which is not counted until after Election Day.
- ✓ After the voter fills out the form, make sure that it is complete and signed.
- ✓ Inform the voters that their information will be verified by the clerk and that, for voters who are required but are unable to provide ID, their ballot can be counted if the voters provide a photo ID in person, by fax, or by mail to the city or township clerk's office within six calendar days of election day.

AW7-15-53, 8/17 Prescribed by Secretary of State Sec. 63.011, Election Code	Type of Election / Tipo de Elección	Precinct No. where voted Núm. de Precinto-lugar de votación	Precinct No. where regis Núm. de Precinto-inscrit	stered (if known) to para votar (si se sabe)	Date of Election / Fecha de la Elección	Authority Conducting Election / Autoridad Administrando la Elección			
Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional) (Ballot number if using DRE)									
TO BE COMPLETED BY VOTER: I am a registered voter of this political subdivision and in the precinct in which I'm attempting to vote and have not already voted in this election (either in person or by mail). I am a resident of this political subdivision, have not been finally convicted of a felony or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been paradroned. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I understand that giving false information under oath is a misdemeanor, and I understand that it is a felony of the 2nd degree to vote in an election for which I know I am not eligible. PARA QUE EL VOTANTE LO LIENE: Estoy inscrito como votanten en esta subdivisión política, en el precinto en cual estoy intentando a votar y aun no he votado en esta elección (en persona o por correo). Soy residente de esta subdivisión política, no he sido definitivamente declarado culpable de un delito grave o si soy el autor de un delito grave, he cumplido toda mi condena inclusive el periodo de encarcelamiento, la libertad condicional, la libertad supervisada, la libertad vigilada, o he sido inditiado. No me han determinado por un juicio final de una corte de la legalización de un testamento, ser fotalmente in capacitado mentalmente o paradiamente incapacitado sin el derecho de votar. Entiendo que dar información falsa bajo juramento es un delito mentalmente o paradiamente o parad									
Last Name (Include Suff	fix if any)/Apellido usual (Incluir sufi	jo si lo hay) First Name / Su n	ombre de pila	Middle Name (if	fany) / Segundo nombre (si tiene)	Former Name / Nombre anterior			
Residence Address: Street Address and Apartment Number, City, State, and ZIP. If none, describe where you live (Do not include PO Box, Rural Rt. Or Business Address) Gender: (Optional) / Sexo (Optativo) Domicilio: calle y número de apartamento, Ciudad, Estado, y Código Postal: A faita de estos datos, describa la localidad de su residencia. (No incluya el apartado de correos, ambiento de apartamento, Ciudad, Estado, y Código Postal: A faita de estos datos, describa la localidad de su residencia. (No incluya el apartado de correos, ambiento de Address and Apartment Number, City, State, and ZIP. If none, describe where you live (Do not include PO Box, Rural Rt. Or Business Address) Gender: (Optional) / Sexo (Optativo) Male (Hombre) (Muljer)									
Mailing Address: City, State, and ZIP. If mail cannot be delivered to your residence address. / Dirección postal: Ciudad, Estado y Código Postal (si es imposible entregate recha de nacimiento: mes, día, año									
TX Driver's License No. or Personal I.D. No. (issued by Dept of Public Safety) Nûmero de su licencia de conducir de Texas o de su Cédula de Identidad expedid por el Departamento de Seguridad Publica de Texas). Social Security No. (last 4 digits required if you do not have a driver's license or I.D. number) / Nûmero de Seguro Social. (Si no tiene licencia, de conducir de Texas o de su Cédula de Identidad expedid por el Departamento de Seguridad Publica de Texas). Social Security No. (last 4 digits required if you do not have a driver's license or I.D. number) / Nûmero de Seguro Social. (Si no tiene licencia, de conducir de Texas or I.D. number) / Nûmero de Seguro Social. YXX-XX-									
	: ARE YOU A UNITED STATES C ado: Soy ciudadano/a de los Estad		NO No	Signature of Voter / Fir \mathbf{X}	ma del votante				

Figure 4: Example Texas Provisional Ballot Form

d. Right to Voting Assistance⁵⁰

provide proof of any impairment in order to receive assistance.

Election officers may assist voters if voters request assistance. A voter may request assistance if he or she has a physical disability preventing the voter from marking his or her ballot; cannot read the language on the ballot; or cannot speak English, communicates only in sign language, or otherwise needs assistance communicating with a poll worker. The voter does not need to we all make mistakes.

Assistance must generally be provided by *two* poll workers who have expressed a preference for different political parties (unless there are not two workers at the polling place from different parties).

So can a voter.

• No ballot can be marked by the poll worker from any written or printed list or slip furnished by the voter or any other person.

A voter CAN bring in a person of his/her choice to assist him/her if he/she cannot read, write, or speak English or if he/she is blind or otherwise physically disabled.⁵¹ However, the assisting person must not be the voter's employer, agent of that employer, or an officer or agent of a union the voter belongs to. Any person providing assistance to a voter must complete an "Oath of Assistance," which shall be administered by one of the election officers at the polling station.⁵²

e. Voter Mistakes on Ballots

If a voter states that he/she made a mistake, the poll worker should offer him/her the option to spoil the old ballot and be issued a new one.⁵³ The voter is entitled to a maximum of three ballots. The poll worker should be cognizant that while spoiling the old ballot and issuing a new one for the voter, the secrecy of voter's ballot must always be maintained.

f. Voters Standing in the Line by 7:00 p.m. Must Be Permitted to Vote.

All polling places must be ready and open for voting at 7:00 a.m. The polling place must remain open for voting until 7:00 p.m.⁵⁴ Any voter waiting in line by 7:00 p.m. shall still be allowed to vote.⁵⁵

g. Polling Place Accessibility

Because of the unique challenges that can make it difficult for people with disabilities to vote, federal and state laws require Texas' cities, townships, and villages to make the polling places fully accessible. ⁵⁶ To effectuate the intent of the law, the poll workers should take special care to accommodate voters with disabilities. For example:

- ✓ Outside the polling place, remove or modify any physical obstacles that might prevent voters from entering the polling place.
- ✓ Inside the polling place, make sure there is adequate seating and lighting.
- ✓ Display signs containing voting instructions printed in large type at each polling place.⁵⁷
- ✓ Take every report of actions or barriers preventing voters with disability from casting a ballot seriously.

h. Campaigning at the Polling Place⁵⁸

Campaigning at the polling place is prohibited.

Texas election law prohibits the following "electioneering" within 100 feet of any doorway used by voters to enter the building in which the polling place is located: ⁵⁹ "Campaigning activities" generally includes:

- Soliciting voters or attempting to persuade a voter to vote for or against a candidate, party, or proposal; and
- Posting, displaying, or distributing any campaigning materials directly or indirectly referring to an election, a candidate, or a ballot question, including wearing a campaign T-shirt or button.
- Displaying "pro and con" information on the proposals appearing on the ballot;
- Distributing write-in stickers;
- Display signs, posters, or bumper stickers;
- Attempting to collect petition signatures; or
- Requesting donations, selling tickets, or engaging in similar activities.

The poll workers can generally do the following to prevent illegal campaigning at the polling place:⁶⁰

- Before the polls open:
 - Outside the polling place, measure and clearly mark the line where individuals who wish to solicit votes outside of the poll may campaign; and
 - Inspect any doors, foyers or halls which the voters must pass through to enter the polling place to ensure that no unauthorized materials or signs, which directly or indirectly refer to the election, candidates, or ballot proposals, are visible. If such materials are found, remove them before the polls open.
- After the polls are opened:
 - Request that all vehicles with campaign signs or bumper stickers park at least 100 feet from any doorway used by voters to enter the building in which the polling place is located (unless the voter is voting);
 - Ask voters to remove or cover any campaign buttons or clothing bearing any campaign reference or literature; and
 - Periodically check each voting station for campaign literature left by voters, and discard any that is found.

i. Voter Intimidation and Disruption

No one may intimidate voters. A Texas voter has the right to vote in private and free from interference or intimidation.⁶¹

Some examples of voter intimidation are:⁶²

- ✓ Aggressively questioning voters about their citizenship, criminal record, or other qualifications to vote, in a manner intended to interfere with the voters' rights;
- ✓ Falsely presenting oneself as an election official;
- ✓ Spreading false information about voter requirements, such as an ability to speak English, or the need to present certain types of photo identification (when there is no such requirement);

- Displaying false or misleading signs about voter fraud and the criminal penalties of voter fraud;
 and
- ✓ Other forms of harassment, particularly harassment targeted towards non-English speakers and voters of color.

The poll workers must ensure that no voter intimidation happens in or around the polling place:

- ✓ Take all reports of voter intimidation seriously!
- ✓ If you see or hear that somebody is acting disruptive or failing to abide by the applicable standards for conduct in or around the polling place, immediately approach that individual and warn him/her that he/she will be ejected from the polling place if the problem persists.
- ✓ If the problem persists, eject the individual(s) from the polling place.
- ✓ If the individual refuses to leave, contact law enforcement. However, this should be the last resort because of the potential to intimidate other voters.

The poll workers must ensure that all voters attending the polling place can fully exercise their right to vote in private without undue distraction or discomfort.⁶³

- *******
 TAKE ALL
 REPORTS OF VOTER
 INTIMIDATION
 SERIOUSLY!

- ✓ No recording devices may be used in the polling place during the hours the polling place is open for voting.
- ✓ Interviewing of voters inside the polling places is prohibited.
- ✓ Cell phone use by voters who have entered a voting station is prohibited.
- ✓ The use of televisions and radios are prohibited in the polling place during the hours the polls are open for voting.
- i. Recent Changes in Election Law to Consider⁶⁴

End of Straight Ticket Voting: Straight-party voting will no longer be available for voters beginning in the

2020 election. Straight-ticket ballots previously allowed voters to choose parties, instead of individual candidates. Beginning this year, however, voters will need to vote for candidates in each individual race.⁶⁵

Voter ID Requirements: A new voter ID law went into effect in 2018 that requires voters to present specific types of photo ID. If a voter does not have one of the approved forms of IDs, they may submit a non-photo ID and sign a declaration indicating why they were unable to obtain the required form of photo-ID. This law was originally enacted in 2017 but was not implemented because of an ongoing lawsuit. The case was resolved in September 2018 and the new law went into effect for the 2018 general election. 66

× Suggest to a voter how he/she should vote

NEVER

Attempt to influence a voter as to the marking of his/her ballot,

× Allow any other person(s) to do so.

New Secretary of State: In August 2019, Governor Abbott appointed Ruth Ruggero Hughs as the new Texas Secretary of State.⁶⁷ The Secretary serves as the state's Chief Election Officer and works with county election officials to ensure that election laws are

as the state's Chief Election Officer and works with county election officials to ensure that election laws are applied uniformly.⁶⁸ Secretary Hughs previously served as chair of the Texas Workforce Commission.⁶⁹

Voter Roll Review: In April 2019, the Secretary of State revised the process for reviewing and maintaining voter rolls, following a lawsuit. The previous system of review erroneously called into question the citizenship of nearly 100,000 voters. In February 2019, a judge prohibited the state from purging voter rolls based on the old review.⁷⁰

k. COVID-19 Concerns

The spread of COVID-19 means that information and election practices are changing rapidly. You should contact your local election administrator to verify all information in this guide before relying on information contained herein.

A Poll Worker is authorized, as well as obliged, to ensure that a voter can exercise his/her right without interferences, disruptions, and intimidations.

Texas reported its first case of COVID-19 on March 4, 2020.⁷¹ In response, Governor Greg Abbott issued a State of Disaster declaration on March 13. He recently extended the disaster declaration on July 10.⁷² The ongoing nature of the pandemic and its impact on public health raise unique questions about voting access and safety ahead of the November 2020 presidential election. As many states throughout the U.S. are adopting emergency procedures to increase voters' access to mail-in ballots, Texas continues to have one of the country's strictest vote-by-mail regimes. Texans may only vote-by-mail if they are 65 years or older, have a disability that prevents them from voting in-person, will be outside their county during the voting period, or are in jail.⁷³

Various groups have challenged these strict vote-by-mail rules in court. In state court, a group of plaintiffs argued that susceptibility to COVID-19 infection meets the definition of a "disability" under the vote-by-mail rules and entitles them to cast a mail-in ballot. The Texas Supreme Court ruled that risk of COVID-19 is not a sufficient basis for voters to qualify for mail-in voting. However, voters seeking an absentee ballot due to disability do not need to specify any particular disability on their absentee ballot form, and local election officials are supposed to send a mail-in ballot if the voter completes the form correctly.⁷⁴

In federal court, a group of Texas Democrats sought a court order to extend vote-by-mail rights to all Texans in light of the coronavirus pandemic. Although the district court sided with the Democrats, the 5th Circuit Court of Appeals set aside the district court's ruling while it gives the matter further consideration. The Supreme Court affirmed the 5th Circuit's ruling.⁷⁵ At the moment, it seems unlikely that this suit will bring any final decision over universal mail-in voting before the November 3, 2020 election.

IX. Be a Proactive Poll Worker⁷⁶

A good poll worker is proactive and focused on the voter's experience. You should be sensitive to voters' needs and treat every voter like a valued guest. When in doubt, err on the side of protecting the voters' right to vote. If you are prepared, respectful, positive, attentive, and courteous, voters will come away satisfied and more eager to return for the next election.

Be Prepared

Preparation is key to ensure Election Day runs smoothly at your polling place. One of the most common voter complaints on Election Day is the long line at the polling place. You can significantly reduce this hassle through organization, anticipating issues, and quickly resolving problems as they arise. For example, a poll worker can be prepared by:

- Regularly checking the supplies (like ballots or pens) to prevent a shortage that would halt the voting process;
- Ensuring that entryways are not blocked;
- Researching available resources in advance;
- Having a cheat-sheet with answers to frequently asked questions and references you can contact immediately for help; and
- Having alternatives at hand (what alternative IDs are valid, etc.)

Be Respectful

Be respectful to each and every voter. Treat all voters with courtesy, regardless of differences in political affiliation, race, gender, age, ethnicity, or religion. The voter has the right to vote without feeling uncomfortable or discouraged.

Be Positive

The voter's experience, whether good or bad, is marked by your attitude. Work to de-escalate tension if there is confrontation or frustration. If you are supportive and solution-oriented, the voters will have a positive impression of the voting process.

Be Attentive

As is the case with any customer service, be attentive and responsive. If a voter seems confused, ask if he or she needs help. Be inquisitive, but not disruptive, to make sure voters who want assistance can get it quickly. But be mindful of cues that a voter may want some space.

Be Courteous

When the voters enter, offer a warm greeting, make eye contact, introduce yourself and let them know you are there to help. Welcome voters by name, if you know them. By making the voters feel valued, they will have a positive impression of the election process and will be more likely to return.

A qualified candidate like you is much needed! Join the movement and help make a difference.

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<sup>1</sup> See TEXAS ALMANAC, https://texasalmanac.com/topics/facts-profile (last visited January 21, 2020).
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³ TEX. ELEC. CODE ANN. §§ 32.071–.075.

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⁵ TEX. ELEC. CODE ANN. § 31.032 (West).

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¹⁰ TEX. ELEC. CODE ANN. § 33.001 (West).

¹¹ TEX. ELEC. CODE ANN. § 33.056 (West).

¹² TEX. ELEC. CODE ANN. § 33.058 (West).

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¹⁴ TEX. ELEC. CODE ANN. § 33.051 (West).

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²⁰ TEX. ELEC. CODE ANN. § 11.002(3) (West).

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²⁸ See TEX. ELEC. CODE ANN. § 34.001 (West).

²⁹ TEX. ELEC. CODE ANN. § 32.093 (West).

 $^{^{30}}$ Tex. Elec. Code Ann. \S 32.091 (West).

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