

# CHAPTER 10

## PERSONAL APPEARANCE VOTING

### SECTION A: DAYS AND HOURS

#### COUNTY

#### 1. Period for early voting [Sec. 85.001]

¿Early voting for all elections except the runoff primary and a special runoff for the office of state senator or state representative begins on the 20th day before the election and ends on the 4th day before the election.

¿Early voting for runoff primary or special runoff for the office of state senator or state representative begins on the 10th day before the election and ends on the 4th day before the election.

¿If first day falls on weekend or holiday, the first day moves forward.

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¿If last day falls on weekend or holiday, the last day moves forward.

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¿If election is ordered too late to conduct early voting for the full period, voting begins on the earliest date possible.

#### 2. Main early polling place [Sec. 85.002]

¿Building housing county clerk's main business office for election in which clerk is required to serve is the main early voting place, unless impracticable.

¿For election in which county clerk is appointed to serve as the early voting clerk, the main early polling place may be in a building located in the territory covered by the election or in building housing clerk's main business office.

¿Place sign at entrance to early voting room. [Sec. 85.036(c)(1)]

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¿The election order and the election notice must state the location of the main early voting polling place. [Sec. 85.004]

#### 3. Hours for early voting [Sec. 85.005]

¿For election in which county clerk is required to serve as early voting clerk, voting shall be conducted during the hours that the clerk's main business office is regularly open for business.

¿For election for which county clerk is appointed (but not required) to serve, at least 8

.hours on each weekday that is not a holiday, or if there are fewer than 1,000 registered voters, at least 3 hours on each weekday that is not a holiday.

çCounties with populations over 100,000--required for primaries, general elections for state and county officers: 12 hours each weekday for last week of the early voting period.

çCounties with populations under 100,000--same may be required by petition of 15 voters. The petition must be received in time to give required notice.

çCounties with populations over 100,000--required for special elections called by the governor: 12 hours on each of the last two days of the early voting period.

çCounties with populations under 100,000--same may be required by petition of 15 voters. The petition must be received in time to give required notice

#### 4. Voting on Saturday or Sunday [Sec. 85.006]

çCounty clerk may order (in writing) voting on one or more Saturdays and Sundays and determine hours. Notice must be given by posting at least 72 hours before early voting begins on a Saturday or Sunday.

çFifteen registered voters may require Saturday or Sunday voting by petition submitted to the clerk. Voters may specify Saturday or Sunday, but not the date. Petition must be received in time to give required notice.

çCounties with populations over 100,000--required for primaries, general elections for state and county officers: 12 hours on last Saturday and 5 hours on last Sunday of early voting period.

çCounties with populations under 100,000--same may be required by petition of 15 voters. The petition must be received in time to give required notice.

### CITY/SCHOOL/OTHER POLITICAL SUBDIVISIONS

#### 1. Period for early voting. [Sec. 85.001]

- a. Early voting for all elections begins on the 20th day before the election and ends on the 4th day before the election.
- b. If first day falls on a weekend or holiday, the first day moves forward.
- c. If last day falls on weekend or holiday, the last day moves forward.
- d. If election is ordered too late to conduct early voting for the full period, voting begins on the earliest date possible.

#### 2. Main early voting polling place [Sec. 85.002]

- a. City election -- city hall, unless impracticable
- b. Other political subdivision -- location designated by the authority ordering the

election

- c. Place sign at entrance to early voting room. [Sec. 85.036(c)(1)]
  - d. The election order and the election notice must state the location of the main early voting polling place. [Sec 85.004]
3. Hours for early voting [Sec. 85.005]
- a. City election -- All hours that the city secretary's office is regularly open for business.
  - b. Other political subdivision -- At least eight hours on every weekday that is not a legal state holiday.

EXCEPTIO N: If there are fewer than 1,000 registered voters in the political subdivision, early voting must be conducted for at least three hours on every weekday that is not a legal state holiday.

4. Voting on Saturday or Sunday [Sec. 85.006]
- a. City election -- Only the city secretary may order Saturday or Sunday early voting. The city secretary determines the hours. Notice must be given by posting at least 72 hours before early voting begins on Saturday or Sunday.
  - b. Other political subdivision -- Saturday or Sunday voting must be ordered and the hours set by the authority ordering the election. Dates and hours of Saturday or Sunday early voting must be included in regular order and notice of election.
  - c. Fifteen registered voters may require Saturday or Sunday voting at the main early voting polling place by petition submitted to the authority that can order the voting. Voters may specify Saturday or Sunday, but not date. Petition must be received in time to give required notice.
    - (1) City election -- 72 hours notice required
    - (2) Other political subdivisions -- 45 days notice required

5. Joint Elections [Sec. 271.006]

Joint early voting must be conducted during the hours, including extended or weekday, that the early voting clerk regularly conducts early voting for the clerk's political subdivision.

## SECTION B: POLLING PLACE PROCEDURE

- 1. Any qualified voter is eligible to vote early in person. [Sec. 82.005]
- 2. Voter applies by signing combination form. [Sec. 84.001]
- 3. Voter is accepted in same manner as on election day, with appropriate modifications. [Sec. 85.031(b)(c)(d)]

4. Security. Early voting ballot boxes must not be unlocked until after delivery to the early voting ballot board. [Sec. 85.032, 85.033]
  - a. Ballot box is double-locked (two locks with two different keys).
  - b. Early voting clerk keeps key to one lock; key to second lock goes to person who gets the keys to the ballot boxes used on election day.
  - c. Ballot box must also be sealed with a numbered wire seal through the hasp and numbered paper seals over the slot.
  - d. Ballot box is kept in a safe place overnight.
  - e. Voting machine must be secured at the close of each day's voting.
5. Curbside voting [Sec. 85.034]
  - a. Election official may carry ballot to a disabled voter at the curb.
  - b. Use mail ballot and ballot envelope.
  - c. Voter seals ballot in envelope and gives to clerk for deposit in ballot box.
  - d. Clerk must indicate on envelope that voter voted under this procedure before placing envelope in ballot box.
6. Assistance to voter [Sec. 85.035]
  - a. Procedure is same as on election day except one election official (instead of two) may assist.

#### SECTION C: ELECTIONEERING [Sec. 85.036]

1. Electioneering is prohibited:

for a building containing the main early voting polling place, in a corridor within 30 feet of the entrance to a room in which early voting is taking place, and in the room in which early voting is taking place;

for a county courthouse, subcourthouse, or courthouse annex, within the building or within 30 feet of an outside door through which a voter may enter, if the commissioners court issues an order to that effect;

for a building that is also used as a precinct polling place, within 100 feet of any outside door through which a voter may enter the building; and

for any other structure, within 30 feet of the entrance to the voting area.

Distance markers for electioneering shall be posted.
2. Persons who are not expressly permitted to be in polling place are excluded to the extent

practicable. [Sec. 85.062(b)]

#### SECTION D: POLL WATCHERS

1. Who may appoint watchers [Secs. 33.002-33.005]
  - a. candidate;
  - b. political party;
  - c. supporters of a write-in candidate; or
  - d. specific-purpose political committees which are proponents or opponents of a measure in an election.
2. Certificate of appointment [Sec. 33.006, 33.051(d)] The appointing authority must issue a certificate of appointment to the appointee. The watcher must present the certificate to the presiding judge when the watcher reports for service. The watcher must then countersign the certificate. The certificate is then retained at the polling place.
3. How many watchers may be appointed [Sec. 33.007]
  - a. Each appointing authority may appoint not more than seven watchers for each main or branch early voting polling place involved in the election.
  - b. Not more than two watchers appointed by the same authority may be on duty at the same early voting polling place at the same time.
  - c. In an election in which the election officers serving at a precinct polling place also serve as an early voting ballot board, a watcher who is appointed for the precinct polling place may observe the processing of early voting ballots by the early voting ballot board, or separate watchers may be appointed to observe only that activity.
4. Hours of service
  - a. 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 at the close of voting each day. The watcher may serve during the hours he/she chooses. [Sec. 33.053]
  - b. A watcher serving at the meeting place of an early voting ballot board may be present at any time the board is processing or counting ballots and until the board completes its duties.
    - (1) The watcher may serve during the hours he or she chooses unless the board has begun counting ballots during voting hours on election day.
    - (2) If the board has recorded any votes cast on voting machines or counted any ballots, a watcher may not leave during voting hours on election day without the presiding judge's permission, unless the board has completed its duties and has been dismissed by the presiding judge. [Sec. 33.054]

SECTION E: ROSTER [Sec. 87.121]

1.	Separate rosters are required for early voting by personal appearance and by mail.	
2.	Personal appearance roster includes:	
	a.	voter's name, address, voter registration number;
	b.	voter's precinct of registration number; and
	c.	the date of voting.
3.	Each roster is updated daily.	
4.	Information on roster is available to public. [Attorney General Opinion DM-168]	