



Texas Secretary of State  
ELECTIONS DIVISION



# Activities in the Vicinity of the Polling Place

September 2025



# Use of Firearms by Law Enforcement

## Section 46.03(a), Texas Penal Code

Section 46.03(a) of the Texas Penal Code generally prohibits a person from bringing a firearm onto the premises of a polling place.

- Does not apply to a peace officer, regardless of whether the police officer is on or off duty. For this and other potentially applicable exceptions, see Tex. Pen. Code § 46.15.
- **Legislation allowing open carry of handguns does NOT change the law as it pertains to guns in the polling place; thus no one except licensed peace officers may carry handguns into the polling place.**



# Use of Firearms by Law Enforcement

## Signage Requirements

No requirement that you place any sort of signage in the polling place in order to inform voters of the restrictions:

- Notice of Prohibition of Handguns in the Polling Place (Form 7-40)



# Electioneering, Loitering, and Curbside Voting

## Distance Markers

- Each early voting and election day polling place must be organized with 100-foot distance markers posted at surrounding outside entrances to the building, as well as 20-foot distance markers around any curbside voting stations.
- Election officer must place one or more distance markers at outer limits of the area within which electioneering is prohibited.



# Electioneering, Loitering, and Curbside Voting

## House Bill 521

**New Law:** House Bill 521 amended Section 61.003 to prohibit loitering or electioneering within 20 feet of a parking space designated for curbside voting.

- Curbside Distance Marker (Form 7-45)
- Curbside Voting Sign-Notification by Phone Number (Form 7-43)
- Curbside Voting Sign-Notification by Ringing Bell (Form 7-44)



# Electioneering Provisions

## Sections 61.003, 85.036, Texas Election Code

- During the voting period, it is prohibited to electioneer for or against any candidate, measure, or political party inside the 100-foot and 20-foot areas.
  - **Regardless of whether they are or are not on the ballot!**
- A person may not wear a badge, insignia, emblem, or other similar communicative device relating to a candidate, measure, or political party or to the conduct of the election, within the 100-foot or 20-foot zones (except for certain specified individuals). (Sec. 61.010)



# Electioneering, Loitering, and Curbside Voting

## Resources

- Offense is a Class C misdemeanor
- See Election Advisory No. 2025-12: Changes to Curbside Voting Requirements and Assistant Procedures
- See Distance Marker (Form 7-35)



# Electioneering, Loitering, and Curbside Voting

## Authority and Enforcement

- Early voting clerk and presiding judge have the authority of a district judge while serving in that capacity.
- May not enforce electioneering provisions outside of the 100-foot and 20-foot distance markers.





# Regulating Electioneering Outside 100-Foot and 20-Foot Markers

## What You Can Regulate

- Entity that owns or controls a public building being used as a polling place may not prohibit electioneering outside of the 100-foot and 20-foot distance markers.
- May enact reasonable regulations in regards to the time, place, and manner of electioneering.
- Only a court of law can determine what is reasonable in terms of time, place, and manner.



# Badge Requirements

## Badges in the Polling Place

- 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 a tag or official badge that indicates their name and title or position.
- Poll watcher must also wear a badge.



# Appointing a Special Peace Officer

## Peace Officers in the Polling Place

- Early voting clerk and presiding judge may appoint one or more persons to act as special peace officers
- May not enforce the prohibition against electioneering or loitering near the polling place UNLESS:
  - The officer's appointment is approved by the presiding officer of the local canvassing authority



# Sound Amplification

## Section 61.004, Texas Election Code

- It is prohibited to use a sound amplification device to electioneer within 1,000 feet of the early voting or election day polling place.
  - Violation is a **Class C misdemeanor**.
- Election judge may contact law enforcement to enforce the sound amplification device rule.



# County Chairs in Polling Places

## Section 172.1113, Texas Election Code

- County chair may be in a polling place during the primary or primary runoff election.
- Provision does not provide that a county chair may be in the polling place during other elections.
  - May enter the polling place for other authorized reasons (e.g., as a voter, assistant, poll watcher).



# Cell Phones and Other Wireless Communication Devices

## House Bill 3909

- **New Law:** House Bill 3909 amended Section 61.014 of the Code to prohibit the use of wireless communication devices such as cell phones, tablets, or laptop computers **within** a room in which voting is taking place.
  - See Prohibition of Certain Devices Within a Room in Which Voting is Taking Place (Form 7-39)



## Cell Phones and Other Wireless Communication Devices

### **Secs. 61.014, 81.002, Texas Election Code**

- Persons are not allowed to use mechanical or electronic devices **to record sound or images** within 100 feet of the voting stations.
- Means that persons may use wireless communication devices in areas within 100 feet of the voting stations, as long as the devices are not used to record sound or images.



## Cell Phones and Other Wireless Communication Devices



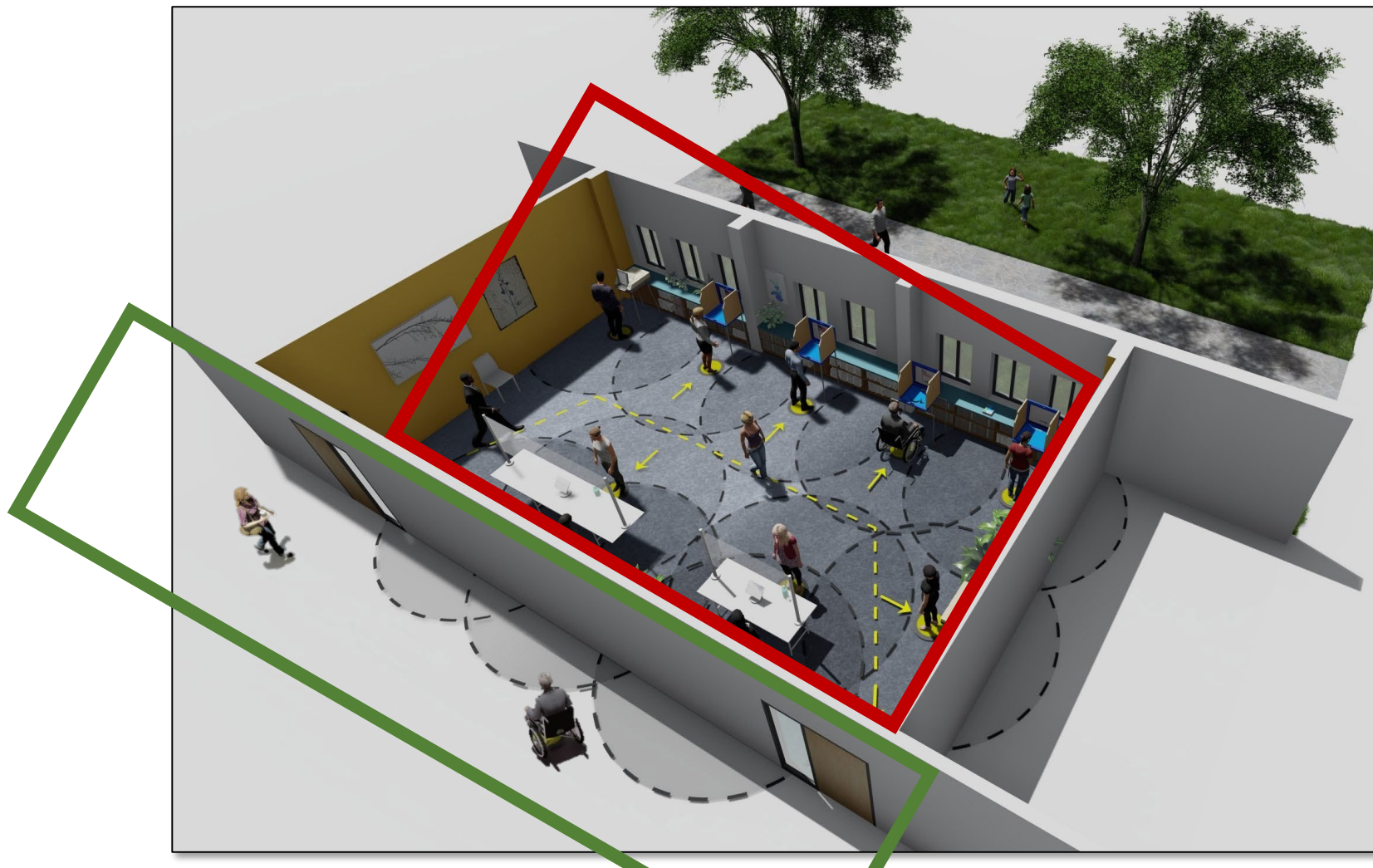
**Room where voting is  
taking place**

A diagram consisting of a large light green oval with a dark green border. Inside the oval, centered, is a light red rectangle with a dark red border. The text "Room where voting is taking place" is written in bold red font inside the red rectangle.





# Wireless Communication Devices



## Green Zone Phone Use

### Acceptable:

- Looking up ballot
- Texting
- Checking email

### Not Acceptable:

- Video recording
- Audio recording
- Taking photos

## Red Zone Phone Use

- Must be put away and out of sight



## Cell Phones and Other Wireless Communication Devices

### List of Devices

These devices can include:

- Cell phones;
- Cameras;
- Tablet computers;
- Laptop computers;
- Sound recorders;
- Smart watches capable of messaging or recording sound or images;
- Drones;
- Any other device that may be used to record sound or images.



# Who does this prohibition apply to?

## Devices at the Polling Place

- Applies to all voters within 100 feet of the voting stations and in the room where voting is taking place
- Voters may use a wireless communication device (e.g. scrolling on a cellphone, working on a laptop) within 100 feet of the voting stations as long as they are not recording sound or images
- Wireless communication devices must be put away and out of sight in the room where voting is taking place



# What about Voters with Disabilities?

## Accommodations

- Election judge or early voting clerk may use their authority to allow a voter to utilize these programs/applications at their discretion.



# Can Poll Watchers Use these Devices?

## Poll Watchers in the Polling Place

- Poll watcher may not be accepted for service if the poll watcher has possession of a device capable of recording images or sound unless the poll watcher agrees to disable or deactivate the device.
- Early voting clerk or presiding judge may inquire whether a poll watcher has possession of any prohibited recording devices before accepting the poll watcher for service.
  - See our Poll Watcher's Guide



# Should a Police Bodycam be Turned Off?

## Bodycams in the Polling Place

- We recommend turning off police bodycams within 100 feet of a voting station, regardless of whether the officer is on or off duty, pursuant to Section 61.014 of the Election Code.
- Turning off these devices helps to maintain voter privacy while voters are voting at the polling place.



# What if the Polling Place is also a Business?

## Devices for Employment-Related Matters

- A person may need to use a wireless communication device for employment-related matters.
  - Permissible if the person is acting in the course of the person's employment.





## What if a Person Appears to be Recording?

### Persons Recording Sound or Images

- If a person enters the 100-foot area while using a device that appears to be recording sound/image OR uses a wireless communication device in the room where voting is taking place:
  - Early voting clerk and presiding judge have the authority to require persons to deactivate any such devices
  - Also have authority to require persons who do not comply to leave the early voting or election day polling place. Tex. Elec. Code Section 61.014.
  - Questions or clarification should be directed to the early voting clerk or the presiding judge in your polling place





# How Should Voters be Notified of this Law?

## Forms and Notices

- A notice must be posted at the polling place by the early voting clerk or presiding judge.
- Notice should be posted where it can be read by persons waiting to vote.
  - See Prohibition of Certain Devices Within a Room in Which Voting is Taking Place (Form 7-39)



# Security Cameras in Polling Places

## Security Cameras

If a building is being used as a polling place and has security cameras installed:

- Have the cameras turned off during the hours that voting is being conducted
- If it is not possible, make sure cameras do not cover or film the voting areas, including the curbside voting areas



# Security Cameras in Polling Places

## Continued

Recording of sound is an equally serious problem:

- Turn off that feature during the hours of voting
- If not possible, then find another polling location, if possible.



# Security Cameras in Polling Places

## Continued

- The general custodian of election records in a county with a population over 100,000 is required to establish a video recording system that captures all areas containing voted ballots.
  - See Advisory No. 2024-05
- If voted ballots are located in a building that will also be used as a polling place, cameras must be positioned in such a way that they do not capture any activity in the portion of that building that is used as a polling place.



# Exit Polling

## Exit Polling and the Polling Place

- Non-disruptive exit polling within the 100-foot and 20-foot boundaries surrounding each early voting and election day polling place is permitted.
- Must determine that such exit polling does not constitute either “loitering” or a disruption of order or a contribution to a breach of the peace

(Secs. 61.003(a), 32.075, 81.002)



# Written Materials

## Written Materials in the Polling Place

- Voters are allowed to bring written materials into voting stations to assist them in casting their ballot.
- Election officials may use their discretion in determining if a voter is electioneering for or against any candidate, measure or political party through use of written materials.



# Petition Signature Gathering

## Signature Gathering Near the Polling Place

- Persons who wish to gather petition signatures must do so beyond the 100-foot and 20-foot distance markers.
- May not be collected inside the early voting or election day polling place or within the 100-foot and 20-foot distance markers.
- Petition gathering is considered electioneering for or against a measure, which is prohibited within the 100-foot and 20-foot distance markers. (Secs. 61.003, 85.036)



# Restrooms in Polling Locations

## Restrooms and the Public

- Polling location that is located in a public building cannot restrict use of its restroom facilities in that building to voters only.
- If building has restrooms open to the public, the public should be allowed to use them.





# Restrooms in Polling Locations

## Continued

- Presiding judge can have someone removed from the premises if individual is loitering.
- Polling locations that are public buildings but do not have a restroom open to the public may restrict access to the restrooms to the general public.



# Polling Location Check-Ins

## Security Procedures in the Polling Place

- Certain polling locations, such as schools or courthouses, may have additional check-in procedures, including requiring individuals to sign-in or show a form of identification before they are allowed on the premises.
- Polling locations cannot require voters to go through any additional check-in procedures that interfere with or impede their ability to vote.



# Polling Location Check-Ins

## Continued

- Polling location cannot enforce their check-in policy while voting is taking place on the premises.
- If a building has metal detectors, voters may be instructed to pass through the metal detectors in order to enter the building.



# Individuals Permitted in a Polling Place

## Section 61.001 (a-1), Texas Election Code

List of individuals who are permitted to be present in a polling place:

- (1) an election judge or clerk;
- (2) a watcher;
- (3) the secretary of state;
- (4) a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with this code;
- (5) an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
- (6) a state inspector;
- (7) a person admitted to vote;



## Available Support



**WEBINARS**



**TRAINING**



**RESOURCES**

[elections@sos.texas.gov](mailto:elections@sos.texas.gov)

800-252-VOTE • 512-463-5650

[sos.texas.gov](http://sos.texas.gov)