

ELECTION CODE

TITLE 6. CONDUCT OF ELECTIONS

CHAPTER 61. CONDUCT OF VOTING GENERALLY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 61.001. BYSTANDERS EXCLUDED; UNLAWFUL PRESENCE OF CANDIDATE. (a) Except as permitted by this code and as described by Subsection (a-1), a person 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.

(a-1) Under this code, a person may be lawfully present in a polling place during the time described by Subsection (a) if the person is:

- (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;
- (8) a child under 18 years of age who is accompanying a parent who has been admitted to vote;
- (9) a person providing assistance to a voter under Section [61.032](#) or [64.032](#);
- (10) a person accompanying a voter who has a disability;
- (11) a special peace officer appointed by the presiding judge under Section [32.075](#);
- (12) the county chair of a political party conducting a primary election, as authorized by Section [172.1113](#);
- (13) a voting system technician, as authorized by Section [125.010](#);
- (14) the county election officer, as defined by Section [31.091](#), as necessary to perform tasks related to the administration of the election; or
- (15) a person whose presence has been authorized by the presiding judge in accordance with this code.

(b) A candidate in the election commits an offense if the candidate is in a polling place during the period described by Subsection (a) for a purpose other than:

- (1) voting; or
 - (2) official business in the building in which the polling place is located.
- (c) It is an exception to the application of Subsection (b) that the candidate:
- (1) is not within plain view or hearing of the persons in the voting area or the area in which voters are being accepted for voting; and
 - (2) is not engaged in campaign activity.
- (d) An offense under this section is a Class C misdemeanor.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 1350, Sec. 3, eff. Sept. 1, 1997.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 454 (H.B. [1128](#)), Sec. 1, eff. September 1, 2021.

Sec. 61.002. OPENING AND CLOSING POLLING PLACE FOR VOTING.

Text of subsection prior to the amendments made by Acts 2025, 89th Leg., R.S., Ch. 1184 (S.B. [2753](#)), Sec. 5, eff. September 1, 2025. Applies to elections ordered before the date the Secretary of State

issues the report required by Acts 2025, 89th Leg., R.S., Ch. 1184 (S.B. 2753), Sec. 32, eff. September 1, 2025.

(a) Immediately before opening the polls for voting on the first day of early voting and on election day, the presiding election judge or alternate election judge shall confirm that each voting machine has any public counter reset to zero and shall print the tape that shows the counter was set to zero for each candidate or measure on the ballot.

Text of subsection as amended by Acts 2025, 89th Leg., R.S., Ch. 1184 (S.B. 2753), Sec. 5, eff. September 1, 2025. Applies to elections ordered on or after the date the Secretary of State issues the report required by Acts 2025, 89th Leg., R.S., Ch. 1184 (S.B. 2753), Sec. 32, eff. September 1, 2025.

(a) Immediately before opening the polls for voting on the first day of voting at a polling place during early voting or on election day, the presiding election judge or alternate election judge shall confirm that each voting machine has any public counter reset to zero and shall print the tape that shows the counter was set to zero for each candidate or measure on the ballot.

(b) At the official time for opening the polls for voting, an election officer shall open the polling place entrance and admit the voters.

(c) Immediately after closing the polls for voting on election day, the presiding election judge or alternate election judge shall print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine.

(d) Each election judge or alternate election judge present shall sign a tape printed under this section.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2021, 87th Leg., 2nd C.S., Ch. 1 (S.B. 1), Sec. 3.06, eff. December 2, 2021.

Acts 2025, 89th Leg., R.S., Ch. 1184 (S.B. 2753), Sec. 5, eff. September 1, 2025.

Sec. 61.003. ELECTIONEERING AND LOITERING NEAR POLLING PLACE. (a) A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located or within 20 feet of a parking space designated for curbside voting under Section 64.009, the person:

(1) loiters; or

(2) electioneers for or against any candidate, measure, or political party.

(a-1) 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 in Subsection (a), but may enact reasonable regulations concerning the time, place, and manner of electioneering.

(b) In this section:

(1) "Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Section 172.1114.

(2) "Voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

(c) An offense under this section is a Class C misdemeanor.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 235 (H.B. 259), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 235 (H.B. 259), Sec. 2, eff. June 14, 2013.

Acts 2017, 85th Leg., R.S., Ch. 828 (H.B. 1735), Sec. 12, eff. September 1, 2017.

Acts 2025, 89th Leg., R.S., Ch. 923 (H.B. [521](#)), Sec. 1, eff. September 1, 2025.