



Texas Secretary of State
ELECTIONS DIVISION



Activities in the Vicinity of the Polling Place

February 2026



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.

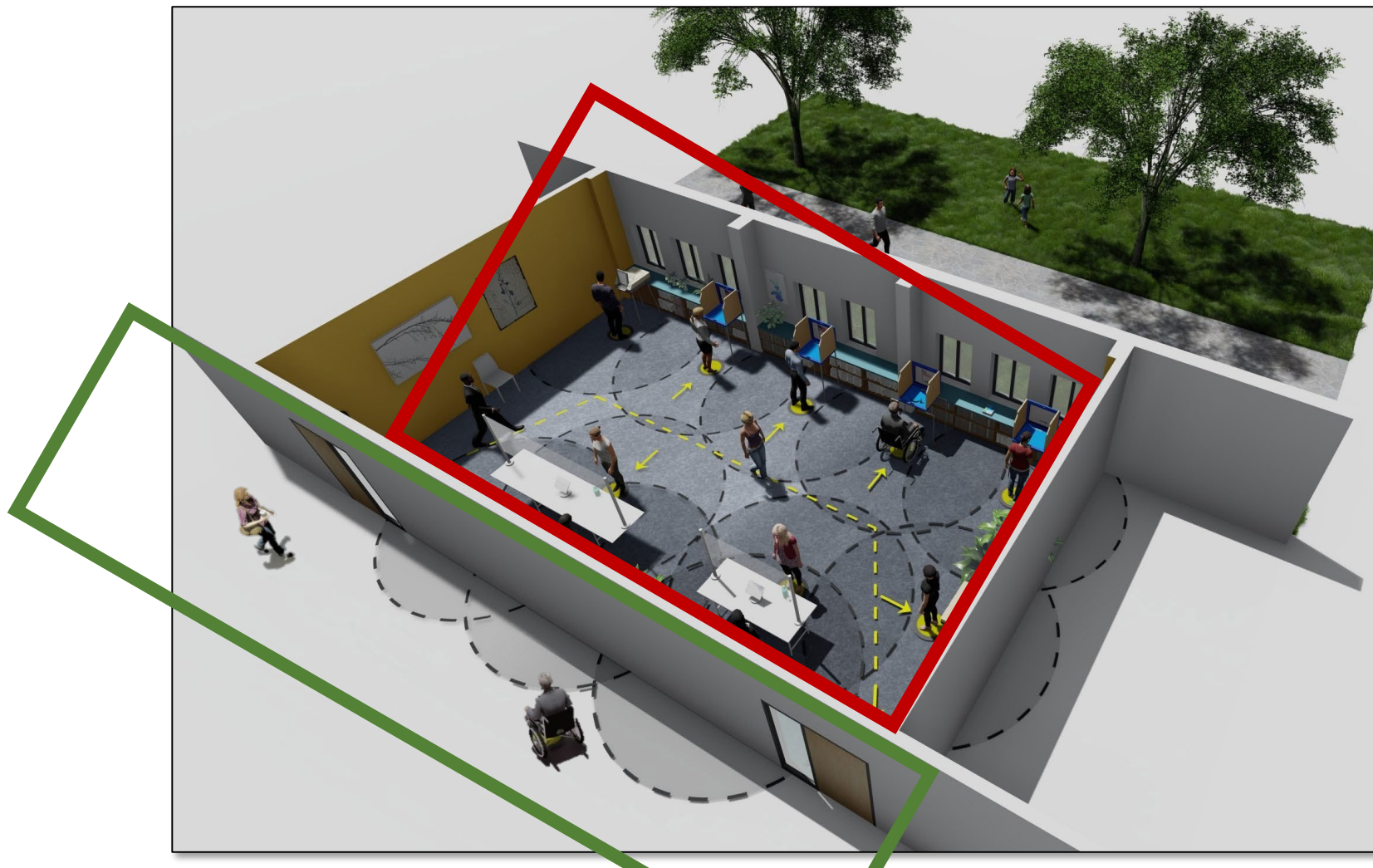


Cell Phones and Other Wireless Communication Devices





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;
- (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.



Available Support



WEBINARS



TRAINING



RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov