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David Reeve <reeve@tcrp.org> [Hide options](#) Oct 30 (21 hours ago)
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Reply-To: reeve@tcrp.org

 To: **Bob Remlinger** <remysraiders@sbcglobal.net>, white-rr@sbcglobal.net, sae2387@aol.com, cghaught@sbcglobal.net, sousares@earthlink.net, laf2@austin.rr.com, veronalb@yahoo.com, dbeiring@hotmail.com, mike.conwell@gmail.com, txdram@yahoo.com, **Ryan Marquess** <ryan@auslo.com>, cfdenman525@aol.com, meichnor@austin.rr.com, gangreen@myway.com
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Dear Election Judges;

These are the responses to the questions generated during Saturday's training session.

Included as attachments are the following:


Ch 32, Poll Watcher (Tex Election Code)

Ballot Integrity Task Force Guide

Sec of State Election Handbook.

If you have any questions concerning the election you would like answered, please do not hesitate to contact me.

Again, let me thank you all for your participation.

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Dave Reeve

Travis County Republican Party

-----Original Message-----

From: Eric Opiela [mailto:eopiela@ericopiela.com]**Sent:** Saturday, October 28, 2006 9:01 PM**To:** Ron Olson; reeve@tcrp.org**Subject:** RE: More Election Questions

Dave,

Ron is on assignment in Houston, and has referred your questions to me. Chairman Benkiser has appointed me to Chair the Ballot Integrity Task Force, and I'm an attorney practicing in Karnes City and Austin. I also serve as the Republican County Chairman for Karnes County. If you have any more questions, do not hesitate to email or call either Ron or I at ballot@texasgop.org, or my cell is 512-791-6336.

We're here to help.

Eric Opiela



Now, on to your questions:

!. If a car bearing candidate bumper stickers or other material parks in a space within the 100 foot mark, is that permitted? Also, what if the space is the only handicapped space available?

Neither the election code, nor opinions/advisories of the Secretary of State, nor caselaw address this specific issue.

Section 62.013, Election Code, prohibits the placement of signs, cards, posters, or other similar materials soliciting a vote for or against a particular candidate or measure within 100 feet of the outside entrance to a polling place. Section 61.003, Election Code, prohibits a person from "electioneering" within 100 feet of the outside entrance to a polling place.

"Electioneering" is soliciting a vote for or against a particular candidate or measure. A strict interpretation of this provision would require vehicles bearing such solicitations to be parked outside the 100 ft marker or otherwise remove the solicitation

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from the vehicle. If I were advising you as a poll watcher or election judge at a polling place, taking into consideration the prevalence of bumper stickers on today's vehicles, I would allow a vehicle with such items that belonged to a voter actually voting at the polling place to be parked there only as long as the voter was actively engaged in the process of arriving, voting, and exiting the location. I would not allow the "permanent" parking of a "campaign vehicle" i.e. a vehicle with a candidate's signs on it (more than a bumper sticker inconspicuously placed) within the 100 ft. marker. There, unfortunately, is no hard and fast rule, and individuals should use their discretion.

2. Can an individual bring a marked sample ballot with them to the polling station as a reference guide for voting?

Yes, the prior provision in Section 61.011, Election Code, prohibiting the carrying of reference guides for voting into the voting station was ruled unconstitutional in 1995. However, election officials are required to remove from the voting station sample ballots or other written material left behind by a voter after voting. TEC, Sec. 61.011 (Vernon 2006).

3. Can a voter bring a voter's guide that is specific to one party to a polling station when voting?

Yes, the prior provision in Section 61.011, Election Code, prohibiting the carrying of reference guides for voting into the voting station was ruled unconstitutional in 1995. The publisher of a guide is irrelevant. Again, however, it may not be left behind by the voter.

4. Is a reproduction of a letter or other item used by a voter as identification permitted?

Yes. Section 63.0101(7), Election Code, allows for a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter to be used.

5. How many poll watchers are permitted at a polling station at any one time? How many per day?

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Only two watchers appointed by a particular appointing authority (candidate or county chairman) may be on duty at any one time. Section 33.007, Election Code. However, two can be present representing a candidate, and two can be present representing the county party. There is no daily limit specified in the Code.

6. Under what conditions is a "voter assistant" allowed?

A voter is eligible to receive assistance in marking the ballot only if the voter has either (1) a physical disability that renders the voter unable to write or see; or (2) an inability to read the language in which the ballot is written. Section 64.031, Election Code. A voter may only be assisted by either (1) an assistant of the voter's choosing (who has been administered the oath under 64.034, Election Code, and who is not an agent of the voter's employer or union); or (2) two election officials of different political parties. Section 64.032, Election Code.

Incidentally, your name is getting widely known. When you send me a response, I forward it the election officials (32 as of today) who attended the class.

Dave Reeve

Travis County Republican Party

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