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FW: Use of Cellular Telephones and Other Electronic Devices by Poll Watchers [Inbox](#)

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 ☆ [David Reeve](#) <reeve@tcrp.org> [Hide options](#) Oct 30 (21 hours ago)
From: **David Reeve** <reeve@tcrp.org>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, warmuthb@swbell.net, jtumey@aol.com, billiejz@sbcglobal.net, mmanor@austin.rr.com, txnaomi@yahoo.com, smith2697@sbcglobal.net, clairedees@gmail.com, peggyfern@aol.com, centexgop@aol.com, elmr1@earthlink.net
Date: **Oct 30, 2006 11:02 AM**
 Subject: **FW: Use of Cellular Telephones and Other Electronic Devices by Poll Watchers**
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Dear Election Judges;

I just received this email concerning the use of cell phones. It is in contradiction to what was taught in the training sessions of Oct 21 & 28. I wanted you all to be aware of it.

Thank you;

Dave Reeve

Travis County Republican Party

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

From: Eric Opiela [mailto:eopiela@ericopiela.com]

Sent: Saturday, October 28, 2006 9:04 PM

To: Ron Olson; reeve@tcrp.org

Subject: Use of Cellular Telephones and Other Electronic

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Devices by Poll Watchers

The SOS has just issued an advisory opinion on the use of cell phones by poll watchers (I remember you asked about this earlier this month):

Use of Cellular Telephones and Other Electronic Devices by Poll Watchers

TO: County Clerks/Elections Administrators

FROM: Ann McGeehan, Director of Elections

DATE: October 19, 2006

RE: Use of Cellular Telephones and other Electronic Devices by Poll Watchers

State law does not prohibit the use of a cell phone in the polling place. Poll watchers and voters may use a cell phone as long as it is used in a non-disruptive manner. The presiding election judge is responsible for maintaining peace within the polling place, and if the poll watcher's or voter's telephone use becomes disruptive, the presiding judge can require the poll watcher or voter to cease using the phone. Tex. Elec. Code Ann. 3 2.075(a) (Vernon 2005).

Previously, this office has advised that before a poll watcher may use a phone, the watcher must obtain the permission of the presiding judge. In light of the widespread use and need for cell phones, that prior policy is no longer realistic. Accordingly, poll watchers and voters do not need to obtain permission to use the phone, but must use the phone quietly and with respect to voters and others in the polling place. The presiding judge has final authority to determine whether the poll watcher's or voter's use of the phone is appropriate.

Additionally, while use of a cell phone is not specifically prohibited by the Election Code, judges should be advised that voters or poll watchers may have a conversation on a cell phone while in the polling place that may be inappropriate. Specifically, it would be a violation under the Election Code to reveal information regarding who has voted or the status of the count. Id. 61.007 (Vernon 2005). If the election judge becomes aware of a person on a cell phone having a conversation that is improper or inappropriate, the judge should ask the voter to refrain from discussing election matters and/or hang up the phone until he or she has left the polling place.

Lastly, many of today's cell phones do have photographic and recording capabilities. State law specifically prohibits the use of these devices in any polling location. Id. 33.051(c) (Vernon 2005). Again, in light of the widespread availability of this enhanced technology, we recommend that all presiding election judges be mindful of this prohibition and remind all poll watchers and other voters that the use of cell phones for recording or photographic purposes is specifically prohibited by law.

AM:LC:sf

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