

Disclaimer: This resource is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. This was created to provide Dallas County precinct chairs with accurate information on issues voters have faced during recent elections in the state. Additionally, this is not a wholly exhaustive resource.

Texas Voting Issues

Texas Voters Frequently
Encountered Issues

Created by Louis A. Bedford, IV

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1. What issues are voters most likely to face?

Voters in Dallas County typically face an assortment of issues whenever they go to the polls. Most of the issues that voters will face will be based on their voter registration status, voter ID, general questions about the election process, questions concerning their ballot, and any issues that might arise such as long wait times or machine malfunctions.

IF THIS HAPPENS, please refer to the training resources provided by the county, call county contacts, Democratic Party contacts, or dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers.

2. How do you check a voter’s registration status?

Dallas County and the Texas Secretary of State’s office. There is a possibility that the voter rolls may not match the information that is available to the Texas Secretary of State’s Office or the Dallas County Elections Administrator.

IF THIS HAPPENS, please use the [Dallas County voter lookup tool](#) or the [Texas Secretary of State lookup tool](#) in order to confirm whether or not a voter may or may not be able vote. If you are not able to find the information that you are looking for, please reach out to county contacts, Democratic Party contacts, or dial (866) Our-Vote which will connect you to nonpartisan

Election Protection volunteers. Also, in the event this happens, a voter may still be eligible to vote using a provisional ballot.

3. What are the voter ID requirements?

According to the state of Texas, the following are acceptable forms of identification when voting:

- Texas drivers license
- Election identification certificate (a photo ID for voting)
- Personal identification card from the Texas Department of Public Safety
- U.S. military ID card with your photo
- U.S. citizenship certificate with your photo
- U.S. passport
- License to carry a concealed handgun from the Texas Department of Public Safety

IF THIS HAPPENS, please check the voter in through the normal check-in process.

If a voter does not have any of the approved forms of voter ID, they may still be able to vote.

If you have any additional questions, please reach out to county contacts, Democratic Party contacts, or dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers.

4. Can someone still vote without the specified IDs?

If a voter does not have one of the accepted forms of ID, they may still be able to vote as they may request a “reasonable impediment declaration.” This document will allow the voter to explain the difficulty that prevented them from getting a photo ID. If a voter has one of the approved forms of ID, they must use that ID, and may not be eligible for a “reasonable impediment declaration.”

IF THIS HAPPENS, the polling location should have blank “reasonable impediment declaration” applications. The application should be completely filled out with all of the necessary information. Once the application has been completed, poll workers can’t question or challenge a voter about not having a photo ID, or the reason the voter gives on their “reasonable impediments declaration.” Additionally, if a voter does request a “reasonable impediment declaration,” they must show one of the following documents:

- Current utility bill
- Bank statement
- Paycheck
- Voter Registration Certificate
- Certified birth certificate
- Out-of-state drivers license

If you have any additional questions, please reach out to county contacts, Democratic Party contacts, or dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers.

5. How does a voter spoil a ballot?

According to the [Texas Election Code Sec. 64.007](#), if a voter mismarks, damages, or otherwise spoils the ballot in the process of voting, the voter is entitled to receive a new ballot by returning the spoiled ballot to an election officer.

IF THIS HAPPENS, a voter is not entitled to receive more than three ballots, and an election officer shall maintain a register of spoiled ballots at the polling place. An election officer shall enter on the register the name of each voter who returns a spoiled ballot and the spoiled ballot's number. After making the appropriate entry on the register, the election officer shall deposit the spoiled ballot in ballot box no. 4.

If you have any additional questions, please reach out to county contacts, Democratic Party contacts, or dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers.

6. Can a voter vote in-person if they have already requested a mail-in ballot?

The mail-in ballot cancellation process will be more streamlined if the voter brings their mail-in ballot with them to their polling place so they can surrender it before casting their vote. If the voter doesn't have their ballot or never received it, they can still cast a provisional ballot. Their vote will be counted once the county determines it never received their mail-in ballot.

IF THIS HAPPENS, how a person will be able to vote will depend on when they want to cancel their mail-in ballot or by following the [mail-in ballot cancellation process](#).

DURING EARLY VOTING, Appearing in person to the EV clerk's office or deputy EV clerk at any polling place open for early voting by personal appearance and surrendering the by mail ballot OR presenting a Notice of Improper Delivery received under [Section 86.006\(h\)](#) of the Election Code. The voter must also complete a written cancellation request.

AFTER EARLY VOTING, Appearing in person and surrendering the ballot to be voted by mail to the early voting clerk OR executing an affidavit with the EV clerk that the applicant: 1) has not received the ballot to be voted by mail; or 2) never requested a ballot to be voted by mail.

ON ELECTION DAY, Appearing in person and surrendering the by mail ballot to the presiding election judge at the applicant's precinct polling place OR appearing in person at the applicant's precinct polling place and presenting a Notice of Improper Delivery received under [Section 86.006\(h\)](#) of the Election Code.

If you have any additional questions, please reach out to county contacts, Democratic Party contacts, or dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers.

7. What materials can a voter take into a voting booth?

According to [Election Advisory No. 2020-30](#), voters are allowed to bring written materials into voting stations to assist them in casting their ballot. However, it is important to remember that the prohibition on electioneering within 100-feet of the polling place does apply to written materials. Election judges and early voting clerks may use their discretion in determining if a voter is electioneering for or against any candidate, measure or political party through the use of written materials.

Additionally, the following should not be brought into a polling location:

- Cell phone;
- Camera;
- Tablet computers;
- Laptop computers;
- Sound recorders; and
- Any other device that may communicate wirelessly, or be used to record sound or images.

For voters who are disabled, advances in technology have enabled cell phones, tablets and other wireless communications devices to assist voters with disabilities. As an example, a voter may use a program/application on a cell phone to translate verbal communication into sign language, allowing the voter to understand communication by an election official.

IF THIS HAPPENS, an election judge or early voting clerk may use their authority to allow a voter to utilize these programs/applications at their discretion. Additionally, the individual should also be reminded of what cannot be brought into the polling location if they have anything that may be problematic. If that does not appear to be possible or if the issue persists, please reach out to county contacts, Democratic Party contacts, or dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers.

8. What materials can a poll watcher use in a polling location?

According to [Election Advisory No. 2020-30](#), a 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. The early voting clerk or presiding judge, as appropriate, may inquire whether a poll watcher has possession of any prohibited recording devices before accepting the poll watcher for service. The poll watcher must sign an oath stating he or she does not have in his or her possession devices capable of recording images or sound, or that he or she will disable or deactivate the devices while serving as a watcher. [Tex. Elec. Code §§ 33.006](#), et. seq.

IF THIS HAPPENS, see if the poll watcher will agree to disable or deactivate the devices. The individual should be reminded of what cannot be brought into the polling location if they have anything that may be problematic. If that does not appear to be possible or if the issue persists,

please reach out to county contacts, Democratic Party contacts, or dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers.

9. Can a voter bring a gun into a polling station?

[Section 46.03\(a\)](#) of the Texas Penal Code generally prohibits a person from bringing a firearm onto the premises of a polling place. However, this prohibition 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](#). The 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.

No-one except licensed peace officers may carry handguns into the polling place. Additionally, according to [Election Advisory No. 2020-30](#), there is no requirement of any sort of signage in the polling place in order to inform voters of the unchanged restrictions regarding handguns in the polling place, but if you wish to provide a notice to that effect, you may post form [AW-7-9a](#), “Notice of Prohibition of Handguns in the Polling Place,” which is available online.

IF THIS HAPPENS, the person should be informed that they are in violation of the law in the hope there can be an amicable solution. If that does not appear to be possible, please reach out to county contacts, Democratic Party contacts, dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers, or contact local law enforcement.

10. What is electioneering and where can it happen legally?

According to [Election Advisory No. 2020-30](#), each early voting and election day polling place must be organized with 100-foot distance markers posted at surrounding outside entries to the building. During the voting period and inside this protected area, it is prohibited to electioneer, including expressing preference for or against any candidate, measure, or political party. A violation of this provision in the Election Code is a Class C misdemeanor. [Tex. Elec. Code §§ 61.003, 85.036](#).

Please note that the early voting clerk and the presiding judge of each polling place, as appropriate, have the authority of a district judge while serving in that capacity. This authority enables the early voting clerk or the presiding judge, as appropriate, to use his or her discretion to ensure the safety and efficiency of the early voting and election day polling place and the surrounding 100-foot area. [Tex. Elec. Code §§ 32.075\(e\), 81.002](#).

While an election judge or early voting clerk has the authority to ensure that electioneering is not occurring within the 100 foot marker, [Section 32.075\(e\)](#) of the Code specifically states that a presiding judge may not enforce electioneering provisions outside of the 100-foot distance markers. The same prohibition applies to an early voting clerk, per [Section 81.002](#) of the Code.

IF THIS HAPPENS, the person should be informed that they are in violation of the law in the hope there can be an amicable solution. If that does not appear to be possible, please reach out

to county contacts, Democratic Party contacts, dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers, or contact local law enforcement.

IF OUTSIDE OF THE 100FT ZONE, an entity that owns or controls a public building being used as a polling place may not prohibit electioneering outside of the 100-foot distance marker. However, the entity may enact reasonable regulations in regards to the time, place, and manner of electioneering. [Tex. Elec. Code § 61.003\(a-1\)](#).

Only a court of law can determine what is reasonable in terms of time, place and manner. However, an example of a reasonable regulation may include prohibiting electioneering on sidewalks or driveways to keep them clear for pedestrians and traffic. Finally, we recommend that all regulations be content neutral. If you have questions, we suggest that you contact your attorney.

11. When can a voter request a provisional ballot?

According to the Texas Election Code, [Sec. 63.011](#), for those who wish to cast a provisional ballot, election officers shall inform the voter of the voter's right to cast a provisional ballot, and provide the voter with written information, in a form prescribed by the secretary of state, that:

- lists the requirements for identification;
- states the procedure for presenting identification;
- includes a map showing the location where identification must be presented; and
- includes notice that if all procedures are followed and the voter is found to be eligible to vote and is voting in the correct precinct, the voter's provisional ballot will be accepted.

A voter may cast a provisional ballot if the person executes an affidavit stating that the person:

- is a registered voter in the precinct in which the person seeks to vote; and
- is eligible to vote in the election.

IF THIS HAPPENS, after executing the affidavit, the person shall be given a provisional ballot for the election. An election officer shall record the number of the ballot on the space provided on the affidavit. Then, an election officer shall enter "provisional vote" on the poll list beside the name of each voter who is accepted for voting under this section. Afterwhich, a person who is permitted under a state or federal court order to cast a ballot in an election for a federal office must cast the ballot as a provisional vote in the manner required by this section. If you have any additional questions, please reach out to county contacts, Democratic Party contacts, or dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers.

12. Can a voter ask for language assistance at the polling location?

Voters who cannot speak English, or who communicate only with sign language, may use an interpreter to help them communicate with election officials, regardless of whether the election official(s) attending to the voter can speak the same language as the voter. The voter may select any person other than the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs. If the voter cannot read the languages on the ballot, the interpreter may also assist by translating the language on the ballot for the voter in

the voting booth. If the voter is deaf and does not have a sign language interpreter who can accompany them to help communicate with the poll worker or read the ballot, the voter should contact his or her local election officials before the election and request assistance.

IF THIS HAPPENS, please ensure that the voter has the resources that they need in order to cast a ballot. If you have any additional questions, please reach out to county contacts, Democratic Party contacts, or dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers.

13. Can a voter ask for disability assistance at a polling location?

If you are deaf and cannot bring someone to interpret for you, see if your county provides an interpreter at any of the polling places during Early Voting or request an interpreter before the election.

- Curbside Voting
- Early Voting
- Vote by Mail

Polling places in Texas should meet the following accessibility standards:

- A location on the ground floor that can be entered from the street or via an elevator with doors that open at least 36 inches
- Doors, entrances, and exits used to enter or leave the polling place that are at least 32 inches wide
- Any curb next to the main entrance to the polling place must have curb-cuts or temporary non-slip ramps
- Stairs necessary to enter or leave the polling place must have handrails on each side and a non-slip ramp.
- Removal of all barriers such as gravel, automatically closing gates, closed doors without lever-type handles, or any other barrier that impedes the path of the physically disabled to the voting station.
- Voting systems that are accessible to voters with physical disabilities and can accommodate no vision, low vision, no hearing, low hearing, limited manual dexterity, limited reach, limited strength, no mobility, low mobility, or any combination of the foregoing (except the combination of no hearing and no vision)
- Each polling place will offer at least one type of accessible voting equipment or Direct Record Electronic (“DRE”) device. This equipment allows voters with disabilities to vote directly on the system or assist them in marking the paper ballot. Depending on the type of system, voters with disabilities may use headphones or other assistive devices to help them vote independently and secretly.

If a voter is physically unable to enter the polling place, he or she may ask that an election officer bring a ballot to the entrance of the polling place or to a car parked at the curbside. After the voter marks the ballot, they will give it to the election officer, who will put it in the ballot box. Or, at the voter’s request, a companion may hand the voter a ballot and deposit it for him or her.

IF THIS HAPPENS, a voter may ask that an election officer bring a ballot to the entrance of the polling place or to a car parked at the curbside. Additionally, after the voter marks the ballot, they will give it to the election officer, who will put it in the ballot box, or, at the voter's request, a companion may hand the voter a ballot and deposit it for him or her. If you have any additional questions, please reach out to county contacts, Democratic Party contacts, or dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers.

14. Who can assist a voter at the polls?

Voters may be assisted by:

- Any person the voter chooses who is not an election worker;
- Two election workers on Election Day; or
- One election worker during early voting.

Voters **MAY NOT** be assisted by:

- Their employer;
- An agent of their employer; or
- An officer or agent of their union.

IF THIS HAPPENS, the person assisting the voter must read him or her the entire ballot, unless the voter asks to have only parts of the ballot read. The person assisting the voter must take an oath that he or she will not try to influence the voter's vote and will mark the ballot as the voter directs. If the voter chooses to be assisted by polling place officials, poll watchers and election inspectors may observe the voting process, but if the voter asks to be assisted by a person the voter chooses, no one else may watch him or her vote.

It is illegal for a person assisting the voter to:

- Try to influence the voter's vote;
- Mark the voter's ballot in a way other than the way they have asked; or
- Tell anyone how the voter voted.

If you have any additional questions, please reach out to county contacts, Democratic Party contacts, dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers, or contact local law enforcement

15. What if a voter's status is in "suspense" are they still able to vote?

The [suspense list](#) is a list maintained by the voter registrar of each county that contains the names of:

- Voters that failed to respond to the confirmation notice;
- Voters whose renewal certificate was returned to the registrar as undeliverable; and
- Those individuals that were excused or disqualified from jury service because they were not a resident of that county, state on the juror summons notice that the individual no longer resides in the county, or whose jury summons were returned to the district clerk as undeliverable.

IF THIS HAPPENS, an individual on the suspense list is still a registered voter and has the same rights as a non-suspense list voter. If a suspense list voter lives in the same residence,

shows up at the same precinct location, shows proof of identification and fills out a statement of residence, then the individual will be able to vote, and the voter's name will be removed from the suspense list.

If the voter has moved to a different residence located in the same county, the voter will also fill out a Statement of Residence and be permitted to vote, provided the voter is living in the political subdivision or territory covered by that election. The Statement of Residence will be used to update the voter's registration and remove the voter's name from the suspense list. If the suspense list voter has moved outside of the county, the voter should be given the option to vote provisionally. If you have any additional questions, please reach out to county contacts, Democratic Party contacts, or dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers.

16. What activities are prohibited inside of a polling place?

According to [Election Advisory No. 2020-30](#) and [Chapter 61 of the Texas Elections Code](#), following activities are prohibited near the vicinity of a polling place:

- Exit polling;
- Sound amplification devices;
- Petition signature gathering; and
- Loitering near a polling place.

As for inside of a polling location, people are not permitted to:

- Try to sway or intimidate voters;
- Speak about various candidates and parties;
- Wear partisan gear or apparel;
- Take pictures of their ballot;
- Unlawfully divulging vote;
- Instructing voter on casting ballot;
- Wearing name tag or badge inside of a polling place;
- Removing written communications found inside of a polling place; and
- Unlawful presence of a candidate.

IF THIS HAPPENS, the person should be informed that they are in violation of the law in the hope there can be an amicable solution. If that does not appear to be possible, please reach out to county contacts, Democratic Party contacts, dial (866) Our-Vote which will connect you to nonpartisan Election Protection volunteers, or contact local law enforcement.

Resources

The following resources were incorporated when creating and developing this document. This would not have been possible without their work, dedication, and resources.

- Texas Secretary of State
- Texas Organizing Project
- ACLU of Texas
- Disability Rights Texas
- VoteTexas.Gov
- League of Women Voters - Texas
- The Texas Tribune
- Lawyers' Committee for Civil Rights Under Law
- Rock the Vote
- Texas Law Help
- Texas Observer
- Texas Election Protection Coalition
- Legal Defense Fund
- Vote411
- Texas Monthly
- Common Cause
- Nonprofit Vote
- Texas Civil Rights Project
- National Homeless
- National Coalition for the Homeless
- National Public Radio
- Equality Texas
- Human Rights Campaign
- Texas State Law Library
- Texas Tribune
- National Center for Transgender Equality
- Movement Advancement Project
- Them.
- Lambda Legal
- Brennan Center for Justice

Contact Information

If you have any questions about the information that is provided in this guide or if you have other questions, please feel free to contact Louis Bedford, IV, at (972) 897-0951 or bedford.louis@gmail.com.

Election Protection	(866) Our-VOTE
Spanish Language	(866) VE-Y-VOTA
Asian Languages	(888) API-VOTE
Arabic	(844) YALLA-US