



MEDIA
FREEDOM &
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ACCESS CLINIC



Media Access Overview: Texas

Polling Place Access:

- Members of the media are not allowed into the polling place unless it is to vote. [Tex. Elec. Code § 61.001](#).
- Exit polling is allowed as long as it is non-disruptive. [Tex. Elec. Advisory No. 2018-11 \(2018\)](#)
- Texas law prohibits the use of cell phones, cameras, and other recording devices within 100 feet of a polling place. [Tex. Elec. Code §§ 61.014\(a\)](#).

Access to Vote Tabulation Processes

- A notice of the number of voters who have voted must be posted at an outside door to the polling place every two hours, beginning at 9:30 a.m. and running through 5:30 p.m. [Tex. Elec. Code § 61.007\(c\)](#).
- The clerk must announce when and where the tabulation is to happen, and the counting must be released by 2 am the day after election day, but journalists do not have direct access. [Tex. Election Code § Sec. 66.053](#).
- Recounts are accessible to whoever petitioned for them, and the relevant parties. They are entitled to have watchers. The press is not automatically entitled to access. [Tex. Elec. Code § 213.009](#).

Access to Information/Records

- Once the polls for a particular election are closed, a list of registered voters who cast ballots is public. [Tex. Att'y Gen. ORD-38 \(1974\)](#).
- Applications to register to vote on file with a county registrar is public information. *Nixon v. Slagle*, 885 S.W.2d 658, 661 (Tex. App.—Tyler 1994, no writ).
- Voted ballots from a primary election become public records available for inspection after a 22-month retention period required by state law Tex. Att'y Gen. ORD-505 (1988).
- Voting history, including whether provisional ballots were counted, is available along with registration information [through this form](#).
- A judge may order the examination of ballots for a grand jury [Tex. Elec. Code § 273.041](#) or in a [civil action](#).
- Are preparations and responses to election integrity issues such as cybersecurity attacks, issues with the mail, and tabulation malfunctions considered public records?
 - Emails are public documents with some exceptions. One specific exemption covers “information the release of which would interfere with the detection, investigation, or prosecution of crime or law enforcement.” [Tex. Pub. Law § 552.108](#)
 - The plan for counting station operation must be available to the public on request not later than 5 pm on the fifth day before the date of the election [Tex. Elec. Code §](#)

Contact the Reporters Committee Legal Hotline at 1-800-336-4243 or hotline@rcfp.org if you have questions about reporting on the general election or run into issues while covering the election.



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