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).
- 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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