



The Office of Vince Ryan
County Attorney

October 19, 2010

Hand Delivered

Harris County Early Voting Election Presiding Judges
Harris County Early Voting Election Alternate Judges

In re: Complaints concerning Poll Watchers

Dear Presiding Judge or Alternate Judge:

Our office has received several complaints concerning the actions of poll watchers serving during the early voting period for the November, 2010 general election. We are investigating these complaints, and urge your cooperation in such investigation. In the near future, someone from our office may contact you in order to obtain more information.

It is important for you to make sure that poll watchers abide by the law. A poll watcher is entitled to observe any activity conducted at the location at which the watcher is serving, except as indicated below. Poll watchers may be present while a voter is being assisted by an election officer, but may not be present at a polling station when the voter is preparing his ballot or is being assisted by a person of the voter's choice. TEX. ELEC. CODE §33.057.

While on duty, a poll watcher may not converse with an election officer about the election, except to call attention to an irregularity or violation of the law. Poll watchers may not converse or otherwise communicate with voters. If a poll watcher calls attention to an irregularity or violation of the law to an election clerk, the election clerk may discuss it further with the poll watcher, but if the election clerk refers the matter to the presiding judge, the poll watcher may not discuss the occurrence further with the subordinate officer unless the presiding judge invites further discussion. TEX. ELEC. CODE §33.058.

If a poll watcher violates the election code, the recommended practice is to ask them to stop the unlawful activity. If they persist, order them to leave the polling place. If they refuse call my office and the Constable in your area or the Sheriff to have them arrested for violation of TEX. ELEC. CODE §61.003(a)(1).

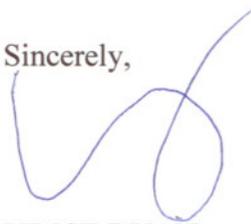
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As long as poll watchers adhere to the restrictions placed upon them, it is unlawful for a person who serves in an official capacity during the election at a location where the poll watchers are authorized to knowingly prevent observation of an activity which poll watchers are entitled to observe. TEX. ELEC. CODE §33.061.

If you have any questions regarding the Texas Election Code or the conduct of a poll watcher or any other person in connection with this election, please immediately call either Assistant County Attorney Douglas P. Ray at (713) 755-3446 or (281)935-1904, or Assistant County Attorney John Odam at (713) 755-5069 or (713) 562-2837.

Sincerely,



VINCE RYAN
Harris County Attorney

cc: Beverly Kaufman, Harris County Clerk
Terence O'Rourke, First Assistant County Attorney