

City Policy ADM-14

- City of Waco Policy ADM-14 is intended to maintain neutrality. All City of Waco employees must ensure that any political involvement regarding election campaigns does not adversely affect their ability to perform their duties. City employees are prohibited from taking any active role in any political campaign or affiliation while on-duty or in a City of Waco uniform.

General Order 23.08

Public and Political Activity

- Mirroring ADM-14, employees are prohibited from actively campaigning for or against any elected position while on duty or in uniform, including:
 - Passing out literature
 - Writing letters or signing petitions
 - Soliciting votes or funds
 - Making derogator remarks about a candidate
 - Being a checker, watcher or challenger for any political candidate, party, or group

Relevant Codes/Guidelines

- Penal Code Sec. 46.03. PLACES WEAPONS PROHIBITED.
- Penal Code Sec. 30.05. CRIMINAL TRESPASS
- Penal Code Sec. 33.05. TAMPERING WITH DIRECT RECORDING VOTING MACHINE
- Election Code Sec. 61.003. **ELECTIONEERING** AND LOITERING NEAR POLLING PLACE
- Election Code Sec. 61.004. UNLAWFUL OPERATION OF SOUND AMPLIFICATION DEVICE OR SOUND TRUCK
- Election Code Sec. 61.006. UNLAWFULLY DIVULGING VOTE
- Election Code Sec. 61.007. UNLAWFULLY REVEALING INFORMATION BEFORE POLLS CLOSE
- Election Code Sec. 61.008. UNLAWFULLY INFLUENCING VOTER
- Election Code Sec. 61.010. WEARING NAME TAG OR BADGE IN POLLING PLACE
- Election Code Sec. 61.014. USE OF CERTAIN DEVICES

Penal Code Sec. 46.03. PLACES WEAPONS PROHIBITED

- (a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon listed in Section [46.05\(a\):\(2\)](#) on the premises of a polling place on the day of an election or while early voting is in progress(g) An offense under this section is a third degree felony.

Penal Code Sec. 30.05 BM

CRIMINAL TRESPASS

- a) A person commits an offense if the person enters or remains on or in property of another, including residential land, agricultural land, a recreational vehicle park, a building, or an aircraft or other vehicle, without effective consent and the person:
 - (1) had notice that the entry was forbidden; or
 - (2) received notice to depart but failed to do so.

Penal Code Sec. 33.05 1F

TAMPERING WITH DIRECT RECORDING ELECTRONIC VOTING MACHINE

- A person commits an offense if the person knowingly accesses a computer, computer network, computer program, computer software, or computer system that is a part of a voting system that uses direct recording electronic voting machines and by means of that access:
- Prevents a person from lawfully casting a vote;
- Changes a lawfully cast vote;
- Prevents a lawfully cast vote from being counted; or
- Causes a vote that was not lawfully cast to be counted

Election Code Sec. 61.003.

ELECTIONEERING AND LOITERING NEAR POLLING PLACE

- (a) A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person:
 - (1) loiters; or
 - (2) ***electioneers*** for or against any candidate, measure, or political party.
- (a-1) The entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit ***electioneering*** on the building's premises outside of the area described in Subsection (a), but may enact reasonable regulations concerning the time, place, and manner of ***electioneering*** .
- (b) In this section:
 - (1) "***Electioneering***" includes the posting, use, or distribution of political signs or literature.
 - (2) "Voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.
- (c) An offense under this section is a Class C misdemeanor.

Election Code Sec. 61.004. UNLAWFUL OPERATION OF SOUND AMPLIFICATION DEVICE OR SOUND TRUCK

- (a) A person commits an offense if, during the voting period and within 1,000 feet of a building in which a polling place is located, the person operates a sound amplification device or a vehicle with a loudspeaker while the device or loudspeaker is being used for the purpose of:
 - (1) making a political speech; or
 - (2) ***electioneering*** for or against any candidate, measure, or political party.
- (b) For the purpose of Subsection (a), a person operates a vehicle with a loudspeaker if the person drives the vehicle, uses the loudspeaker, or operates sound equipment in connection with the loudspeaker.
- (c) In this section, "voting period" means the period prescribed by Section [61.003\(b\)](#).
- (d) An offense under this section is a Class C misdemeanor.

Election Code Sec. 61.006. UNLAWFULLY DIVULGING VOTE

- (a) A person commits an offense if the person was in a polling place for any purpose other than voting and knowingly communicates to another person information that the person obtained at the polling place about how a voter has voted.
- (b) An offense under this section is a felony of the third degree.
- (c) This section does not apply to information presented in an official investigation or other official proceeding in which the information is relevant.

Election Code Sec. 61.007. UNLAWFULLY REVEALING INFORMATION BEFORE POLLS CLOSE

- (a) An election officer, watcher, or other person serving at a polling place in an official capacity commits an offense if, before the polls close or the last voter has voted, whichever is later, the officer, watcher, or other person reveals:
 - (1) the number of votes that have been received for a candidate or for or against a measure;
 - (2) a candidate's position relative to other candidates in the tabulation of the votes;
 - (3) whether a measure is passing or failing; or
 - (4) the names of persons who have or have not voted in the election.
- (b) An offense under this section is a Class A misdemeanor.
- (c) Beginning at 9:30 a.m. and at each subsequent two-hour interval through 5:30 p.m., the presiding judge shall post written notice of the total number of voters who have voted in the precinct. The notice shall be posted at an outside door through which a voter may enter the building in which the polling place is located.

Election Code Sec. 61.008. UNLAWFULLY INFLUENCING VOTER

- (a) A person commits an offense if the person indicates to a voter in a polling place by word, sign, or gesture how the person desires the voter to vote or not vote.
- (b) An offense under this section is a Class B misdemeanor.

Election Code Sec. 61.010. WEARING NAME TAG OR BADGE IN POLLING PLACE

- (a) Except as provided by Subsection (b), a person may not wear a badge, insignia, emblem, or other similar communicative device relating to a candidate, measure, or political party appearing on the ballot, or to the conduct of the election, in the polling place or within 100 feet of any outside door through which a voter may enter the building in which the polling place is located.
- (b) An election judge, an election clerk, a state or federal election inspector, a certified peace officer, or a special peace officer appointed for the polling place by the presiding judge shall wear while on duty in the area described by Subsection (a) a tag or official badge that indicates the person's name and title or position.
- (c) A person commits an offense if the person violates Subsection (a). An offense under this subsection is a Class C misdemeanor.

Election Code Sec. 61.014. USE OF CERTAIN DEVICES

- (a) A person may not use a wireless communication device within 100 feet of a voting station.
- (b) A person may not use any mechanical or electronic means of recording images or sound within 100 feet of a voting station.
- (c) The presiding judge may require a person who violates this section to turn off the device or to leave the polling place.
- (d) This section does not apply to:
 - (1) an election officer in conducting the officer's official duties;
 - (2) the use of election equipment necessary for the conduct of the election;
or
 - (3) a person who is employed at the location in which a polling place is located while the person is acting in the course of the person's employment.