

November 4, 2022

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VIA MESSENGER

The Honorable John B. Scott
Secretary of State
1019 Brazos Street
State Capital Room 1E.8
Austin, TX 78701

Re: Poll Worker Guidance

Dear Secretary Scott:

I am writing on behalf of the Alliance of Retired Americans and its Texas Chapter regarding the enforcement of Section 33.061 of the Texas Election Code.

This statute makes it a crime for an Election Day worker to take “any action to obstruct the view of a watcher or distance the [poll] watcher from the activity or procedure to be observed in a manner that would make observation not reasonably effective.”

Despite the fact that this standard on its face is vague and inherently subjective, it has been reported that election workers across Texas have been investigated for violating this law. Good faith disputes over, for example, whether a partisan observer is harassing a voter could seemingly escalate into a criminal investigation.

Several Alliance members in Texas regularly serve as Election Day workers in Texas. They are all seniors and do this work out of a desire to support and participate in the democratic process and assist voters who are exercising their constitutional right to vote.

To advise my client on what conduct is prohibited by this law, I request for delivery by no later than Monday morning any written advice or training materials regarding this provision that your office has provided to local election administrators. I would also like to request any guidance your office has received from the Texas Attorney General regarding the enforcement of this section of the election code.

The Alliance believes its members, who are performing a public service out of a commitment to our democracy, should have the benefit of the guidance that your office and the Attorney General has created so they can avoid any potential criminal liability.

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The requested materials can be e-mailed to me at KSandstrom@perkinscoie.com. If that is not possible I can arrange for someone to pick up them at your office.

Sincerely,

A handwritten signature in blue ink that reads "Karl J. Sandstrom". The signature is written in a cursive style with a horizontal line underneath it.

Karl J. Sandstrom

KJS/jw