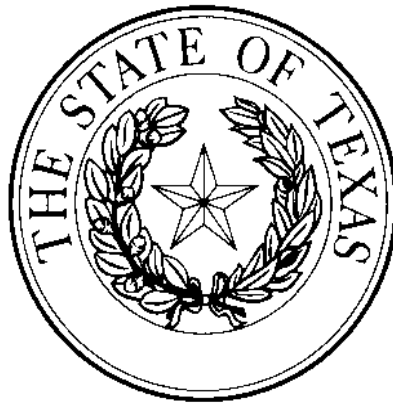


Central Counting Station Handbook



Issued by the

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Updated: August 2023

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Throughout this Handbook, all references are made to appropriate sections in the Texas Election Code, unless otherwise noted. Any references to the Texas Administrative Code are cited to the relevant section of the “TAC.”

Section 1 - Establishing a Central Counting Station

The Election Code authorizes entities conducting their elections with electronic voting system equipment to establish a central counting station to conduct the counting process for that election.

This section will address the basic process for establishing a central counting station and will address the different situations where a central counting station is or is not established, depending on the type of voting system configuration used in the election.

What is a Central Counting Station?

A central counting station (“CCS”) is the place on election night where ballots are counted, vote totals are accumulated, precinct returns are completed and the unofficial elections results are generated.

This is sometimes referred to as a central accumulation station (“CAS”).

Entities may establish more than one central counting station for an election. These additional central counting stations are often referred to as “regional substations,” but they are subject to the same requirements generally applicable to central counting stations. (Sec. 127.001)

Do I Need a Central Counting Station?

Whether an entity needs a central counting station will generally depend on the type of voting system equipment they use, the manner in which they count their ballots, and the manner in which they generate the results for their election.

You need a central counting station if:

- You count your ballots by reading media from tabulation devices into a central computer.
- You count your ballots by having voters deposit them in ballot box, and bringing those ballots back to a central location to be counted by a scanner.

You do not need a central counting station if:

- Your ballots are hand-counted at the precinct polling places on election night.
- You count your ballots by having voters deposit them into a precinct scanner, printing tapes from the precinct scanner, and generating your results by adding up the totals on those tapes by hand or by a calculator WITHOUT reading media into a computer.

Common Mistakes:

- There is no authority to generate your results by reading media from tabulation devices into a computer without establishing a central counting station. If you are reading media into a computer to generate your results, you MUST establish a central counting station.
- You cannot bring all of your ballots back to a central location to be hand-counted on election night. If you are hand-counting, then your election day ballots are counted by your poll workers at the polling places on election night, and your early voting ballots are counted by your early voting ballot board.

Who Establishes the Central Counting Station?

Central counting stations are established by the authority that adopts an electronic voting system. This authority will vary depending on the entity and the type of election. (Sec. 127.001)

Please see the chart below for guidance on which authority is responsible for establishing a central counting station for each type of election.

Type of Election	Authority Establishing CCS/Appointing Personnel	Texas Election Code
General Election for State and County Officers	Commissioners Court	123.001(b)(1)
Election Ordered by Governor or County	Commissioners Court	123.001(b)(3)(A)
Primary Election (Joint Primary)	County Election Officer	172.126(f)
Primary Election (Separate Primary)	County Executive Committee of a Political Party	123.001(b)(2)
Election Ordered by Political Subdivision (Non-County)	Governing Body of Political Subdivision	123.001(b)(3)(B)

Location of Central Counting Station

The central counting station must be located in the county in which the political subdivision served by the authority adopting the voting system is wholly or partly situated, or in a county contiguous to that county. (Sec. 127.001)

The central counting station should be in a location that is able to accommodate the needs of the central counting station with respect to space, storage, security and access to applicable voting system equipment or software.

If the central counting station must be located in an election office that has other offices or election activities being conducted close to or adjacent to the central counting station, the CCS Manager may choose to designate the portions of the building or space that are being used for central counting station activities.

This designation may be performed by roping off the areas that are part of the central counting station from the areas that are not part of the central counting station, or by otherwise clearly marking the areas that are and are not part of the central counting station. However, central counting station activities should only occur in areas that are specifically designated as part of the central counting station, and those activities should not occur in areas that are outside the area designated as the central counting station.

Section 2 - Central Counting Station Personnel

The Election Code requires certain central counting station personnel to be appointed and present any time that the central counting station convenes. The Election Code also authorizes the appointment of additional personnel to assist in the performance of the various activities that are conducted at the central counting station.

- Mandatory Appointments: Central Counting Station Manager, Tabulation Supervisor, Presiding Judge, and Alternate Judge (for county elections)
- Optional Appointments: Assistants to Tabulation Supervisor, Clerks

This section will address the various roles and responsibilities of the personnel serving at the central counting station, along with the appointment procedures and eligibility requirements for each of those roles.

Central Counting Station Personnel Roles and Responsibilities

Mandatory Appointments

The following personnel are required to be appointed for every central counting station. The individuals serving in each of these mandatory appointment roles must all be present any time that the central counting station convenes.

An individual who is serving in a role at the central counting station can only perform one role at a time, and each role at the central counting station must be performed by a separate individual. A single individual cannot serve in multiple roles at the central counting station at the same time.

CCS Manager (Sec. 127.002): The CCS Manager is in charge of the overall supervision of the central counting station and must have a written plan for operation of the central counting station. The Manager, as well as the Presiding Judge, may appoint clerks to perform duties at the central counting station. The Manager is entitled to compensation in an amount fixed by the authority establishing the central counting station.

To be eligible for appointment, the Manager must have knowledge and experience in the conduct of elections with the electronic voting system for which the central counting station is established. Employees of a political subdivision are not disqualified from appointment as Manager and, if appointed, may be paid additional compensation for their services. The general custodian of election records is eligible for appointment as the Manager, even if the custodian is a candidate or officeholder.

Tabulation Supervisor (Sec. 127.003): The Tabulation Supervisor is responsible for the operation of the automatic tabulating equipment at the central counting station and the accumulation of vote totals. The Tabulation Supervisor is responsible for the security of the program and ensures

that no person, other than the Tabulation Supervisor and Assistants to the Tabulation Supervisor, operate the tabulation equipment. If the Tabulation Supervisor is not the programmer, the Tabulation Supervisor must approve the program used to count the ballots prior to election day. (Secs. 127.123, 127.127)

The Tabulation Supervisor is responsible for the counting of ballots and preparing the unofficial results, precinct-by-precinct results, and the overvote and undervote reports. However, while the Tabulation Supervisor prepares these reports, the Presiding Judge is required to sign them. (Sec. 127.1301)

To be eligible for appointment, the Tabulation Supervisor must be trained in the operation of the automatic tabulating equipment installed at the central counting station. Employees of a political subdivision are not disqualified from appointment as the Tabulation Supervisor. The Tabulation Supervisor is entitled to compensation in an amount fixed by the authority establishing the central counting station. (Sec. 127.003)

CCS Presiding Judge (Sec. 127.005): The CCS Presiding Judge is appointed in the same manner as an election day presiding judge under Section 32.002 of the Texas Election Code. The CCS Presiding Judge is responsible for maintaining order in the central counting station, administering oaths and resolving questions on voter intent. The Presiding Judge also confers with and advises the Manager and Tabulation Supervisor on the operation of the central counting station. (Sec. 127.005(c)).

If the Manager determines that ballots will be duplicated or manually counted, the Clerks will duplicate or hand count the ballots, but the Presiding Judge will resolve any questions concerning voter intent. If the Presiding Judge is absent, the Alternate Judge shall serve in the capacity of Presiding Judge; otherwise, the Alternate Judge performs the duties assigned by the Presiding Judge. If personnel are granted temporary absence from the CCS while the polls are still open and the counting of ballots has begun, the Presiding Judge shall supervise those absences.

After the Tabulation Supervisor has prepared the unofficial results (sometimes referred to as the canvassing report), the Presiding Judge must certify their accuracy and prepare documents for proper distribution. For regional substations that are used for accumulating results, if the results are being transmitted via electronic transmission to the central counting station, the Presiding Judge is responsible for comparing the results transmitted with the results printed at the precinct and delivered to the CCS. The Presiding Judge must also deliver counted ballots and other election materials to the custodian of election records.

The Presiding Judge is also responsible for completing and attesting to the Reconciliation Form at the close of tabulation on election night and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. (Sec. 127.131)

CCS Alternate Judge (County Elections) (Sec. 127.005): The CCS Alternate Judge is appointed in the same manner as an election day alternate judge under Section 32.002 of the Texas Election

Code and is required for the general election for state and county officers and other elections held by a county authority.

A CCS Alternate Judge is not required for other elections, but may be appointed by the appointing authority. The role of the Alternate Judge is to assume the role of the Presiding Judge, if the Presiding Judge is unable to serve. If the Presiding Judge is able to serve, then the Alternate Judge will perform other duties at the central counting station.

Presiding Judges / Co-Judges in a Primary Election: In a primary election and/or a joint primary election, it is possible to have two Presiding Judges (primary election) or co-presiding judges (joint primary). In either of these scenarios, there will be two individuals who have the authority of a Presiding Judge participating in the CCS activities. (Secs. 127.005, 172.126; 1 TAC 81.148)

Each Presiding Judge will be responsible for resolving voter intent issues and signing precinct returns for their own party. Both Judges will be responsible for maintaining order in the central counting station. In the event of a conflict between the Presiding Judges, the CCS Manager is responsible for resolving these conflicts, as the Manager is in charge of the overall administration of the central counting station and the general supervision of the personnel working at the station. (Secs. 127.002, 127.005, 172.126; 1 TAC 81.148)

Optional Appointments

The Election Code authorizes the appointment of additional optional personnel to assist in the performance of the activities of the central counting station. These positions are not required to be established for a central counting station, and these personnel are not required to be present each time the central counting station convenes.

The Election Code does not place a specific limit on the number of individuals who may be appointed to each of the optional appointment positions. The appointing authority (i.e., the Tabulation Supervisor, CCS Manager, CCS Presiding Judge, or CCS Alternate Judge) should coordinate with the CCS Manager and CCS Presiding Judge regarding the number of workers that will be necessary for the proper operation of the central counting station within the operating budget for the central counting station.

Assistants to Tabulation Supervisor: One or more assistants may be appointed by the Tabulation Supervisor to assist the Tabulation Supervisor in the operation of the tabulating equipment and any other duties as directed by the Tabulation Supervisor. Those appointments must be approved the authority establishing the central counting station. (Sec. 127.004)

CCS Clerks: The CCS Manager, the CCS Presiding Judge, and the CCS Alternate Judge may each appoint clerks for the central counting station. The clerk will perform duties that are assigned by the authority that appointed the clerk (i.e., the Manager, Presiding Judge, or Alternate Judge, as applicable). (Sec. 127.006)

Appointment Procedures for CCS Personnel

The authority establishing the central counting station is responsible for appointing the CCS Manager, the Tabulation Supervisor, and the CCS Presiding Judge and Alternate Judge. For certain elections, the CCS Presiding Judge and CCS Alternate Judge are appointed through the list procedure outlined in Section 32.002 of the Election Code. (Secs. 127.001, 127.005)

Although Assistants to the Tabulation Supervisor are appointed by the Tabulation Supervisor, their appointment must be approved by the authority establishing the CCS. (Sec. 127.004)

If a political subdivision is conducting a joint election with the county or contracting with the county for election services, then the political subdivision may delegate the selection of the required personnel to the county. However, the political subdivision is still required to appoint the CCS Manager, Tabulation Supervisor, Presiding Judge, and Alternate Judge as its central counting station personnel. The political subdivision's governing body must formally adopt a resolution, order or take some other formal action appointing those individuals as their central counting station personnel. (Sec. 271.004)

For more information about the authority responsible for establishing the central counting station, please review the chart provided on Page 4 of this Handbook.

More information about these appointment procedures are included in the chart on the following page.

This chart outlines the authority responsible for appointing each position at the central counting station, whether that position is appointed using lists provided by the county chairs of the political parties for certain elections, and the relevant section of the Election Code that addresses the appointment process:

Position	Appointing Authority	List Appointed?	Texas Election Code
CCS Manager	Authority Establishing CCS	No	127.002
Tabulation Supervisor	Authority Establishing CCS	No	127.003
CCS Presiding Judge	Authority Establishing CCS	Yes, in General Election for State and County Officers and County Elections	127.005
CCS Alternate Judge	Authority Establishing CCS	Yes, in General Election for State and County Officers and County Elections	127.005
Assistants to Tabulation Supervisor	Authority Establishing CCS	No	127.004
CCS Clerk	Manager, Presiding Judge, or Alternate Judge	No	127.006

Eligibility Requirements for CCS Personnel

The Election Code outlines specific eligibility requirements for each of the appointed positions at the central counting station. Those eligibility requirements are outlined in the chart below:

	CCS Manager	Tabulation Supervisor	Assistant Tabulators	CCS Judge/Alt. Judge	CCS Clerks
Registered Voter of _____	Political subdivision of authority establishing CCS.	Political subdivision of authority establishing CCS.	No requirement.	Political subdivision of authority adopting voting system.	Political subdivision.
Registered voter unless...	Person is employee or it's the first year of adoption.	Person is employee.	County with pop less than 60K, be registered voter or employee.	N/A	N/A
Can be an employee of political subdivision?	Yes.	Yes.	Yes.	Yes.	Yes – if no other legal or practical conflict.
Can be a candidate or officeholder?	Yes – if general custodian of election records.	No.	Yes – if no other legal or practical conflict.	Yes – if general custodian of election records.	No.
Other requirements	Knowledge of voting system.	Trained on voting system.	Trained on voting systems.	None.	None.
Must meet other requirements of an election judge?	Yes.	Yes.	No.	Yes.	Must meet clerk requirements.

Authorized Persons in the Central Counting Station

Section 127.008 of the Texas Election Code provides a list of individuals who may be present in the central counting station. No unauthorized persons may be present in the central counting station. The following individuals are permitted to be present in the central counting station under Section 127.008:

- **Mandatory and Optional Appointments:** CCS Manager, Tabulation Supervisor, Assistant to the Tabulation Supervisor, Presiding Judge, Alternate Judge, or Clerk
- **Poll Watchers:** A poll watcher may serve at a central counting station at any time the station is open for the purpose of processing or preparing to process elections results and until the election officers complete their duties at the station. (Sec. 33.055). See Section 11 of this Handbook for more information on poll watchers.
- **State Inspectors:** State inspectors are permitted to be present at and observe any function or activity at the central counting station. (Secs. 34.002, 34.004)
- **Voting System Technician:** A voting system technician may be present at a central counting station for the purpose of repairing, assembling, maintaining, or operating voting system equipment. (Sec. 125.010)
- **County Election Officer:** As necessary to perform tasks related to the administration of the election.
- **Other Individuals Authorized by Election Code:** If authorized by another section of the Election Code and approved by CCS Manager. For example:
 - **County Chair in Primary Election:** In a primary election, the county chair is permitted to be present in order to supervise the conduct of the primary election and observe the tabulation of results. It is a Class B misdemeanor for a county election officer to prevent a county chair from performing these duties. (Sec. 31.093(d))
 - **Local General Custodian of Election Records:** If a local entity is contracting with a county for election services, the entity's general custodian of election records may be present under the terms of the election services contract.

Administration of Oaths to CCS Personnel

Upon convening of the Central Counting Station, certain oaths must be administered to central counting station personnel.

1. **Statutory Oath of Office** (Sec. 62.003): This is the oath of office that must be completed by the CCS Presiding Judge and Alternate Judge. The SOS has prescribed a form for this oath. This oath is also located on the Statement of Compensation. The Presiding Judge and Alternate Judge must sign something indicating they have taken the oath. The oath can be found on the following forms:

Form: [Oath of Election Judges and Clerks \(PDF\)](#)

[Statement of Compensation \(PDF\)](#)

2. **Oath for Central Counting Station** (Secs. 87.006, 127.0015): This oath was created as a specific oath for all members of the Central Counting Station. This oath is administered verbally. CCS personnel do not need to sign or acknowledge a written form of the oath. The oath may be administered by anyone authorized to administer oaths under Section 1.016 of the Election Code.

The statutory language shall be used for joint primary elections, the general election for state and county offices and special elections ordered by the Governor.

“I swear (or affirm) that I will objectively work to be sure every eligible voter’s vote is accepted and counted, and that only the ballots of those voters who violated the Texas Election Code will be rejected. I will make every effort to correctly reflect the voter’s intent when it can be clearly determined. I will not work alone when ballots are present and will work only in the presence of a member of a political party different from my own. I will faithfully perform my duty as an officer of the election and guard the purity of the election.”

The SOS has prescribed an alternate version of the oath for all other elections that do not contain party affiliation or for primary elections not conducted jointly.

“I swear (or affirm) that I will objectively work to be sure every eligible voter’s vote is accepted and counted, and that only the ballots of those voters who violated the Texas Election Code will be rejected. I will make every effort to correctly reflect the voter’s intent when it can be clearly determined. I will not work alone when ballots are present. I will faithfully perform my duty as an officer of the election and guard the purity of the election.”

Form: [Oath for Early Voting Ballot Board and Central Counting Station Personnel \(PDF\)](#)

Section 3 - Convening the Central Counting Station

The Election Code outlines specific requirements for when the central counting station may convene and the steps that are required to do so.

This section will address the timeframes for when the central counting station may convene, the requirements for convening the central counting station, the applicable notice procedures, and the specific procedures applicable to counties that convene their central counting station before election day as authorized by Section 87.0241(b)(2) of the Election Code.

Time for Convening the Central Counting Station

Under Section 87.0241 of the Texas Election Code, the central counting station can convene to begin counting early voting ballots at one of two times, depending on the size of the county and whether an entity is holding a joint election with the county.

1. **When the polls open on election day:** For counties with a population less than 100,000, or local entities conducting their election on their own.
2. **At the end of early voting by personal appearance:** For elections conducted by a county with a population of 100,000 or more or entities conducting a joint election with such counties.

Regardless of when the central counting station convenes to count the ballots, the election results CANNOT be released until the polls close on election day.

CCS Personnel That Must Be Present to Convene

The Election Code outlines certain mandatory appointment positions that must be filled for the central counting station.

In order for the central counting station to convene, those individuals serving in the mandatory appointment positions must be present. The individuals serving in the optional appointment positions are not required to be present before the central counting station may convene.

- **Mandatory Appointments:** Central Counting Station Manager, Tabulation Supervisor, Presiding Judge, and Alternate Judge (for county elections).
- **Optional Appointments:** Assistants to Tabulation Supervisor, Clerks

Notice Requirements

The Election Code and the Texas Administrative Code prescribe certain forms of notice when the central counting station will be convening. These provisions require specific forms of notice to

the presiding judge of the early voting ballot board (EVBB) and specific posted notices, and the requirements vary depending on whether the CCS is convening before, on, or after election day.

1. Notice When CCS is Convening Before Election Day

- a. **Notice to EVBB:** The CCS Manager shall notify the presiding judge of the EVBB, in writing, if the CCS will convene early. The notice must include the date and time that the presiding judge must deliver ballots to the CCS. The notice must be given at least 8 days before the CCS will convene. (1 TAC 81.36(d))
- b. **Posted Notice:** The early voting clerk must post notice of the time and place that the central counting station personnel will meet. The notice must be posted on the bulletin board used for posting open meetings, and it is also recommended that the notice be posted on the website. The notice must be posted no later than the last day for early voting in person. In the general election for state and county officers, the notice must also be sent to each county chair that has a nominee on the general election ballot. (1 TAC 81.36(e))

2. Notice When CCS is Convening On Election Day

- a. **Notice to EVBB:** There is no specific statutory requirement for the CCS Manager to provide notice to the presiding judge of the EVBB when the CCS is convening on election day. However, the SOS recommends that the CCS Manager inform the presiding judge of the EVBB of the time that the CCS will be convening on election day in case the EVBB needs to make any additional deliveries of processed and accepted ballots by mail directly to the CCS.
- b. **Posted Notice:** There is no specific statutory requirement for posting notice when the CCS convenes on election day. However, the SOS recommends that the CCS Manager post a public notice indicating both the location and the time that the CCS will convene. The notice should be placed on the bulletin board used for posting election notices and on the entity's website, if the entity maintains a website. This ensures that all CCS personnel are aware of when they need to be present, and it ensures that poll watchers know when they should arrive to observe CCS activities.

3. Notice When CCS is Convening After Election Day

- a. **Notice to EVBB:** The CCS Manager shall notify the presiding judge of the EVBB whether the CCS will reconvene and the date and time that the CCS will reconvene.
- b. **Posted Notice:** The CCS Manager must post notice at least 24 hours prior to reconvening the CCS. This notice requirement does not roll forward to the next business day if it falls on a weekend or holiday. (1 TAC 81.37)

Procedures for Convening CCS Before Election Day (For Counties Over 100,000)

Counties with a population of 100,000 or more, or entities conducting their elections jointly with such a county, are authorized to begin counting early voting ballots after the end of the period for

early voting by personal appearance. The Texas Election Code and Texas Administrative Code prescribe specific procedural requirements for central counting station activities during this early counting timeframe.

The CCS Manager will determine whether to count the early voted ballots prior to election day. Any ballots received after the presiding judge of the EVBB delivers ballots to the CCS Manager shall be counted on election day. (1 TAC 81.36(n))

Early Convening Procedures (1 TAC 81.36)

1. Prior to the counting of ballots, the Second Tabulation Test must be conducted in accordance with Subchapter D, Chapter 127, Texas Election Code.
2. After the counting has concluded, the Tabulation Supervisor must store the vote tabulation on some form of electronic device (i.e., tabulation computer, removable media device, etc.) without producing a printed report of the early voting totals for each contest.
3. The Tabulation Supervisor must run a report indicating the number of ballots counted for each precinct (or polling locations) and compare those numbers to the numbers provided on the ballot transmittal form, if applicable. This report is used to verify the number of ballots counted since a report showing early voting totals for each contest is not authorized to be produced prior to election day.
4. The Tabulation Supervisor must zero the votes on the tabulation device and run the Third Tabulation Test. If the Third Test is not successful, the count is void.
5. On election day, if early voting votes were counted early, the early voting results shall be reloaded into the tabulation software or otherwise added to the vote totals, depending on the type of voting system used. The Tabulation Supervisor must run a report showing the number of the ballots counted. This report must be compared with the report that was run after the conclusion of counting to ensure that no additional ballots were counted after the CCS convened early.
6. If the reports show a discrepancy, the previous count is void, and the ballots shall be recounted.

Procedures may vary slightly based on the type of voting system equipment used and the type of election being conducted.

Late Convening of the Central Counting Station (Provisional Ballots, Late-Arriving Mail Ballots, and/or Corrective Action Mail Ballots)

The central counting station will generally need to convene again after election day to process late-arriving mail ballots and provisional ballots before the final results of the election are canvassed. There are several deadlines applicable to these categories of ballots that may impact the date on which the CCS convenes for its last meeting to count these categories of ballots.

There are five categories of ballots that may require the central counting station to reconvene after election day:

1. **Provisional Ballots:** The voter registrar has until the ninth day after election day to complete their review of provisional ballots. After the voter registrar's review, the EVBB will meet to determine whether the provisional ballot will be accepted or rejected. (Sec. 65.051(a))
2. **Late-Arriving Domestic Ballots:** Ballots from domestic voters (from non-military voters and from any military voters who submitted an ABBM) will still be considered timely if they are postmarked by 7 p.m. on election day and are received by the early voting clerk by 5 p.m. of the first business day after election day. (Secs. 86.007(a), 87.125(a))
3. **Late-Arriving Overseas/Non-Military Ballots:** Ballots that were submitted from outside the United States by voters who applied for the ballot using an ABBM or by non-military voters who applied for the ballot using an FPCA, must be received by the early voting clerk by the 5th day after election day. (Secs. 86.007(d), 87.125(a))
4. **Late-Arriving Military Ballots:** Ballots mailed by military voters using an FPCA must be received by the early voting clerk no later than the 6th day after election day. (Secs. 87.125(a), 101.057)
5. **Ballots by Mail in Corrective Action Process:** If there is a curable defect on the voter's carrier envelope for a ballot by mail, the voter must correct the defect with the early voting clerk no later than the 6th day after election day. (Secs. 87.0271, 87.0411)

The last day that the EVBB may meet to accept or reject provisional ballots, late-arriving ballots by mail, and ballots by mail that have been corrected through the corrective action process is the 9th day after election day (for most elections) or the 13th day after election day (for the general election for state and county officers). If the EVBB or the CCS needs to meet after that date, then they will need a court order to do so. (Sec. 87.125)

If the EVBB has not yet completed their review of those categories of ballots, then the last meeting of the CCS will need to wait until the EVBB has done so. However, if the EVBB has completed their review of all outstanding ballots before the deadline, then the CCS may conduct its last meeting once that review is complete and those ballots have been delivered.

When the central counting station convenes after election day, the CCS Manager should coordinate with the presiding judge of the EVBB to determine when the ballots will be available and the final meeting of the CCS should occur.

After the central counting station completes its final meeting to count these categories of ballots, the CCS Presiding Judge will need to provide and attest to a written reconciliation of votes and voters. The Presiding Judge will use the Reconciliation Form to complete this process. (Sec. 127.131)

For more guidance on Reconciliation procedures, please review Section 9 of this Handbook.

Section 4 – Pre-Election Testing Procedures

The Election Code prescribes several required tests and post-election audits for voting system equipment to verify the accuracy of that equipment before, during, and after the election. This section will address the procedures for the tests that occur before and during the election.

There are generally four tests of the voting system equipment that are performed before and during each election: the Public Logic & Accuracy (L&A) Test, the First Tabulation Test, the Second Tabulation Test, and the Third Tabulation Test.

Pre-Election Testing Requirements

The Public L&A Test and the First Tabulation Test are designed to test whether the system is accurately marking the ballots and accurately tabulating the ballots. While the Public L&A Test and the First Tabulation Test are two different tests with two different sets of applicable legal requirements, these two tests typically take place simultaneously and both tests are open to the public. (Secs. 127.096, 129.023)

The Public L&A Test is required to be performed at least 48 hours before voting begins on the voting system. The First Tabulation Test is required to be performed at least 48 hours before counting begins on the automatic tabulating equipment. (Secs. 127.093, 129.023)

The Secretary of State's Office recommends that both tests be performed shortly after the ballot preparation process is completed and before ballots by mail are sent to voters. This early testing process allows the authority conducting the election to identify any errors in ballot programming early and address those issues before ballots are sent to voters.

Equipment That Must be Tested

Each of these four tests involves the testing of specific voting system equipment that is used in an election. The equipment requirements for each test are outlined here:

Equipment for Public L&A Test and First Tabulation Test

For the Public L&A Test and First Tabulation Test, the test must include a representative sample of each type of equipment that will be used in the election, including any:

- Ballot marking devices;
- DRE voting devices;
- Any other devices used by the voter to mark or cast their ballot;
- Precinct scanners;
- Central scanners; and
- Tabulation computers.

A representative sample of each of these devices must be tested during the Public L&A Test and First Tabulation Test if those devices will be used in the election. If any central scanners or tabulation computers will be used in the election, all of those central scanners and tabulation computers that will be used in the election will need to be tested in the Public L&A Test and First Tabulation Test.

Equipment for Second and Third Tabulation Tests

For the Second and Third Tabulation Tests, the test will be performed using the media that was generated in the First Tabulation Test. The test must be performed using each of the tabulation computers that will be used in the election.

Public L&A Test and First Tabulation Test

The general custodian of election records shall develop written procedures for the Public L&A test, which must include:

- Verifying that each contest position, as well as each precinct and ballot style, on the ballot can be voted and is accurately counted;
- Overvotes and undervotes for each race;
- Write-in votes, when applicable;
- Electronic processing of provisional votes, if applicable to the system being used;
- Ensuring that the public counter on the tabulation devices is set to zero before the test begins;
- Testing of accessibility features, and requiring that at least one vote be cast and verified by a two-person testing board team using that feature;
- Calculating the expected results from the test ballots;
- Comparing the expected results to the actual results of the test; and
- Performing a hash validation of a representative sample of the voting devices used with the system.

The test must be performed by a testing board consisting of at least two persons. The general custodian must make a reasonable effort to ensure that the testing board consists of at least one person from each political party that holds a primary election. (Secs. 127.094, 129.023)

After the test is completed, the testing board and the general custodian shall sign a written statement attesting to the qualification of each voting device that was successfully tested, any problems discovered, the cause of any problem that was identified, and any other documentation as necessary. If a member of the county election board chooses to witness the test, then they must also sign this written statement. The test is considered successful if the expected results match the actual results. (Secs. 127.095, 129.023(e))

After the test is completed, the general custodian will place the test materials (which includes the electronic media generated from the test) in a sealed container, and the general custodian

and at least two members of the testing board shall sign the seal. The test materials shall be sealed for the duration of the 22-month preservation period for that election. The container may not be unsealed unless the contents are necessary to conduct another test, or if they are needed for a criminal investigation, election contest, or other official proceeding under the Election Code. (Secs. 127.099, 129.024)

Notice Requirements for Public L&A Test and First Tabulation Test

Notice of the Public L&A Test must be published on the entity's website at least 48 hours before the test begins. If the entity does not maintain a website, then the notice must be posted on the bulletin board used for posting meetings of the governing body. If the test is being conducted for a primary election, then the general custodian must notify the county chair of the test at least 48 hours before the test begins, and the county chair must confirm receipt of the notice. If the test is being conducted for an election for which the county election board is established, then the general custodian shall notify each member of the county election board at least 48 hours before the test begins. (Sec. 129.023)

Notice of the First Tabulation Test must be published in a newspaper of general circulation in the entity's territory at least 48 hours before the test begins. The notice must include the date, time, and place of the test. If the test is being conducted for a primary election, then the general custodian must notify the county chair of the test at least 48 hours before the test begins, and the county chair must confirm receipt of the notice. (Sec. 127.096)

The entity may satisfy this requirement by preparing a combined notice of both tests and publishing that notice on the entity's website and in the newspaper.

Second and Third Tabulation Tests at Central Counting Station

The Second and Third Tabulation Tests are performed at the central counting station to verify that the tabulating equipment is functioning correctly immediately before and immediately after the counting of ballots in the election.

The Second Tabulation Test must be performed immediately before the counting of ballots begins on the equipment. The Third Tabulation Test must be performed immediately after the counting of ballots is completed on the equipment. (Sec. 127.093)

Second Tabulation Test

Before performing the Second Tabulation Test, the CCS Manager and the CCS Presiding Judge must verify that the seal on the container containing the test materials from the First Tabulation Test is intact and that the test materials are inside. After the verification, the Manager and Presiding Judge will break the seal and remove the test materials.

The test materials used for Test One shall be reused for Test Two. If the results from Test Two match the results from Test One, it will be considered a successful test. If the test is successful,

the Presiding Judge, shall certify in writing that a test was successful and the date and hour the test was completed. This certification shall be retained with the test materials. (Sec. 127.097)

After the Second Tabulation Test is performed, the Presiding Judge shall place the test materials in a container and seal the container. The Manager, Tabulation Supervisor, Presiding Judge, and not more than two watchers (if watchers are present) shall sign the seal. The watchers must be of opposing interests, if such watchers are present. The test materials shall be sealed for the duration of the 22-month preservation period for that election. The container may not be unsealed unless the contents are necessary to conduct another test, or if they are needed for a criminal investigation, election contest, or other official proceeding under the Election Code. (Sec. 127.099)

Third Tabulation Test

Before performing the Third Tabulation Test, the CCS Manager and the CCS Presiding Judge must verify that the seal on the container containing the test materials from the First Tabulation Test is intact and that the test materials are inside. After the verification, the Manager and Presiding Judge will break the seal and remove the test materials.

The test materials used for Test One and Test Two shall be reused for Test Three. If the results from Test Two match the results from Test One, it will be considered a successful test. If the test is successful, the Presiding Judge shall certify in writing that a test was successful and the date and hour the test was completed. This certification shall be retained with the test materials. (Sec. 127.098)

If the test is unsuccessful, the ballot count is void, and the testing authority shall prepare a written record of what caused the discrepancy and shall repeat the test. If the test is successful, the testing authority must document what actions have been taken to achieve a successful test. The record shall be retained with the test materials. If the testing authority is unable to achieve a successful test, the ballot count is void and the ballots must be counted manually, if applicable or with an alternative type of tabulating equipment. (Sec. 127.098)

After the Third Tabulation Test is performed, the Presiding Judge shall place the test materials in a container and seal the container. The Manager, Tabulation Supervisor, Presiding Judge, and not more than two watchers (if watchers are present) shall sign the seal. The watchers must be of opposing interests, if such watchers are present. The test materials shall be sealed for the duration of the 22-month preservation period for that election. The container may not be unsealed unless the contents are necessary to conduct another test, or if they are needed for a criminal investigation, election contest, or other official proceeding under the Election Code. (Sec. 127.099)

Section 5 – Tabulation Procedures at the Central Counting Station

The central counting station is responsible for the counting of ballots and the tabulation of results. As part of this process, the central counting station must manage several different procedures, including: the intake of ballots, electronic media, and other supplies; the testing of tabulation systems; the tabulation of votes; the resolution of voter intent issues; the duplication of ballots that cannot be read through the tabulating equipment; and the adjudication of write-in votes.

This section will discuss the applicable procedures for those activities at the central counting station.

Intake of Ballots, Electronic Media, and Supplies

The CCS Manager should prescribe specific procedures to manage the intake of ballots, electronic media, and any supplies that are delivered from the polling places to the central counting station. The procedures adopted may vary somewhat depending on the type of voting system equipment used in the election and the manner in which ballots are cast.

The procedures adopted should include a process for verifying chain of custody of materials, a process for resolving any discrepancies with the chain of custody documentation, and procedures for management and distribution of those records to the various areas of the central counting station where those records will be stored or used. (Secs. 127.068, 127.069, 129.051)

The CCS Manager may use the following sample procedures as a template for designing their own procedures for the intake of ballots, media, and supplies:

Sample Procedures (Secs. 127.068, 127.069)

1. Upon receipt of the election records, ballots, and/or electronic media, the CCS Presiding Judge or the Judge's designees shall give a signed receipt for materials delivered to one of the delivering officers.
2. CCS personnel shall verify that all locks and seals are properly affixed to the equipment and/or transfer cases.
3. CCS personnel shall inspect the equipment or transfer cases to determine if the serial number on the seal corresponds to the serial numbers on their records.
4. If there is a discrepancy, CSS personnel shall contact the presiding judge of the polling place to determine the basis for the discrepancy.
5. Any paperwork provided by the authority conducting the election shall be completed indicating that verification has taken place and records are accounted for.
 - a. This verification should include verifying serial numbers and completing required chain of custody checks.
 - b. This verification should also include verifying the ballot and seal certificate paperwork.

6. Ballots and/or electronic media containing votes shall be sorted and reviewed for damaged ballots, write-in votes, or other ballots requiring special handling. Those ballots that need to be separated, shall be separated and delivered to the appropriate CCS personnel.
7. The remaining ballots and/or electronic media shall be delivered to the Tabulation Supervisor for counting or accumulation of vote totals.

Testing Requirements

The Second and Third Tabulation Tests must be performed at the central counting station. The Second Test must be performed immediately before the ballots are counted using the tabulating equipment, while the Third Test must be performed immediately after counting is completed. (Sec. 127.093)

For more guidance on the applicable procedures for the Second and Third Tabulation Tests, please see Section 4 of this Handbook.

Tabulation Procedures Generally

Tabulation procedures will generally vary significantly for each entity depending on the size of the entity, the voting system equipment used in the election, and the manner in which the ballots are to be counted for that election. Each voting system has specific steps involved in conducting the procedures outlined below. For more guidance on the specific process for your voting system, please consult with your voting system vendor.

The Tabulation Supervisor and the Assistants to the Tabulation Supervisor are the only individuals authorized to operate the automatic tabulating equipment or handle ballots that are automatically counted. (Sec. 127.127)

Tabulation Procedures - Precinct Scanners at the Polling Place

For entities that count their ballots by having voters deposit their ballots directly into precinct scanners at the polling place, the tabulation process will largely consist of reading the electronic media containing that voted ballot data into the central tabulation computer at the central counting station.

General Procedures

After the intake process (including chain of custody verifications) has been completed, the Tabulation Supervisor will generally begin the process of reading in the media and tabulating those results on the central computer.

As the media is loaded into the central computer, the Tabulation Supervisor shall verify that the vote totals on the electronic media match the vote totals on the printed results tape, if applicable. After uploading all precinct results to the central computer, the election official must verify and

document that the central computer's total number of votes cast in an election matches the number of signatures on the combination form. If there is a discrepancy, the CCS Presiding Judge, in conjunction with the CCS Manager, shall determine if a further investigation is necessary.

The CCS Manager and Tabulation Supervisor should establish procedures for tracking the media through the process so that they can distinguish which media drives have been read into the system, which drives have been received at the CCS but not yet read into the system, and which drives have not yet been received at the CCS. The CCS Manager and Tabulation Supervisor should also establish procedures for regular verification checks to ensure that the media has been read correctly and that results are being tabulated accurately.

Precinct returns will be generated through the voting system. The CCS Presiding Judge will sign and certify the precinct returns. (Sec. 127.131)

Ballots Deposited into Emergency Slot at Polling Place

If a precinct scanner is malfunctioning or the ballot is damaged in a manner that results in the voter being unable to deposit the ballot directly into the precinct scanner, then the voter should deposit their ballot into the emergency slot on the precinct scanner enclosure. This is a separate compartment on the ballot box that allows for the voter to deposit their ballot, while segregating that ballot from other ballots that have already been counted by the precinct scanner. The ballots placed in the emergency slot must not be commingled with the ballots that were properly scanned by the precinct scanner and deposited into the ballot box. (Sec. 125.006)

The ballots in the emergency slot should be delivered to the central counting station for counting using the automatic tabulating equipment at the location and/or duplication by the CCS Manager in the event that the ballot is damaged in a manner that makes it unreadable. These ballots must be scanned at the central counting station and may not be scanned through the precinct scanner at the polling place. (Secs. 125.006, 127.126)

Ballot and Seal Certificate Procedures

If there is a discrepancy of four or more between the number of ballots between the number of ballots recorded on the ballot and seal certificate and the number of ballots cast on the results tape from the precinct scanner, then the official tabulation of those ballots must occur at the central counting station. (Sec. 127.156)

The purpose of this requirement is to identify possible malfunctions with precinct scanners and provide an alternative process for tabulating the results from that location in the event that a discrepancy is identified. The presiding judge of the election day polling location should complete the ballot and seal certificate, and the personnel at the central counting station should review the completed paperwork for accuracy and to determine whether a discrepancy exists that would require the ballots to be tabulated at the central counting station. (Sec. 127.156)

If a discrepancy of four or more is discovered, then the original count of the ballots from the precinct scanner is void, and those ballots should be tabulated using the automatic tabulating equipment at the central counting station. (Sec. 127.156)

Tabulation Procedures - Ballots Deposited into Ballot Boxes and Centrally Scanned at CCS

For entities that count their ballots by having voters deposit their ballots into a ballot box at the polling place and by tabulating those ballots at a central counting station, the tabulation process will largely consist of scanning those ballots through precinct scanners or central scanners at the central counting station.

After the intake process has been completed, the CCS Manager shall have the ballots prepared for automatic counting. The Manager will have the ballots examined to detect any irregularly marked ballots and to determine whether the ballots are ready for counting. (Sec. 127.125)

Any irregularly marked ballots should be duplicated to reflect the voter's intent under the procedures outlined in the "Duplication" section below. The CCS Presiding Judge is responsible for making determinations regarding the voter's intent. (Secs. 127.005, 127.126)

After the ballots are prepared for counting by the CCS Manager, they will be delivered to the Tabulation Supervisor or the Supervisor's designee for counting. The Tabulation Supervisor and the Assistants to the Tabulation Supervisor will operate the tabulating equipment and count the ballots. (Secs. 127.125, 127.127)

Precinct results will be generated through the voting system. The CCS Presiding Judge will sign and certify the precinct returns. (Sec. 127.131)

Tabulation Procedures - DRE Systems

For entities that count their ballots by having voters deposit their ballots directly into precinct scanners at the polling place, the tabulation process will largely consist of reading the electronic media containing that voted ballot data into the central tabulation computer at the central counting station.

As the media is loaded into the central computer, the Tabulation Supervisor shall verify that the vote totals on the electronic media match the vote totals on the printed results tape, if applicable. After uploading all precinct results to the central computer, the election official must verify and document that the central computer's total number of votes cast in an election matches the number of signatures on the combination form. If there is a discrepancy, the CCS Presiding Judge, in conjunction with the CCS Manager, shall determine if a further investigation is necessary.

The CCS Manager and Tabulation Supervisor should establish procedures for tracking the media through the process so that they can distinguish which media drives have been read into the system, which drives have been received at the CCS but not yet read into the system, and which

drives have not yet been received at the CCS. The CCS Manager and Tabulation Supervisor should also establish procedures for regular verification checks to ensure that the media has been read correctly and that results are being tabulated accurately.

Precinct returns will be generated through the voting system. The CCS Presiding Judge will sign and certify the precinct returns. (Sec. 127.131)

Resolving Voter Intent

The CCS Presiding Judge is responsible for resolving questions of voter intent at the central counting station. If a voter's ballot contains ambiguous markings, then the CCS Presiding Judge will determine the voter's intent and the ballot will be counted according to that intent. (Secs. 65.009, 127.005)

The process for determining the voter's intent and counting the ballot according to that intent will depend on the voting system used in the election. This section outlines the legal requirements and procedures for voter intent resolution. For more information on the specific steps for conducting this process with your voting system, please contact your voting system vendor.

Precinct Scanners at the Polling Place – Ballots Marked by Ballot Marking Devices

When voters mark their ballots using electronic ballot marking devices, the voter adjudicates their intent on the device. Because electronic ballot marking devices alert the voter to undervotes and require the voter to adjudicate overvotes before printing their marked ballot, those voter intent issues do not require resolution by the CCS Presiding Judge at the central counting station.

However, write-in votes require adjudication by the CCS Presiding Judge, even when the voter is using an electronic ballot marking device to mark their ballot. Those procedures are addressed in more detail below. (Secs. 127.005, 127.130)

Precinct Scanners at the Polling Place – Hand-Marked Ballots

When a voter inserts a hand-marked ballot into a precinct scanner, the precinct scanner will identify overvotes and undervotes, and provide the voter with an opportunity to resolve those voter intent issues before casting their ballot. However, write-in votes require adjudication by the CCS Presiding Judge. Those procedures are addressed in more detail below. (Secs. 127.005, 127.130)

Ballots Deposited into Ballot Boxes and Centrally Scanned at CCS

If optical scan ballots are used in a precinct without a precinct scanner, the ballots are deposited by the voter in a pre-locked and pre-sealed ballot box. When the ballots arrive at the central counting station, the CCS Manager will have the ballots examined to determine whether there

are any irregularly-marked ballots. Any irregularly marked ballots should be duplicated to reflect the voter's intent under the procedures outlined in the "Duplication" section below. (Secs. 127.125, 127.126)

Alternatively, if the automatic counting of those irregularly marked ballots is impracticable, the CCS Manager may direct that the ballots be manually counted. In that situation, the manual count would be conducted under the procedures for conducting a hand-count under Chapter 65 of the Election Code, which are outlined in the Secretary of State's Election Judges and Clerks Handbook. The results from the manual count will also be tabulated by precinct and will be added to the totals generated from the automatic tabulating equipment before the unofficial results are released. (Secs. 127.130, 127.131)

If there is any dispute regarding a voter's intent, the CCS Presiding Judge is the final authority on determining intent. (Sec. 127.005)

DRE Systems

When voters mark their ballots using DRE devices, the voter adjudicates their intent on the device. Because DRE devices alert the voter to undervotes and require the voter to adjudicate overvotes before printing their marked ballot, those voter intent issues do not require resolution by the CCS Presiding Judge at the central counting station.

However, write-in votes require adjudication by the CCS Presiding Judge, even when the voter is using a DRE device to mark their ballot. Those procedures are addressed in more detail below. (Secs. 127.005, 127.130)

Duplication

The Election Code provides for the duplication of ballots when those ballots contain irregular markings that require adjudication of voter intent or when the ballots are damaged to the extent that the ballot cannot be automatically counted. In those situations, the CCS Manager may have ballots duplicated for automatic counting, but must follow specific procedures. The Manager may be assisted by other CCS personnel in performing this process. (Secs. 127.125, 127.126)

The ballot must be duplicated to reflect the intent of the voter, and the CCS Presiding Judge is responsible for determining issues of voter intent. The duplication process can be performed manually using hand-marked ballots or can be performed using electronic ballot marking devices. (Secs. 127.005, 127.126)

When the ballots are duplicated, the duplicate ballot must be clearly labeled "Duplicate", and the serial number of the original ballot must be placed on the duplicate ballot. (Sec. 127.126)

After the ballot is duplicated and the ballots have been approved for counting by the CCS Manager, the duplicate ballot will be counted using the automatic tabulating equipment. (Sec. 127.126)

The original ballot and the duplicate ballot should be retained together, and shall be retained with the other voted ballots for the duration of the preservation period. (Sec. 127.126)

Adjudicating Write-In Votes

Write-in votes that are cast on electronic voting systems generally require adjudication to assign those votes to a declared write-in candidate. The CCS Presiding Judge is responsible for reviewing those write-in votes and determining whether the voter's write-in selection corresponds to a declared write-in candidate in the election. (Secs. 127.005, 127.130)

In conducting this adjudication process, the CCS Presiding Judge should adopt specific standards for determining voter intent with regard to write-in selections and must apply those standards consistently to all voters and candidates in the election.

The CCS Presiding Judge may be assisted by their clerks or designees in conducting this adjudication process, provided that all clerks and designees are following specific voter intent standards established by the judge. The CCS Presiding Judge may be assisted by the Tabulation Supervisor, Assistants to the Tabulation Supervisor, or other CCS personnel in operating the voting system equipment necessary to perform the adjudication process. The personnel assisting with the adjudication process should be an equal number of individuals who are affiliated or aligned with each political party with nominees on the ballot, if applicable.

Any write-in votes that were cast on or before election day must be adjudicated no later than election night, and must be reported as part of the unofficial results that are reported on election night. (Secs. 65.002(c), 66.056)

Section 6 - Counting Provisional Ballots

The central counting station will generally need to meet again after election day to count provisional ballots after they have been reviewed by the voter registrar and accepted for counting by the early voting ballot board (EVBB).

The Texas Administrative Code outlines specific procedures for how the provisional ballots are to be processed and counted at the central counting station. These procedures are outlined below.

Procedures for Counting Provisional Ballots with Paper-Based Systems (1 TAC 81.176(c)(8))

The following procedures should be used for the tabulation of provisional ballots for paper-based voting systems:

1. If provisional ballots were cast on a scannable paper ballot, the CCS Manager shall decide whether the EVBB shall manually count the ballots and manually add to the computer count for a canvass total or whether the central counting station shall reconvene.
2. The Manager shall notify the presiding judge of the EVBB as to whether or not the central counting station will reconvene to count the ballots.
3. If the provisional ballots will be counted at the central counting station, then the presiding judge of the EVBB and the Manager should coordinate the delivery of those materials to the central counting station.
4. When the provisional ballots arrive at the central counting station, the CCS Presiding Judge shall inspect the transfer case and complete the "Verification of Provisional Ballots and Serial Numbers."
5. The provisional ballots shall be removed from the transfer case and given to the Manager and Tabulation Supervisor for counting.
6. Prior to the beginning of the count at a central counting station, the Manager shall run the required Second Tabulation Test. The test must be successful.
7. After the successful Second Tabulation Test is conducted, the unofficial election results, preserved by electronic means, shall be loaded in the tabulating equipment.
8. Once the ballots have been counted, the results shall be prepared in the regular manner.
9. The Manager shall prepare a certification and attach it to the returns, then the certification and returns will be delivered to the presiding officer of the canvassing authority. The certification should indicate that the result supersedes any returns printed prior to the reconvening of the central counting station. (See Section 8 of this Handbook)
10. After the count is complete, the Manager shall run the required Third Tabulation Test. If the test is not successful, the count is void.
11. Once counted, the Provisional Ballot Affidavit Envelopes, along with any corresponding paperwork, shall be re-sealed in the container and returned to the general custodian of election records. (1 TAC 81.176(c)(10))

Procedures for Counting Provisional Ballots Cast on a DRE (1 TAC 81.176(c)(9))

The following procedures should be used for the tabulation of provisional ballots that were cast on a DRE device:

1. If provisional ballots were cast on a DRE, the central counting station MUST reconvene to count accepted provisional ballots.
2. The presiding judge of the EVBB and the CCS Manager should coordinate the delivery of those materials to the central counting station.
3. The accepted provisional ballots shall be transported to the central counting station in a secure transfer case.
4. The Manager shall prepare the DRE voting system for reviewing and accepting provisional ballots in accordance with instructions provided by the general custodian of election records, which may include the instructions of the vendor of the system.
5. When the provisional ballots arrive at the central counting station, the CCS Presiding Judge of the central counting station shall inspect the transfer case and complete the "Verification of Provisional Ballots and Serial Numbers."
6. The provisional ballots shall be removed from the transfer case and given to the Manager and Tabulation Supervisor for counting.
7. Prior to the beginning of the count, the Manager shall run the required Second Tabulation Test. The test must be successful.
8. After the successful Second Tabulation Test is conducted, the unofficial election results shall be loaded in the tabulating equipment.
9. Once the ballots have been counted, the results shall be prepared in the regular manner.
10. The Manager shall prepare a certification and attach it to the returns, then the certification and returns will be delivered to the presiding officer of the canvassing authority. The certification should indicate that the result supersedes any returns printed prior to the reconvening of the central counting station. (See Section 8 of this Handbook)
11. After the count is complete, the Manager shall run the required Third Tabulation Test. If the test is not successful, the count is void.
12. Once counted, the Provisional Ballot Affidavit Envelopes, along with any corresponding paperwork shall be re-sealed in the container and returned to the general custodian of election records. (1 TAC 81.167(c)(10))

Section 7 - Counting Late-Arriving Mail Ballots and Corrective Action Mail Ballots

The central counting station will generally need to meet again after election day to count late-arriving mail ballots and ballots that were corrected by voters through the corrective action process after election day after those ballots have been accepted for counting by the early voting ballot board. The categories of ballots that are subject to counting under these procedures are outlined in Section 3 of this Handbook.

The Texas Administrative Code prescribes specific procedures for processing these categories of ballots. Those procedures are outlined below.

Procedures for Counting Late-Arriving Mail Ballots and Corrective Action Mail Ballots (1 TAC 81.37)

The CCS Manager shall decide whether the EVBB shall manually count any late mail ballots or corrective action ballots that were received or corrected after election day and accepted for counting, or whether the central counting station shall reconvene to count those ballots. The categories of ballots that are subject to counting under these procedures are outlined in Section 3 of this Handbook.

If these ballots will be counted at the central counting station, then the presiding judge of the EVBB and the Manager should coordinate the delivery of those materials to the central counting station. The Manager must post notice of the convening of the central counting station at least 24 hours before the central counting station convenes to count those ballots. (1 TAC 81.37)

1. The presiding judge of the EVBB must complete a ballot transmittal form that accompanies the qualified ballots to the central counting station.
2. The Manager must order a Second Tabulation Test to be conducted prior to the count. The test must be successful.
3. After the successful Second Test is conducted, the unofficial election results shall be loaded in the tabulating equipment.
4. The Tabulation Supervisor shall print a report showing what votes have been tabulated or accumulated on that equipment before the counting begins. This status report shall be compared with the report (unofficial election results) run on election night. If the two reports do not match, the electronic ballots must be counted by hand and manually added to the returns printed on election night.
5. If the status report matches the report run on election night, the Tabulation Supervisor may order the count to begin.
6. Once the ballots have been counted, results shall be prepared in the regular manner.
7. The Manager shall prepare a certification and attach it to the returns, then the certification and returns will be delivered to the presiding officer of the canvassing authority. The certification should indicate that the result supersedes any returns printed prior to the reconvening of the central counting station. (See Section 8 of this Handbook)
8. After the results have been prepared, a successful Third Tabulation Test must be performed.

9. Once counted, the ballots, along with any corresponding paperwork, shall be sealed in a secure ballot box and returned to the general custodian of election records.

Section 8 - Preparing Returns and Distributing Election Records

When a central counting station is established for an election, the precinct returns and election results will be generated at the central counting station rather than at the precinct polling places on election day.

This section will discuss the requirements relating to the preparation of the election returns, the rules governing the announcement of unofficial results, and the requirements for the distribution of the election records after the central counting station has completed its process.

Generating Election Results and Precinct Returns

After the counting of ballots (or accumulation of vote totals) has occurred, the CCS Presiding Judge is responsible for preparing the precinct election returns. The Presiding Judge is required to sign the precinct returns to certify their accuracy. (Sec. 127.131)

If you are using a voting system's certified software to assist you with the accumulation and printing of reports, the printed "precinct-by-precinct" report that has been adjusted to include any hand-counted ballots (if necessary) constitutes your certified precinct returns. Because this report will be considered the precinct returns, the Presiding Judge must sign the report to certify its accuracy. (Sec. 127.131)

Overvotes and Undervotes

The central counting station must also produce a tabulation of overvotes and undervotes by office and proposition and by election precinct. Most tabulation devices do this automatically as part of the precinct-by-precinct report. If your system does not automatically report this information, the Manager will have to provide a record of this information by hand. (Sec. 127.1301)

Returns for Late-Arriving Mail Ballots, Corrective Action Mail Ballots, and Provisional Ballots

If the central counting station reconvenes after election day for the counting of late-arriving mail ballots, corrective action ballots, and provisional ballots, new precinct returns and new unofficial results must be prepared with the aggregated totals from early voting, election day, and these late-arriving mail ballots, corrective action ballots, and provisional ballots. (1 TAC 81.37)

Additionally, the Manager shall prepare a certification and attach it to the returns (the precinct-by-precinct report). The new unofficial election results can serve as this certification, provided that the Manager signs and dates the results report. (1 TAC 81.37)

We also recommend that the Manager write a statement on the report indicating that these new unofficial election results supersede any previous reports previously printed by the CCS. The CCS Manager should then place the certification and returns in Envelope #1 to be delivered to the presiding officer of the canvassing board. (1 TAC 81.37)

Announcing Unofficial Results

Generally, the unofficial election results shall be released as soon as they are available after the polls close. Alternatively, the CCS Presiding Judge, in cooperation with the county election officer, may withhold the release of unofficial results until the last voter has voted. (Sec. 127.1311)

If you are using a voting system's certified software to assist you with the accumulation and printing of reports, the printed summary report that has been adjusted to include any hand-counted ballots (if necessary) should be generated and should be used to report the unofficial results alongside the precinct-by-precinct report.

Reporting Unofficial Results to SOS

In a special election ordered by the Governor, a primary election, or the general election for state and county officers, the general custodian of election records is required to report unofficial results on election night to the Secretary of State's Office using the statewide voter registration and election management system. (Secs. 68.001, 68.034)

The reporting of unofficial results to the Secretary of State's Office is a duty that is performed by the general custodian of election records or the custodian's designee. While the custodian may designate an individual who is also serving in a role at the central counting station to perform this duty, it is not required that the designee be appointed to a role in the central counting station. The designated individual must have access to the statewide voter registration and election management system and must have completed the required security training.

While this reporting process can occur in the central counting station as part of the central counting station's activities, it is not required to be conducted in the central counting station. If the reporting process is conducted in the central counting station, then poll watchers are entitled to observe those activities. If the reporting process is conducted in the general custodian's office and is not conducted in the central counting station, then the general custodian is not required to provide poll watchers with access to their office if it is located outside of the central counting station area. (Secs. 33.055, 33.056, 68.034)

Printing of Audit Logs (1 TAC 81.62)

An audit log produced by a central accumulator is considered part of the election records and is available for public inspection. In addition, Texas Administrative Code Rule 81.62 authorizes a poll watcher to request copies of those audit logs at three different points while the central counting station is convened and conducting counting activities.

Poll watchers may request copies of the audit log produced by a central accumulator at the following times:

- (1) before any votes are tabulated;

(2) after early voting results are tabulated; and

(3) immediately following the completion of the vote tabulation.

The SOS recommends that you plan for these requests and identify how you will respond to any such requests from poll watchers as part of your central counting station plan.

After the central counting station personnel have completed the tabulation process, the CCS Manager is required to print a copy of the entire audit log from the central accumulator, which must be retained with the other records from that election.

Additionally, for counties with a population of 250,000 or more, the CCS Manager and CCS Presiding Judge must ensure that the audit logs are delivered to the Secretary of State's Office no later than the fifth day after vote counting is complete for the election. (Sec. 127.009)

Section 9 – Reconciliation of Vote Totals

Each time the central counting station convenes, it must complete a reconciliation of the votes counted against the number of voters who voted.

General Reconciliation Procedures

There are three broad categories of vote totals and voters that must be reconciled: Early Voting in Person, Early Voting by Mail, and Election Day.

Reconciliation is designed to allow the authority conducting the election to identify possible discrepancies in the number of votes counted against the number of voters who participated in the election, so that those discrepancies can be identified and resolved before the tabulation process is completed and before the central counting station has concluded its activities.

In general, a reconciliation consists of comparing the total number of votes cast with the total number of voters that voted for a given election, precinct or polling place, or category of ballots. While these figures may not be exact due to undervotes, fleeing voters, or other isolated occurrences, those figures should be close in number.

Any major discrepancies should be investigated by the CCS Presiding Judge, in cooperation with the CCS Manager and Tabulation Supervisor. Once the cause of the discrepancy has been identified, the CCS Presiding Judge should document the cause of the discrepancy and the steps that were taken to resolve it.

Early Voting in Person

To reconcile the results for early voting in person, the CCS Presiding Judge should compare the total number of voters that signed in on the combination form or pollbook, as applicable, to the total number of votes cast during early voting. (Sec. 127.007(b))

If there is a discrepancy in these figures, the CCS Presiding Judge may need to contact the early voting clerk or deputy early voting clerks who supervised the various early voting locations to investigate and resolve the discrepancy.

Early Voting by Mail

To reconcile the results for early voting by mail, the CCS Presiding Judge should compare the number of ballots entered on the “Ballot Transmittal Form” from the EVBB to the number of ballots counted. (Secs. 87.021, 87.1221)

If there is a discrepancy in these figures, the CCS Presiding Judge may need to contact the presiding judge of the EVBB to investigate and resolve the discrepancy.

Election Day

To reconcile the results for election day, the CCS Presiding Judge should compare the number of voters that signed in on the combination forms or pollbook, as applicable, to the total number of ballots cast on election day. (Sec. 127.007(b))

If there is a discrepancy in these figures, the Presiding Judge may need to contact the presiding judges who supervised the various election day polling locations to investigate and resolve the discrepancy.

Final Reconciliation

To reconcile the total results for the election after the central counting station has completed the final tabulation of results after election day, the CCS Presiding Judge should compare the total number of voters who are listed as having voted in the election on the combination form or on the pollbook and the number of ballots listed on the ballot transmittal form to the total number of votes cast during early voting in person, ballot by mail, and election day.

Additionally, the CCS Presiding Judge should compare the total number of registered voters in the territory to the total number of votes.

Any discrepancies should be investigated and resolved prior to the canvass for the election and the release of the final results.

Resolving Discrepancies

If during any of these reconciliations, CCS personnel find a discrepancy, the CCS Presiding Judge (in cooperation with the Manager and Tabulation Supervisor) must determine whether further investigation is necessary to identify the cause of the discrepancy and resolve it. This may also require working with the early voting ballot board or the election workers who supervised the various voting locations to investigate and resolve any discrepancies. Once the cause of the discrepancy has been identified, the CCS Presiding Judge should document the cause of the discrepancy and the steps that were taken to resolve it.

In the event that major discrepancies occur, the CCS personnel may contact the Secretary of State's Office for additional guidance in investigating and resolving those discrepancies.

As a best practice, the SOS recommends that the authority conducting the election require the presiding judge of each polling place to perform a reconciliation of the total number of ballots cast at the polling place to the total number of voters that filled out the combination form or checked in with a pollbook. Creating detailed documentation at the polling place and providing that documentation to the central counting station will assist the CCS Presiding Judge and other CCS personnel in conducting this reconciliation process and resolving any discrepancies.

Reconciliation Forms – Election Night and Canvass Totals

The CCS Presiding Judge is required to provide and attest to a written reconciliation of votes and voters. The Reconciliation Form will be completed twice for the election. (Sec. 127.131)

The Preliminary Election Reconciliation Form must be completed at the close of tabulation on election night, and will be a reconciliation of the unofficial totals on election night against the number of voters. The Reconciliation Form must be completed before the central counting station concludes its activities on election night. The completed Reconciliation Form must be posted on the entity's website on the same page as the election returns and results for that election, which must be accessible without having to make more than two selections or view more than two network locations after accessing the home page. (Sec. 127.131)

The Final Election Reconciliation Form must be completed after the central counting station meets for the last time to process late-arriving ballots by mail, corrective action ballots that were cured after election day, and provisional ballots. The Final Election Reconciliation Form is a reconciliation of the final totals for the election that will be presented to the canvassing authority against the total number of voters who voted in the election. The completed Reconciliation Form must be completed before the central counting station concludes its last meeting for the election. The completed Reconciliation Form must be posted on the entity's website on the same page as the election returns and results for that election, which must be accessible without having to make more than two selections or view more than two network locations after accessing the home page. (Sec. 127.131)

Section 10 – Security Requirements

The Election Code outlines several security requirements that are applicable to the central counting station and the activities that occur at that location. In addition, the CCS Manager and Presiding Judge may need to establish procedures to address specific conduct at the central counting station.

This section addresses those security requirements, as well as some common issues that may require the establishment of specific procedures for the central counting station.

General Voting System Security Requirements

The Election Code outlines a number of security requirements relating to electronic voting system equipment and the electronic media used with the voting system. Those procedures are also applicable to the use and storage of that equipment at the central counting station.

Voting System Software and Equipment Security Requirements

- The sole purpose of voting system equipment is the conduct of an election, and only software certified by the Secretary of State and necessary for an election may be loaded on the equipment. The computer on which you are performing your tabulation or accumulation of election totals is prohibited from running any other software. (Sec. 129.055)
- The tabulation computer itself, like other types of voting system equipment, may not be connected to any type of external communications network, including the internet. (Sec. 129.054)
- The general custodian of election records shall ensure that there is no modem access to tabulating equipment. However, the Secretary of State's Office may prescribe procedures for transmission of unofficial results using equipment that is fully isolated from the tabulating equipment that is used to generate the official results. These procedures are outlined in the Secretary of State's Electronic Voting System Procedures Advisory. (Sec. 127.1231)
- The general custodian of election records must maintain the security of access control keys or passwords. This includes limiting who has administrative access to the tabulation software when it is in use at the central counting station, and monitoring when those individuals have physical access to the equipment before, during, and after the central counting station has convened. (Sec. 129.053)
- The Tabulation Supervisor is required to protect the program and equipment from tampering and unauthorized use. (Sec. 127.123)
- The general custodian of election records must create a procedure for tracking the custody of voting system equipment once election parameters are loaded. (Sec. 129.051(e))

- The general custodian of election records must adopt procedures for securely storing and transporting voting system equipment. Those procedures must include provisions for locations that are outside the direct control of the general custodian of election records, including overnight storage at a polling location. Procedures relating to the chain of custody must require two or more individuals to perform a check and verification check whenever a transfer of custody occurs. The general custodian must create a training plan for relevant election officials that addresses these procedures. (Sec. 129.052)
- The general custodian of election records must create a contingency plan for addressing voting machine failure. That plan must include timely notification to SOS. (Sec. 129.056)
- The general custodian must create a recovery plan to be followed if a breach in security procedures is indicated. That plan must include immediate notification to SOS. (Sec. 129.051(f))
- For counties with a population of 250,000 or more, the CCS Manager and CCS Presiding Judge must ensure that the audit logs are delivered to the Secretary of State's Office no later than the fifth day after vote counting is complete for the election. (Sec. 127.009)

Electronic Media Security Requirements

- The general custodian of election records must create and maintain an inventory of all electronic media. All electronic media must have an external permanent unique identifier (e.g., numbers, letters, or combination of numbers and letters). The identifier can be either etched or printed on a tamper resistant label. (Sec. 129.051(a))
- The general custodian of election records must develop a procedure for tracking the custody of electronic media from its storage location, through election coding and the election process, to its final post-election disposition and return to storage. The chain of custody must require two or more individuals to perform a check and verification check whenever a transfer of custody occurs. (Sec. 129.051(b))
- All election information storage media must be kept in the presence of an election official or in a secured location once the media has been programmed for an election. No unauthorized individuals (including poll watchers) should ever be left unattended with voting system equipment, tabulation software, or voted ballots. (Sec. 129.051(f))
- The general custodian of election records shall create and maintain a secured location for storing the electronic information storage media when not in use, for coding a medium for an election, for transferring and installing the medium into the voting system equipment, and for storing the voting system equipment once the election parameters are loaded. (Sec. 129.051(c))
- An authority operating a central counting station may only purchase or use a ballot scan system if the system is only capable of using a data transfer media device that once a cast vote record is written, is incapable of being modified without automatic detection of the modification and automatic rejection of the cast vote record. The system may not allow

for this automatic detection and rejection process to be overridden or circumvented. (Sec. 127.1301)

Voting System Personnel Security Requirements

- The general custodian of election records is required to conduct a criminal background check for relevant election officials, staff, and temporary workers who are engaged in pre-election programming, testing and preparing of the voting system equipment for early voting and election day. This does not include poll workers (election judges and clerks) assigned to work election voting centers or precincts, but does include temporary workers hired to test, store, or service voting equipment. Additionally, this includes all individuals who participate in the Logic and Accuracy Testing and Tabulation Tests. (Sec. 129.051(g))

Licensed Peace Officer Required

The general custodian of election records must post a licensed peace officer at the central counting station to ensure the security of ballot boxes containing voted ballots throughout the period of tabulation at the central counting station. (Sec. 127.1232)

The licensed peace officer must be posted whenever the central counting station is convened, including when the central counting station convenes for counting before election day (in a county with a population of 100,000 or more) or when the central counting station convenes after election day to count provisional ballots, late-arriving mail ballots, and/or corrective action mail ballots. A licensed peace officer is not required to be posted when the central counting station has not convened. A licensed peace officer is also not required to be posted at the EVBB, the SVC, or at any location other than the CCS. (Sec. 127.1232)

The appointed individual must be licensed as a peace officer by the Texas Commission on Law Enforcement.

Livestream Requirements for Counties with Population of 100,000 or More

The general custodian of election records in a county with a population over 100,000 must establish a video recording system that captures all areas containing voted ballots from the time that the ballots are delivered to the central counting station, early voting ballot board, or signature verification committee until the local canvass of election results. The video recording must also be made available as a livestream during that timeframe. (Sec. 127.1232)

Timeframe for Recording

The livestream video recording must begin with the first meeting of the CCS, EVBB, or SVC (whichever is earlier), and must continue until the local canvass of election results.

Voted Ballots Must be Recorded

“Voted ballots” includes both paper ballots and electronic media containing cast vote records. Both the paper ballots and the media must be recorded from the time that any such materials are delivered to the CCS, EVBB, or SVC until the local canvass of election results.

Areas Included in the Recording

The recording must capture all areas containing voted ballots or electronic media containing cast vote records, including any areas where those ballots are qualified, processed, counted, or stored. At minimum, this will include the CCS and the meeting place of the EVBB and/or SVC, as well as any other locations where voted ballots and media are stored during the required timeframe.

If the voted ballots will be moving from one location to another location during the required timeframe, the recording should also record those voted ballots while they are in transit through hallways or other areas in the office. The general custodian may use either a moving camera to follow the ballots while they are in transit or may set up stationary cameras throughout the hallways to capture the areas where those ballots will be travelling. If there are limitations in recording capabilities while in transit, the general custodian should allow poll watchers, if feasible, to accompany or witness the transfer process.

If the voted ballots will be located in a building that will also be used as a polling place, the cameras must be positioned in such a way that they do not capture any activity in the portion of that building that is used as a polling place.

Livestreaming and Camera Requirements

The video recording must be made available as a livestream from the time that the ballots are first delivered to the CCS, EVBB, or SVC (whichever is earlier) until the local canvass of election results.

Audio is not required as part of the livestream video recording, but it is permitted.

Section 127.1232 does not identify any specific minimum requirements for the number of cameras or the image quality of the video feed. The number and quality of the cameras used should be such that the areas containing voted ballots are reasonably visible to the average viewer.

Section 127.1232 does not require the camera to zoom in on any specific activity occurring at the location where the ballots are located, but simply requires the video feed to capture all areas where those voted ballots (or media) are located.

There are no specific requirements regarding the platform on which the livestream is hosted, but it should be publicly accessible free of charge and a link to the livestream should be made available from the county’s website. When setting up the livestream, the county should work

with its IT department to implement methods that would protect the livestream from possible outside attacks. The county should consider using a secondary network to host, transmit, or store the livestream video to protect the county's primary network.

Wireless Communication Devices

The CCS Manager is responsible for the overall administration of the central counting station and the general supervision of the personnel working at the station. Pursuant to this authority, the CCS Manager may establish procedures governing the use of wireless communication devices in the central counting station. Our office recommends that any procedures relating to the use of these devices be specifically listed in the central counting station plan. (Sec. 127.002, 127.007)

Because the central counting station is responsible for the tabulation of results and these activities typically begin before the time that the polls close on election day, it is recommended that the CCS Manager establish written procedures governing the use of these devices to prevent the release of results before the polls close or the last voter has voted, whichever is later, in violation of Election Code Section 61.007. (Secs. 61.007, 127.002, 127.007)

A poll watcher may not be accepted for service if the watcher has possession of a device capable of recording images or sound unless the watcher agrees to disable or deactivate the device. The CCS Presiding Judge may inquire whether a watcher has possession of any prohibited recording device before accepting the watcher for service. (Sec. 33.051(c))

The Manager may wish to establish a policy providing that devices that are capable of recording sound or images may not be used in the central counting station unless they are being used by the CCS Manager, Tabulation Supervisor, CCS Presiding Judge, state inspector, or voting system technician in the performance of their duties under the Texas Election Code. If this policy is adopted, all other individuals should be instructed to disable or deactivate their devices while serving in the central counting station. For all other individuals, they should be instructed to obtain the Presiding Judge's permission to leave the central counting station before using any such devices. (Secs. 33.051(c), 33.055(b), 127.002)

Section 11 - Poll Watchers

A poll watcher serving at a central counting station may be present at any time the station is open for the purpose of processing or preparing to process election results until the election officers complete their duties at the station. (Sec. 33.055)

This section will address the authority and rights of poll watchers at the central counting station and the procedures for the acceptance of watchers.

General Authority of Poll Watchers at the Central Counting Station

A poll watcher serving at a central counting station may be present at any time the station is open for the purpose of processing or preparing to process election results until the election officers complete their duties at the station. Accordingly, poll watchers may be present at any time that the central counting station has convened. (Sec. 33.055)

A poll watcher is entitled to observe any activity occurring at the location at which the watcher is serving. A watcher is entitled to sit or stand near enough to see and hear the election officers conducting the observed activity. A watcher may not be denied free movement where election activity is occurring within the location at which the watcher is serving. A watcher may not be prohibited from making written notes while on duty. (Sec. 33.056)

A watcher is entitled to inspect the returns and other records prepared by the election officers at the location at which the watcher is serving. This includes the ability to request audit logs from the central accumulator before any votes are tabulated, after early voting results are tabulated, and immediately following the completion of the vote tabulation. (Sec. 33.056; 1 TAC 81.62)

Poll watchers may serve at a central counting station during the hours the poll watcher chooses, However, a watcher may not leave during voting hours on election day without the CCS Presiding Judge's permission if the counting of ballots at the central counting station has begun. (Sec. 33.055)

A poll watcher may call the attention of an election officer to an occurrence that the watcher believes to be an irregularity or violation of law. The officer may refer the matter to the CCS Presiding Judge. Once the CCS Presiding Judge has been notified, the watcher may not discuss the occurrence further with the subordinate officer unless the CCS Presiding Judge invites the discussion. (Sec. 33.058)

It is a Class A Misdemeanor to knowingly prevent a watcher from observing an activity or procedure the watcher is entitled to observe. (Sec. 33.061)

Procedures for Acceptance of a Poll Watcher

A poll watcher who is appointed to serve at a central counting station must present a valid certificate of appointment and a certificate of completion of the Secretary of State's poll watcher training to the CCS Presiding Judge at the time the watcher reports for service at the central

counting station. The certificates provided by the watcher must be retained with the records of the central counting station. (Sec. 33.051(a))

The CCS Presiding Judge shall require the watcher to countersign the certificate of appointment to ensure that the watcher is the same person who signed the certificate of appointment. (Sec. 33.051(b))

A watcher may not be accepted for service if the watcher has possession of a device capable of recording images or sound unless the watcher agrees to disable or deactivate the device. The CCS Presiding Judge may inquire whether a watcher has possession of any prohibited recording device before accepting the watcher for service. (Sec. 33.051(c))

A watcher who presents himself or herself with the required certificates at the proper time shall be accepted for service unless the person is ineligible to serve, the watcher refuses to disable or deactivate a prohibited recording device, or the number of watchers to which the appointing authority is entitled have already been accepted. (Sec. 33.051(b))

Before accepting a watcher for service, the CCS Presiding Judge shall require the watcher to take the following oath, administered by an election officer:

“I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties.”

(Sec. 33.051(h))

If the watcher is accepted for service, an election officer will provide the watcher with a form of identification that must be worn by the watcher in the central counting station. (Sec. 33.051(f))

If the watcher is not accepted for service, the certificates shall be returned to the watcher with a signed, written statement of the reason for the rejection. (Sec. 33.051(e))

An election officer commits a Class A misdemeanor if the officer intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required by the Election Code. (Sec. 33.051(g))

Disruptions in the Central Counting Station

While a poll watcher is entitled to observe any activity conducted at the location the watcher is serving, poll watchers should not be disruptive to the counting or tabulation process.

The CCS Presiding Judge has the responsibility to maintain order, prevent breaches of the peace, and prevent violations of the Election Code in the central counting station, and has the power of a district judge in the performance of those responsibilities. If a poll watcher causes a disruption in the central counting station that impedes the ability of central counting station personnel to perform their duties, or if the watcher willfully violates the Election Code, then the CCS Presiding Judge may remove the watcher from the central counting station. (Secs. 32.075, 127.005)

Observing Delivery of Ballots, Records, and Media

A poll watcher accepted for service at a polling place is entitled to follow the transfer of election materials from the polling place at which the watcher was accepted to a regional substation, central counting station, or any other location designated to process election materials. (Secs. 33.060, 33.0605)

If a poll watcher who was appointed to serve at a polling place will be also serving as a poll watcher at the central counting station after the delivery of materials, the watcher would then need to present a new certificate of appointment for the central counting station and a copy of their certificate of completion of the Secretary of State's poll watcher training to the CCS Presiding Judge at the time they present themselves for service. (Sec. 33.0605(b))

Observing the Central Computer Used for Tabulation

A poll watcher serving at the central counting station is entitled to observe any activity occurring at the location at which the watcher is serving, including the activities performed in the room in which the tabulation computer is located. (Sec. 33.056)

In some counties, the central counting station or the portion of the central counting station that contains the computer used to accumulate vote totals and generate reports will be located in a small area. Poll watchers must be provided access to this area.

If the location is not large enough to accommodate all poll watchers desiring access, it is recommended that the CCS Manager establish a rotation system to allow all poll watchers serving at the location to have an opportunity to observe the activities occurring in the tabulation room. The rotation system should allow for watchers of opposing interests to serve simultaneously and allow for equal observation time for all watchers who wish to observe the activities occurring in that room. Any procedures established to implement this process should be included in the written plan for the central counting station.

Section 12 - Central Counting Station Plan

The CCS Manager is required to establish and implement a written plan for the orderly operation of the central counting station. The plan must provide for a reconciliation process to compare the number of voters who signed the combination form against the number of votes cast in the election. (Sec. 127.007)

The central counting station plan is generally used to provide specific written guidelines to CCS personnel on the procedures for operating the central counting station, and to provide notice to the public and poll watchers of the procedures that will be followed as the central counting station performs its activities. The specific content of the central counting station plan will generally depend on the size of the entity, the type of voting system used by the entity, the manner in which the ballots are counted for the election, and a number of other factors. Each entity should develop a central counting station plan that is well-tailored to the needs of the entity and the procedures that will be followed when the central counting station performs its duties.

This section will address a number of different issues that the CCS Manager should consider addressing in their central counting station plan.

1. Purpose

The Manager may consider providing a section of the plan that briefly explains the reason for establishing a central counting station plan, and the overall purpose of the document.

2. Location

The plan should include the location of the central counting station(s). If there are specific locations where central counting station personnel or poll watchers must report, the plan can include those guidelines.

3. Central Counting Station Personnel

The plan should identify the individuals appointed to the mandatory appointment positions (CCS Manager, Tabulation Supervisor, Presiding Judge, and Alternate Judge) and a brief explanation of each officer's role at the central counting station. The plan may also include information about responsibilities performed by the optional appointment positions (Assistants to the Tabulation Supervisor and CCS Clerks).

4. Procedures for Convening the Central Counting Station

The plan should address when the central counting station will be meeting, if that information is established at the time the plan is published. The plan should also address the notice procedures for when the central counting station will convene and information about where those posted notices may be found.

5. Intake Procedures

The plan should address the process for receiving ballots, media, and other election records at the central counting station. The plan may also address the procedures that will be followed for verifying chain of custody of those materials.

6. Security Procedures

The plan should reference the posting of a licensed peace officer at the central counting station. If the county has a population of 100,000 or more, the plan should address the livestream requirement and where the livestream may be found on the county's website.

7. General Conduct Rules

The plan should address general guidelines for conduct in the central counting station, including policies on the use of wireless communication devices and recording devices, the manner in which disruptions in the central counting station will be addressed, and any other guidelines on general conduct in the central counting station.

8. Poll Watchers

The plan should address procedures for acceptance of poll watchers, and any specific procedures or policies relating to poll watchers in the central counting station. For example, if the CCS Manager will be establishing a rotation policy for poll watchers in the tabulation room, those procedures should be included in the plan.

9. Testing Procedures

The plan should address the procedures for performing the tabulation testing at the central counting station before and after the tabulation process is conducted.

10. Duplication Procedures

Certain ballots that are counted with automatic tabulating equipment may have to be duplicated if the ballot is damaged or cannot be read with the equipment. Section 127.126 of the Code provides specific procedures that must be followed when the duplication of ballots must occur. The plan should address the procedures for the duplication process that will be followed at the central counting station.

11. Adjudication Procedures / Resolving Voter Intent

The plan should provide instructions on how the process for the CCS Presiding Judge to resolve ambiguous questions of voter intent and the adjudication of write-in votes will be conducted during the tabulation process. The CCS Manager must confer with the Presiding Judge when developing these procedures.

12. Tabulation Procedures

The procedures related to counting or accumulating vote totals will vary considerably depending on your type of voting system, type of equipment, and process for counting ballots. The CCS Manager should develop procedures that are appropriate for your election, and should outline those procedures in the plan.

13. Reconciliation

The CCS plan MUST address the process for comparing the number of voters listed as having voted and the number of ballots cast. This process is addressed in Section 9 of the Handbook.

14. Generating Results

The plan should include a process for the printing of precinct returns and the certification of those returns by the Presiding Judge. Your plan should also include a process for the release of the unofficial election results.

15. Reporting Results to the SOS

For certain elections, including primary elections, the general election for state and county officers, and special elections ordered by the governor, the SOS is required to tabulate the unofficial results statewide. The plan should include the process for reporting your election results to SOS.

16. Convening of Ballot Board for Provisional, Late-Arriving Mail, and Corrective Action Mail

The plan should address the process for convening the central counting station after election day to count provisional ballots, late-arriving mail ballots, and/or ballots that were corrected through the corrective action process. This plan should address the tabulation and chain of custody procedures for those categories of ballots as well as the method for providing notice of these meetings of the central counting station.

17. Delivery of Materials to the General Custodian of Election Records

The CCS plan should address how election returns, ballots, media, and other election records are returned to the general custodian after the completion of the central counting station's activities. These procedures should include a process for the proper review of serial numbers and seals, as well as inventory control procedures.

18. Publication

The central counting station plan must be made available to the public on request no later than 5 p.m. of the fifth day before election day. It is recommended that the plan also be made available on the entity's website.

If the plan will be updated periodically throughout the election, the plan should also include revision dates to reflect the date on which it was last edited. Any subsequent revisions should be made available in the same manner as the original plan.