



Legislative Updates: Logic and Accuracy Testing and Central Counting Station

37th Annual
Election Law Seminar
for Cities, Schools, and
Other Political Subdivisions

December 1-3, 2025



Agenda

Senate Bill 2166

- Logic and Accuracy Testing and Tabulation Testing
- Electronic Pollbook Testing

Senate Bill 2217

- Reporting Requirements
- Redactions for Ballot Secrecy

Senate Bill 2216

- Chain of Custody Requirements

Table Talk

- L&A Testing Requirements



Texas Secretary of State
ELECTIONS DIVISION



Senate Bill 2166: Logic and Accuracy Testing



Senate Bill 2166

- Establishes testing deadlines for Public L&A Test and First Tabulation Test
- Clarifies tabulation testing procedures for precinct scanners and central counting station equipment
- Eliminates newspaper notice requirements for voting system testing
- Adds additional testing requirements to L&A test
- Defines "representative sample" for hash validation
- Requires documentation and retesting after unsuccessful test
- Authorizes test materials to be unsealed to respond to PIRs



Terminology Changes

Test of Automatic Tabulating Equipment Used at a Polling Place

- Example: Precinct Scanners
- Tested once as part of Public L&A Test

Test of Automatic Tabulating Equipment Used at a Central Counting Station

- Example: Central Scanners and Central Accumulator
- **Tested at least three times:**
 - Once as part of Public L&A Test
 - Immediately before **each time** that ballots are counted at the CCS
 - Immediately after **each time** that ballots are counted at the CCS



Public L&A Test and First Tabulation Test

Consists of three tests conducted together at the same time:

- Public L&A Test
- Tabulation Test for Polling Place Equipment (Precinct Scanners)
- Tabulation Test for CCS Equipment (Central Scanners + Central Accumulator)

All three tests are performed by the testing board:

- Consists of at least two people appointed by general custodian
 - At least one from each political party
- Presiding and alternate judge of CCS **not** required to be part of testing board
 - However, they can be appointed by the general custodian



Public L&A Test and First Tabulation Test

- Must be conducted no later than the 48th day before election day
- If it is not possible to meet this deadline, must perform test as soon as practicable
 - Must also provide notice to SOS within 24 hours of the determination that the deadline will not be met
- Must provide notice 48 hours before the test on the county/entity's website
 - Newspaper notice is **no longer** required



Public L&A Testing Requirements

| Existing Requirements: | |
|------------------------|---|
| ✓ | Zero public counter |
| ✓ | Include testing board in vote casting |
| ✓ | Verify each contest position, precinct, and ballot style can be voted and is accurately counted |
| ✓ | Include overvotes, undervotes, write-ins, and provisionals |
| ✓ | Test all disability features using a two-person team |
| ✓ | Compare expected vs. actual results |
| ✓ | Hash validate representative sample of equipment |



Public L&A Testing Requirements

New Requirements: Codifying Existing Best Practices for Voting System Testing

| | |
|------|---|
| | Test all equipment types (e.g., BMDs, Scanners, DREs) |
| | Include all ballot types (e.g., mail, BMD ballots) |
| TEST | Clearly mark test ballots |



Public L&A Testing Requirements

- If the test is unsuccessful:

Identify Cause

Prepare and Publish Explanation

Retain Testing Materials

Conduct a New Public Test



Hash Validation Requirements

- Must be conducted as part of the public L&A test
- Must test a "representative sample" of each type of voting system equipment used in the election
- A representative sample is defined as:
 - Ten (10) of each type of voting device **OR** 5% of each type of voting device (whichever number is smaller)



Second and Third Tabulation Tests

- SB 2166 codifies existing procedures for conducting these tests:

Timing

Central Scanners and Central Accumulators must be tested immediately before and immediately after **each time** that ballots are counted at the CCS

Responsibility

Presiding judge, tabulation supervisor, CCS manager, and programmer are responsible for performing these tests

Materials

The electronic media generated during the Public L&A Test/First Tabulation Test is used to perform these tests at the CCS



Availability of Test Materials

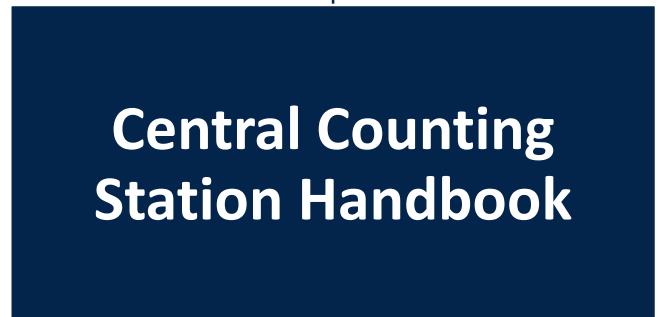
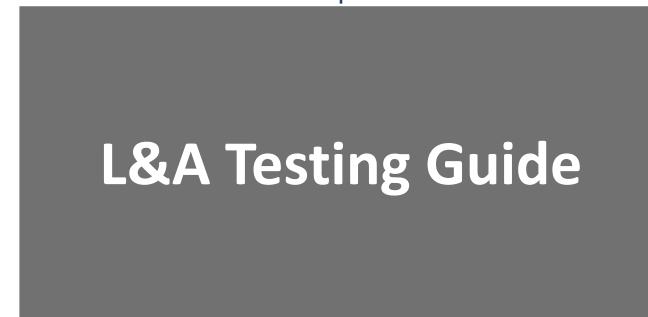
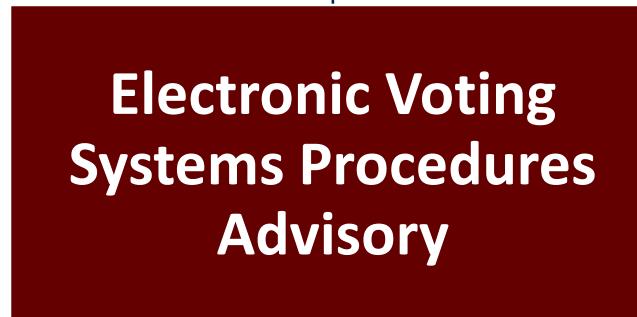
Sealed container for test materials may only be unsealed for these specific reasons:

- To perform another voting system test (e.g., Second and Third Tabulation Tests)
- For a criminal investigation
- For an election contest
- For another official proceeding under the Election Code
- **To respond to a public information request (NEW LAW)**

Test materials are now available for public inspection beginning on the first day after the final canvass of the election



Resource Materials





Texas Secretary of State
ELECTIONS DIVISION



Senate Bill 2166: Electronic Pollbook Testing



Senate Bill 2166

- Requires Logic and Accuracy Testing for electronic pollbook systems
- Test must be performed not later than 48 hours before early voting begins
- Notice must be posted on county/entity's website 48 hours before test
- Not explicitly required to be a public test, though general custodian may choose to allow the public to be present



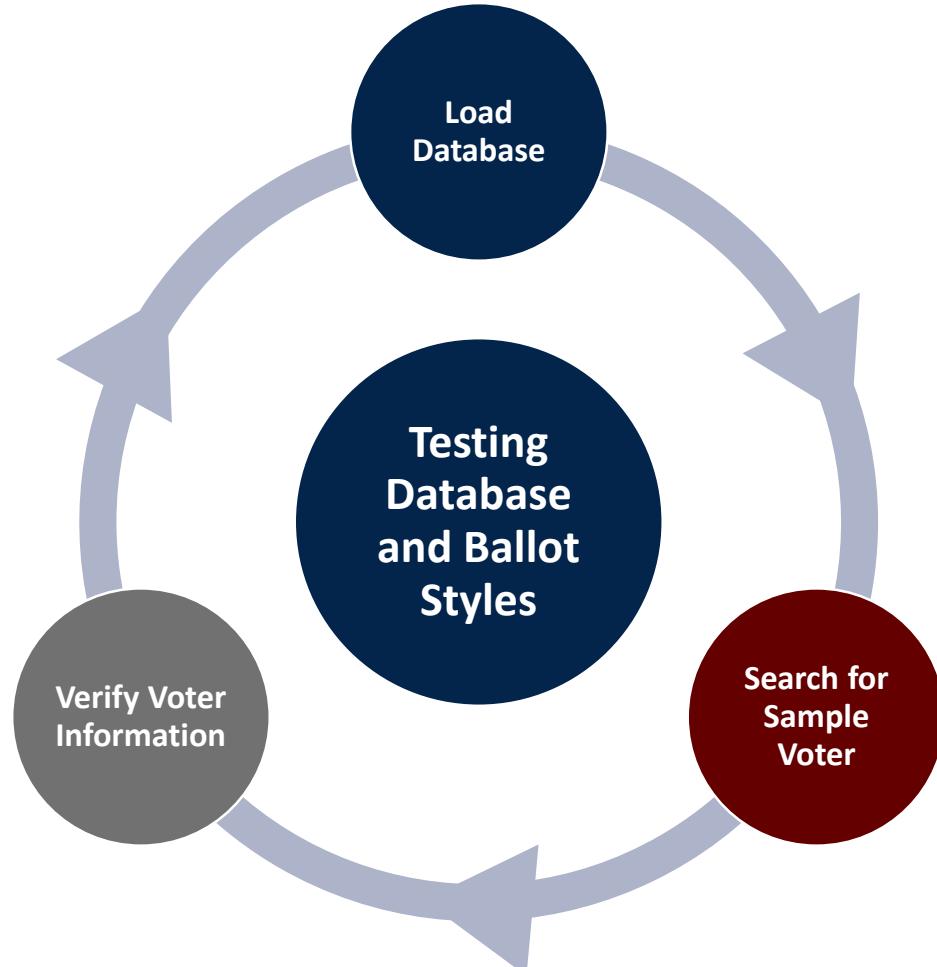
Electronic Pollbook L&A Testing

Electronic Pollbook Testing Requirements:

| | |
|--|--|
| | Voter database is loaded correctly |
| | Peripheral devices function as expected |
| | Ballot styles correctly assigned to voters |
| | Ballots issued by peripheral devices correctly read by voting system |



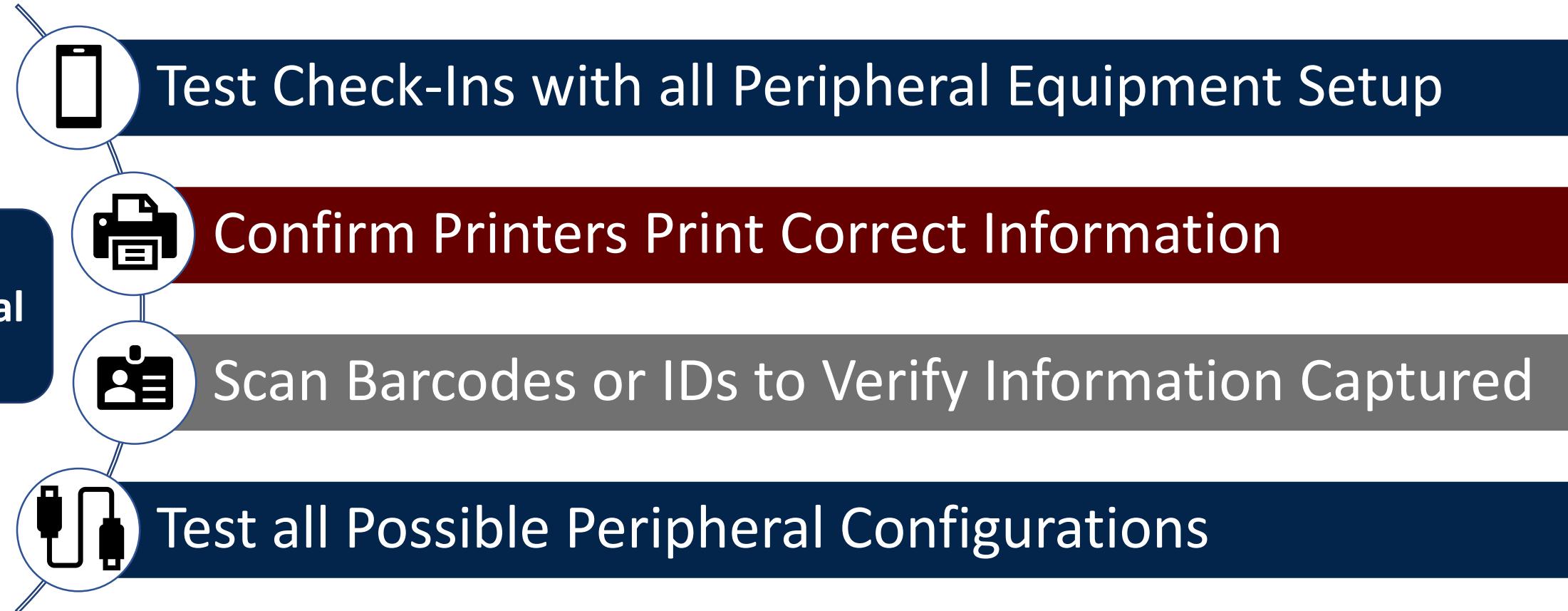
Electronic Pollbook L&A Testing



! Identify Random Sampling of Voters



Electronic Pollbook L&A Testing





Electronic Pollbook L&A Test Requirements

Testing with the Voting System

Generate

- Perform Test Check-Ins and Generate Test Ballots from System and/or Peripheral Devices

Verify

- Verify Test Voter Information is Correct on Test Ballot

Activate

- Use Test Ballots With the Voting System Devices (e.g., BMDs, Scanners)

Verify

- Verify Voting System Identifies Correct Ballot Style and Correctly Marks and Tabulates Test Ballots



Tip: Run EPB and Voting System L&A Together Using Same Test Deck



Senate Bill 2217: Reporting Requirements



Senate Bill 2217

- Effective for elections **ordered after** Sept. 1, 2025
- Requires specific reports to be generated from an electronic pollbook system and retained
- Requires a report of the total number of ballots scanned by a precinct scanner to be generated when polls close on the last day of early voting and on election day
 - *Note:* Just the number of ballots scanned, **NOT** the results for each candidate/measure



Senate Bill 2217

- Requires a report of the total number of ballots scanned to each media drive by a central scanner to be generated at the CCS
- Requires a reconciliation form to be completed with the total number of votes cast against the total number of voters at each polling place
- **September 1, 2026** – A system that uses a central accumulator must generate a report of the total number of votes received by each candidate and for/against each measure at each polling location



Electronic Pollbook Reports

Electronic Pollbooks must produce specific reports:

- Combination Form
- List of all voters who were accepted to vote, including reference to voter precinct and voting location



Must be generated by 30th day after Election Day and retained for 22 month retention period



Precinct Scanner Reports

Report Includes:

- Total Ballots Scanned
- Cannot Include Candidate/Measure Results

Required at Polls Close:

- Last Day of Early Voting
- Election Day

Generated by:

- Presiding Judge
- Retained with Precinct Election Records
- Update Training Materials



Central Scanner Reports

Includes:

- Total ballots scanned on media drive
- Cannot include candidate/measure results if generated before opening of polls on Election Day

One Report per Media Drive:

- Must be generated before media drive is read into central accumulator

Generated by:

- Presiding Judge of central counting station
- Retain with other central counting station records



Polling Place Reconciliation Form

Must Compare:

- Ballots cast at polling location against voters accepted at polling location
 - Prepared for each polling location
 - Includes Early Voting and Election Day locations

Due by:

- 30th day after Election Day
- Post with election results

Recommend:

- Use actively during vote tabulation
- Post along with Preliminary and Official Reconciliation Forms



Results Report by Polling Place

Central Accumulators Must:

- Produce summary results by polling location
- Includes both early voting and election day locations
- Work with your voting system vendor
- **Required by September 1, 2026**



Senate Bill 2216: Chain of Custody Requirements



Senate Bill 2216

- Codifies existing best practices for voting system chain of custody:
 - Requires voting system equipment to be **stored in a locked room**
 - Requires voting system media to be **labeled** with its associated polling place and **tracked** in an inventory log with that polling place identifier
 - Requires **security seals** on each unit of voting system equipment
 - Requires the general custodian to document:
 - Which **seals are placed** on each unit of voting system equipment; and
 - Any instances where the **seals are removed**, including:
 - The individual who removed the seals; and
 - The purpose for accessing the equipment



Table Talk: L&A Testing Requirements

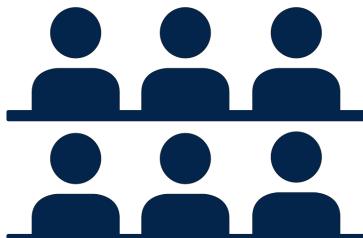


What Would You Do?

Scenario: SB 2166 requires L&A testing of electronic pollbook systems to:

- Verify that database of voters is correctly loaded onto the system and the devices.
- Verify that peripheral devices used with the system are functioning correctly.
- Verify that ballots styles have been correctly assigned to the voters.
- Verify that any ballots issued by the system and by any peripheral devices are correctly read by the voting system used in the election.

How would you ensure these are verified in your office?



Work together with people at your table and the table directly behind you.

Ensure that everyone has a turn to share their thoughts, ideas, or perspective.

You will have
5 minutes
to discuss
in your group



Available Support



WEBINARS



TRAINING



RESOURCES

elections@sos.texas.gov

800-252-VOTE • 512-463-5650

sos.texas.gov