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DICKENS COUNTY ELECTIONS ADMINISTRATION

CENTRAL COUNT STATION PLAN

A. PURPOSE:

Section 127.001 of the Texas Election code ("TEC") allows for the establishment of one or more Central Counting Stations ("CCS"). Section 127.007 of the TEC requires the *Manager* of the CCS to "establish and implement a written plan for the orderly operation of the central station." This plan will be made available to the public on request not later than 5 p.m. on the fifth day before the date of the election.

Section 127.007(b) provides that a CCS plan "must address the process for comparing the number of voters who signed the combination form with the number of votes cast for an entire election."

B. LOCATION:

The Dickens County Central Counting Station will be located at the Dickens County Courthouse, 512 Montgomery, Dickens, TX 79229.

C. CENTRAL COUNTING STATION PERSONNEL:

The following are roles and responsibilities inside the Central Counting Station, as contained in Sections 127.002-127.006 of the Texas Election Code:

- The County Clerk will serve as the Central Counting Station Manager to manage the overall administration of the station and supervision of personnel.
- The Deputy Clerk will serve as the Tabulation Supervisor to operate automatic tabulating equipment.
- The County Assistant will serve as the Assistant Tabulation Supervisor to assist the Tabulation Supervisor.
- The Alternate Presiding Judge of the Early Voting Ballot Board will serve as the Presiding Judge to maintain order at the Central Counting Station, administer oaths, and receive ballots to be counted. (See Note 1).
- A Member of the Early Voting Ballot Board will serve as the Alternate Judge at the Central Counting Station to serve in the capacity of the Presiding Judge in the event that the Presiding Judge is not present or available. (See Note 1).

Note 1: Section 127.005(e) allows for the *Presiding Judge* and *Alternate Presiding Judge* to be appointed in the same manner as in section 32.002.

Note 2: The *Presiding Judge* is entitled to compensation at the same rate as a precinct *Presiding Judge*, except that the counting station judge is entitled to a minimum compensation of five hours' pay regardless of the amount of time worked. (127.005 d).

- Central Counting Station Clerks may be appointed as needed by the *Manager*, the *Presiding Judge*, and the *Alternate Presiding Judge* (Section 127.006 of the Texas Election Code.)

Note: To be eligible to serve as a clerk a person must be a qualified voter of the County in which the central counting station is located. The general custodian of election records, an employee of the custodian, or any other employee of a political subdivision is not ineligible to serve as a clerk under this section because the person is a qualified voter of a county other than the county in which the central counting station is located or because of the custodian's status as a candidate or officeholder. (127.006 b).

A clerk appointed by the *Manager* serves under the *Manager* and shall perform the functions directed by the *Manager*. A clerk appointed by the *Presiding Judge*, or the *Alternate Presiding Judge* serves under the *Presiding Judge* and shall perform the functions directed by the *Presiding Judge*. (127.006 c)

A clerk is entitled to compensation at the same rate as a precinct election clerk, except that a clerk who serves for the entire time a counting station is in operation is entitled to a minimum compensation of three hours' pay regardless of the amount of time worked. (127.006 d)

D. TESTING PROCEDURES:

The Election Code prescribes several required tests and post-election audits for voting system equipment to verify the accuracy of the equipment before, during, and after the election. This section will address the procedure for the test that occurs before and during the election. (Secs. 127.096, 129.023)

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. (Secs. 127.093, 129.023)

- Logic & Accuracy Test and First Tabulation Test: In-house testing will be done on all machinery. All ballot styles, all precincts, all contests will be tested, as well as under and overvotes, in compliance with the law. A notice will be published at least 48 hours before testing is conducted. The testing board will consist of the County Clerk and election staff. The public is welcome to attend.
- Second Tabulation Test: Will commence just before ballots are tabulated on election night. The testing board shall consist of the Central Counting Station Manager, the Presiding and Alternate Judges of the accumulation/tallying equipment to ensure it is still functioning properly, not to test the paper or anything else, so as is customary across the State, after a zero tape is printed, the ballot media from test 1 will read back into the *Election Reporting Manager* program, and results will be compared.
- Third Tabulation Test: Will commence immediately after the last of the votes are tabulated on election night as required by law. The testing board shall consist of the Central Counting Station Manager, The Presiding and Alternate Judges of the Counting Station, clerks. (Poll watchers are welcome). The object of Test 3 is to test the tabulation equipment to ensure it is still functioning properly, so is customary across the State, after a zero tape is printed, the ballot media from test 1 will be read back into the *Election Reporting Manager* program, and the results from test 1, 2, and 3 will be compared.

All testing materials shall be sealed and stored in compliance with the Election Code, using tamper evident bank bags.

E. PROCEDURES FOR CONVENING THE CENTRAL COUNTING STATION:

Section 87.0241 of the Texas Election Code dictates when an entity is permitted to count ballots.

The Central Counting Station will convene based on the size and type of election as determined by the *Central Counting Station Manager* and the *Presiding Judges(s)* to count early voting ballots and provisional or late ballots as may be required.

The Central Counting Station may not begin the process to count early voting ballots until:

- 1) The polls open on election day; or
- 2) In an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, the end of the period for early voting by personal appearance.

F. ADMINISTRATION OF OATHS:

Section 127.0015 of the Texas Election Code prescribes a required oath for all CCS personnel. The administration of oaths must take place prior to those individuals commencing any of their duties at the central counting station.

This oath should be administered verbally to all members of the early voting ballot board and all personnel at the central counting station prior to the performance of any duties by the board or the central counting station.

For use in Primary Elections, General Elections for State and County Officers and 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."

For use in all Other Elections that do not contain Party Affiliation:

"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 and officer of the election and guard the purity of the election."

G. INTAKE OF BALLOTS, ELECTRONIC MEDIA, AND SUPPLIES:

Sections 129.051 and 129.052 of the Texas Election Code require the general custodian of election records to develop certain procedures related to inventory control and chain of custody of voting system equipment and electronic media associated with the equipment, providing for verification of equipment identifiers, verification of seals, and verification of chain of custody.

1. Election Judge, or their designee, brings paper ballots (in ballot transfer bags) and V-Drives (in Verity Scan ("Scan")) to a Dickens County Courthouse.
2. Intake personnel will verify location tags and verify the seals on the equipment are the same as the seal numbers on the Official Register of Seals.
3. Dickens County Election Staff place the V-Drive from the scan in a security bag for transport to the Tally Room.
4. The V-Drive security bags will be delivered to Dicken County Elections, where either the *Presiding Judge* or Dickens County Election Staff will verify the seal numbers with the Register of Seals. (NOTE: Transport may be done using Law Enforcement personnel or Dickens County Elections Staff as provided for by Section 85.071 of the Texas Election Code.
5. The *Tabulation Supervisor* or *Assistant Tabulation Supervisor* will read all V-Drives from the security bag into the OFFICIAL tabulation computer to tally the totals. (NOTE: This process may take place after election day.)
6. As the media is loaded into the central accumulator, the *Presiding Judge*, *Central Counting Station Manager*, or designee shall verify that the vote totals on the electronic media match the vote totals on the printed results tape.
7. After uploading all precinct results to the central accumulator system, the election official must verify and document that the Central accumulator's total number of votes cast in an election matches the number of signatures on the combination form. If there is a discrepancy, the *Presiding Judge* of the counting station in conjunction with the *Central Counting Station Manager* shall determine if a further audit is necessary.

H. DUPLICATION OF BALLOTS:

In accordance with Section 127.126 of the Texas Election Code, 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. The valid portion of a partially invalid ballot may be duplicated on another ballot so that the valid portion can be automatically counted. A

procedure other than the duplication may not be used to process a ballot subject to this section unless the procedure is expressly authorized by the Secretary of State.

1. The *Presiding Judge*, with any assistants they deem necessary, will duplicate any damaged ballots in accordance with Section 127.126.
2. Each duplicated ballot must be clearly labeled "Duplicate" and must bear the serial number of the original ballot.
3. The duplicate shall be substituted for the original ballot in the ballots prepared for automatic counting.
4. The original shall be preserved with the other voted ballots for the same period.
5. The *Presiding Judge* is responsible for completing the log of duplicate/replacement ballots.
6. All duplication ballots will be conducted with at least two members of differing political parties.

I. RESOLVING VOTER INTENT:

At the direction of the *Presiding Judge*, EVBB members will resolve any voter intent questions on the ballots as they are duplicated or manually counted, as applicable.

1. Ballots that are not damaged will be resolved in the Central Count System upon successfully capturing the image of the ballot.
2. Ballots that are damaged and cannot be scanned by the Central Count System will be duplicated. Prior to duplicating the ballot, the *Presiding Judge*, or an appointed ballot board team, with members from differing parties, will determine the manner in which the voter's intent was deciphered.

J. TABULATION PROCEDURES:

1. The Verity Count System will be used to produce zero reports to illustrate that no pre-existing votes exist on the official database.
2. The *Presiding Judge* will break the seal on the ballot transfer bag.
3. The *Presiding Judge* or *CCS Manager* will designate clerks to scan all unscanned ballots into Verity Scans setup for that purpose. Separate scans are set up to accept Early Voting, Absentee or Election Day as appropriate.
4. The *Presiding Judge* or *CCS Manager* will designate clerks to scan all unscanned FPCA ballots into Verity Central.
5. All scanned ballots will be reviewed by the software which will identify any that need human review (under-votes, over-votes, damaged, etc).
6. The V-Drive(s) will then be read into Verity Count for addition to the database.
7. The *Tabulation Supervisor* will confirm that the number of V-Drives read into the system is accurate.
8. On Election Day, Early Voting Ballots, including absentees received up to that point, may be tabulated, but in no case will results be released prior to 7:00PM.

K. RECONCILIATION:

The process for comparing the number of voters listed as having voted and the number of ballots cast is done in three ways:

1. **Early Voting in Person** – Compare the number of early voting check-ins from the combination forms, minus any ballots-thrown-out (e.g. spoiled), to the number of ballots cast.
2. **Early Voting by Mail** – Compare the number of ballots entered on the "Ballot Transmittal Form" from the early voting ballot board to the number of ballots counted. (87.021, 87.1221)
3. **Election Day** – Compare the number of voters on the combination forms, minus any ballots-thrown-out (e.g. spoiled), to the total number of ballots cast. (127.007(b))

Note 1: The *Presiding Judge* of the CCS shall provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the CCS meets for the last time to process late-arriving ballots by mail and provisional ballots.

L. PRINTING OF PRECINCT RETURNS AND ELECTION TOTALS:

Under Section 127.127, the *Tabulation Supervisor* and the *Assistant Tabulation Supervisor* are the only ones authorized to operate the automatic tabulating equipment or handle ballots that are automatically counted. After the counting of ballots (or accumulation of vote totals) has occurred, the *Tabulation Supervisor* and *Assistant Tabulation Supervisor* of the CCS are responsible for preparing the precinct election returns. The *Presiding Judge* is required to sign the precinct returns to certify their accuracy.

The printed "precinct by precinct" report that has been adjusted to include any hand-counted ballots (if necessary) constitutes the certified precinct returns. (Section 127.131(e), Texas Election Code).

The unofficial election results shall be released as soon as available after the polls close. Alternatively, the *Presiding Judge* of the CCS, in cooperation with the County Clerk may withhold the release of unofficial results until the last voter has voted. (Section 121.1311, Texas Election Code).

Unofficial election results will be released via Dickens County's Election Night Results Webpage, beginning no earlier than 7:00PM. Election Day results will be released incrementally as processed through acceptance and tabulation until all results are in. (Section 121.1311, Texas Election Code).

M. REPORTING RESULTS TO THE SECRETARY OF STATE:

For certain elections, including Primary Elections, the General Election for State and County Officers, and Constitutional Amendment Elections, the SOS is required to tabulate the unofficial results statewide. (68.001, Texas Election Code). This information can be reported to the SOS through their online portal or via telephone.

1. The *Assistant Tabulation Supervisor* will prepare reports with the requested totals for the Secretary of State.
2. *Central Counting Station Manager* will report the totals to the Secretary of State using the SOS online portal (TEAM) or via telephone as appropriate.
3. At or shortly after 7:00PM, the early voting returns containing Early Voting in person and Absentee votes qualified and accepted at the 1st Ballot Board Meeting.
4. By 8:00PM or 8:30PM: Additional returns, however many have come in.
5. Election Night Returns: after the last election locations have come in and their votes accumulated, an election night return will be released by email to everyone on the email list, also by phone to anyone who has called and left a message wanting returns.
6. Returns shall not be released unofficially before the close of polls at 7:00PM, under penalty of law. Also, recording devices and phones must be disabled in the Central Counting Station, unless they are being used for election business as specifically approved by the *Presiding Judge*.
7. Precinct Reports and Election Reports (Cumulative Reports) shall be printed at the intervals specified above, and released by email to whomever has requested it.
8. Precinct and Election Reports (Cumulative Reports) shall be printed for both party chairs, and the Elections Office shall keep one as well.

N. POLL WATCHERS

Poll watchers are entitled to be present during the time the CCS has convened for the "purpose of processing or preparing to process elections results and until the election officers complete their duties at the station." (Section 33.055, Texas Election Code).

A watcher may not leave during voting hours on election day without the *Presiding Judge's* permission if the counting of ballots at the Central Counting Station has begun. (Section 33.055(b), Texas Election Code).

The poll watcher must deliver both their certificate of completion for the Texas SOS Poll Watcher Training and their certificate of appointment to the *Presiding Judge* of the CCS and the *Presiding Judge* must countersign their certificate of appointment.

Poll watcher(s) are permitted to stand, sit or move freely without obstructing the conduct of the election or interfering with the duties of the CCS personnel, while still being able to observe all activities. (Section 33.0015, Texas Election Code)

All activities of poll watcher(s) shall comply with Sections 33.0015, 33.055, 33.056, 33.060 and the current *Poll Watchers Guide* issued by the Secretary of State.

O. DELIVERY OF MATERIALS TO THE GENERAL CUSTODIAN OF ELECTION RECORDS:

The *CCS Manager* is also the General Custodian of Election records, therefore all equipment, voted ballots, must be returned to her. The General Custodian shall verify all equipment, supplies, and ballots are accounted for by comparing the serial number and seals on the inventory control bag.

1. All ballot transfer media shall be sealed inside a locked bag, the seal number of which shall be logged and signatures attesting to the seal and the number shall be provided by the *Presiding* and *Alternate Judges* and the *Central Counting Station Manager*.
2. Records will be organized, labelled, and placed in file envelopes for safekeeping. They shall not be stored with the ballots of ballot media, except for a copy of the Ballot and Seal Certificate, if applicable.
3. All seals, once broken, will be labelled using tape and a pen, and will be taped together and stored separately in locked bags.

P. SECURITY PROCEDURES:

A Licensed Peace Officer will be posted at the CCS as required (Section 127.1232(a), Texas Election Code) at any time that the CCS is convened.