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FRANKLIN COUNTY ELECTIONS DEPARTMENT
CENTRAL COUNTING STATION PLAN
January 23, 2025

A. PURPOSE:

Section 127.007 of the Texas Election Code requires the *Manager* of the central counting station ("CCS") to "establish and implement a written plan for the orderly operation of the central counting station." this plan 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 Franklin County Central Counting Station will be located at Franklin County Elections & Voter Registration building, 502 E. Main Street, Mount Vernon, Texas 75457.

C. CENTRAL COUNTING STATION PERSONNEL:

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

• The Elections Administrator will serve as the *Central Counting Station Manager* to manage the overall administration of the station and supervision of personnel.

• The Assistant Elections Administrator will serve as the *Tabulation Supervisor* to operate automatic tabulating equipment.

• The following personnel will serve as *Assistant Tabulation Supervisors* to assist the Tabulation Supervisor: employees of ES&S, and other qualified Franklin County Employees (as needed).

• The *Presiding Judge* of the Early Voting Ballot Board will serve as the *Presiding Judge* of the Central Counting Station, to maintain order at the administer oaths, and receive ballots to be counted, receive election night returns, and sign off on any chain of custody forms.
 (See Notes 1, 2 and 3)
• The *Alternate Presiding Judge* of the Early Voting Ballot Board will serve as the *Alternate Presiding Judge* of 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)

Note 3: During a Primary Election, each political party that has an Early Voting Ballot Board will also have *Presiding Judge* and *Alternate Presiding Judge* for the Central Counting Station. (123.033(f)(3), 127.001, 127.005)

• *Central Counting Station Clerks* may be appointed as needed by the Central Counting Station *Manager* and the *Presiding Judge* as outlined Section 127.006 of the 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* 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. 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 Judge* until all election reports are complete and distributed accordingly.

E. ADMINISTRATION OF OATHS:
Per Attorney General Opinion KP-140, and in compliance with Article XVI, Sect 1 of the Texas Constitution, all presiding judges, alternate judges and early voting clerks must complete the Statement of Officer and take the constitutional oath of office. This includes the presiding judge and alternate judge of the central counting station. Other central counting station personnel are not required to take the constitutional oath of office or complete the Statement of Officer. The constitutional oath and Statement of Officer must be completed prior to entering service.

Sections 86.006 127.0015 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.

<u>For use in Primary Elections, General Elections for State and County Officers and Elections ordered by the Governor:</u>

"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."

<u>For use in all Other Elections that do not contain Party Affiliation:</u>

"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."

F. 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 this 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 sealed ballot bin) and Precinct USB-Drives (sealed in red media bag) to Franklin County Elections & Voter Registration building.
2. The Central Counting Station as the intake personnel will verify location tags and verify the seals on the bags are the same as the seal numbers on the Official Register of Seals.
3. Franklin County Elections Staff take the USB-drive as collected from each precinct Election Judge still sealed in the red media bag, where either the *Presiding Judge* or Franklin County Elections Staff will verify the seal numbers with the Chain of Custody Form.
4. Franklin County Elections Staff take the USB-drive as collected from each precinct Election Judge still sealed in the red media bag and transport to the Secure Room for Tally.
5. The *Tabulation Supervisor* or *Assistant Tabulation Supervisor* will read all "original" USB-drives into the tabulation computer to run totals reports.
6. Franklin County Elections Staff will use the Election Management Software "Electionware" to transmit the UNOFFICIAL results, using the "Results" USB-drive, to the CCS.
7. As the media is loaded into the Election Management Software, 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.

8. 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.

G. DUPLICATION OF BALLOTS:

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.

1. The *Presiding Judge*, with any assistants they deem necessary, will duplicate any damaged ballots in accordance with Section 127.126 of the Texas Election Code.
2. All duplication of ballots will be conducted with at least two members of differing political parties.

H. 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. Absentee ballots that are not damaged will be resolved in the Central Count System upon successfully capturing the image of the ballot.
2. Absentee 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 different parties, will determine the manner in which the voter intent was deciphered.

I. TABULATION PROCEDURES:

EVBB FIRST MEETING

- The DS200 precinct counter and electionware system will be used to produce zero reports to illustrate that no pre-existing votes exist on the official database.
- *The Presiding Judge* of Ballot Board will designate 2 Ballot Board members who will confirm seals match the Chain of Custody Log for Election Equipment.
- All scanned ballots will be reviewed by the software which will identify any that need human review (under-votes, over-votes, damaged, etc).
- After Ballot Board completes their first review of the Early Voting ballots by mail and FPCA ballots, ballots will remain stored in the precinct counter which will be sealed by the *EVBB Presiding Judge* and stored in the Secured and locked within the Tabulation Room.
- If no ballots have been received by the Early Voting Clerks office, the first meeting will consist of documenting the meeting along with training or discussion of future meeting dates.

EVBB Second Meeting - Election Day

- The second tabulation test will be performed immediately before ballots are counted using the tabulating equipment. (Section 127.093(c))
- The *Presiding Judge of EVBB and the Alternate Presiding Judge of EVBB* will confirm that seals match the Chain of Custody Log for the Early Voting Tabulating Equipment, Red Media Bag, and Provisional Ballot Metal Bin or Orange Provisional Bag at 5 pm.
- The *Early Voting Ballot Board* will scan the Early Voting ballots by mail and FPCA ballots received by the DS200.
- Any ballots needing to be reviewed will be resolved under the direction of the *Presiding EVBB Judge*.
- Early Voting ballots, Early Voting curbside ballots, FPCA ballots, and ballots by mail received up to that point, will be tabulated before 7p.m., but in no case will results reports be released before 7p.m.
- The third tabulation test will be performed immediately after the ballots are counted using the tabulation equipment (Section 127.093(d))
- After the polls close at 7:00p.m., one (1) or more *EVBB members* will use the Early Voting DS200 USB drives to print the results tapes for each Early Voting Site.
- Both the Ballot by Mail and the Early Voting USB Drives will be sealed and logged on the Chain of Custody form by the EVBB and the sealed media bag and the DS200 will then be transferred and stored in the *Tabulation Room* to be read into the ElectionWare Results Software.
- The *Tabulation Supervisor* will break the seals on all Early Voting USB Bags, and Seal numbers will be checked and logged against the Chain of Custody Log with the *tabulation assistants*.
- In ElectionWare, before any data from the USB drives are loaded, a Zero Report will be printed from the ElectionWare software and signed by the *Tabulation Supervisor* and *Presiding Judge of Central Count*.
- All USB media received from each precinct after the closing of polls will be read into the ElectionWare software by the *Tabulation Supervisor* with the *Presiding Judge of Central Count* present.
- *Tabulation Supervisor* and *tabulation assistants* will confirm the USB drives for each site have been loaded and are all accounted for.
- The following reports will be generated and will be made available at request on a County Provided USB Drive along with any reports generated during Central Count: Admin Audit Events Report, Election Audit Events Report, Machine Audit Events Report.

EVBB THIRD MEETING
- The EVBB will reconvene for the counting of provisional ballots and late absentee mail ballots as necessary.

J. 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 (ballot box). 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. (Section 125.006). This process will be directed by TCE staff, after troubleshooting of the Scanner has been conducted.

The ballots in the emergency slot will be delivered to the CCS for counting using the automatic tabulating equipment at the CCS by the CCS Manager, or duplicated and then tabulated, in the event that the ballot is damaged in a manner that makes it unreadable. (Sections 125.006, 127.126)

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 ePollbooks, minus any ballots-thrown-out (e.g. spoiled) or ballots from fleeing voters, 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 ePollbooks, plus the Omissions List entries, minus any ballots-thrown-out (e.g. spoiled) or ballots from fleeing voter ballots, to the total number of ballots cast. (127.007(b))

NOTE 4: Upon completion of reading all media drives from the security bags into the tabulation computer to tally the totals, the *Tabulation Supervisor* or *Assistant Tabulation Supervisor* will print reports from the tabulation computer showing the final results. The report will be signed by the *Presiding Judge* certifying that the results are accurate.

NOTE 5: 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.

Note 6: In the event that a media drive cannot be read, the *Presiding Judge* will break the seal on the ballot transfer bag of the location and the *Presiding Judge, Assistant Presiding Judge* or the *Central Counting Station Manager* will designate clerks to scan all un-scanned ballots into an DS200 Precinct scanner (separate Scans are setup to accept Early Voting, Absentee or Election Day ballots as appropriate) and the resulting media drives will be used as the "official" and "backup" media drives.

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 of the CCS* 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. Unofficial election results will be released via the Franklin County's Election webpage, beginning no later than 11:00 am on May 6, 2024. Election Day results will be released incrementally as processed through acceptance and tabulation until all results are in. (Section 121.1311, Texas Election Code). Official Election Results will be made available following the Canvass of the election.

M. REPORTING RESULTS TO THE SECRETARY OF STATE (if applicable):

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. Franklin County Elections Staff will report the totals to the Secretary of State using the SOS online portal (TEAM) or via telephone as appropriate.

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 election results and until the election officers complete their duties at the station." (Section 33.055, Texas Election Code).

The poll watcher must deliver their 'Certificate of Appointment' and their 'Certificate of Completion from the Secretary of State Training Program' to the *Presiding Judge* of the CCS and the *Presiding Judge* must countersign their certificate.

Poll watcher(s) are permitted to stand or sit to observe the counting activities but not prevent or interfere with the duties of the Central Counting Station personnel.

All activities of poll watcher(s) shall comply with the current *Poll Watchers Guide* issued by the Secretary of State.

There will be a maximum limit of four (4) poll watchers at any time in the *Tabulation Room*. There will be a maximum limit of ten (10) poll watchers at any time in the *Main Room* of the Elections building for receiving of election day precinct returns following the close of polls.

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

After the completion of the counting of ballots both on election day and after election day, if necessary, voted ballots, electronic media, election records, and election equipment will be retained by this office, who is the general custodian of election records, through the appropriate retention period in order to allow for the review of serial numbers as required.

P. SECURITY PROCEDURES:

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

As provided for by Section 85.071, TEC, Law Enforcement personnel and/or Franklin County Elections Staff may be used to transport "official" and/or "backup" drives, as required.