



**SMITH COUNTY ELECTIONS ADMINISTRATION
CENTRAL COUNTING STATION PLAN
May 6, 2023**

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” and for 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 Smith County Central Counting Station will be located at Smith County Elections Administration, 302 E Ferguson Street, Tyler, TX 75702. The Central Counting Station will convene at 11:00 a.m. on Saturday, May 6, 2023.

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 (Michelle Allcon) will serve as the *Central Counting Station Manager* to manage the overall administration of the station and supervision of personnel.
- The *Tabulation Supervisors* will be Maurine Smith and Arvilla Banks.
- The *Presiding Judges* will serve to maintain order at the Central Counting Station, administer oaths, and receive ballots to be counted.

Maurine Smith will serve as the *Presiding Judge*.
Arvilla Banks will serve as the *Alternate Judge*.

Note: The *Presiding Judges* are 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 *Central Counting Station Manager* and the *Presiding Judges* 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 Judges*. The Early Voting Ballot Board will begin the process to count early voting mail ballots on Friday, May 5, 2023 at 9:00 a.m.

The Central Counting Station will begin the process to count early voting in-person ballots on Saturday, May 6, 2023 at 1:00 p.m. In accordance with Section 127.093 of the Texas Election Code, the second test of tabulating equipment will be conducted prior to beginning the process to count early voting ballots.

The Central Counting Station will begin the process to count election day ballots on Saturday, May 6, 2023 at 7:00 p.m.

The Central Counting Station will begin the process to count accepted provisional ballots and accepted late ballots by mail on Tuesday, May 9, 2023 at 9:00 a.m.

E. 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 May 6, 2023 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 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 USB-Drives (in sealed election bag) to the Smith County Elections Administration office for intake.
2. Intake personnel will verify the seals on the bags and bins are the same as the seal numbers on the seal log.
3. Intake personnel will deliver the ballot bin and USB bag to the Tabulation Room.

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 and Alternate Judges*, with any assistants they deemed necessary, will duplicate any damaged ballots in accordance with Section 127.126 of the Texas Election Code.

H. RESOLVING VOTER INTENT:

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

I. TABULATION PROCEDURES:

Election Day – May 6, 2023

- Beginning at 12:00 pm, the *Presiding and Alternate Judges of Central Count*, and the Tabulation Supervisor will complete the 2nd Testing of the Tabulation Equipment.
- At 1:00 pm, the *Tabulation Supervisor* will break the seals on all absentee ballot boxes, and Serial numbers will be checked against the Seal Log with the *tabulation assistants*.
- A zero report will be run on the DS200, and signed by the *Tabulation Supervisor* and *Presiding and Alternate Judges of Central Count*, and then the absentee ballots will be placed, precinct by precinct, through the DS200 for counting.
- All absentee ballots will be reorganized by precinct and copies of the log sheets will be made. The original log will stay with the paper ballots.
- After each precinct has been scanned, it will be placed back in the labeled ballot box.
- In ElectionWare, before any data from the USB drives (either absentee or early voting) are loaded, a Zero Report will be printed and signed by the *Tabulation Supervisor* and *Presiding and Alternate Judges of Central Count*.
- All USBs will be read into the ElectionWare Results Module by the *Tabulation Supervisor* with *tabulation assistants* present.
- Any un-scanned approved ballots will be scanned at the DS200, and any ballots needing to be reviewed will be resolved by the Central Count personnel under the direction of the *Presiding Judge*.
- Results of the remaining un-scanned ballots will be saved onto a USB drive and loaded into the ElectionWare Results Module.
- *Tabulation Supervisor* and *tabulation assistants* will confirm the USB drives for each site have been loaded and are all accounted for.
- On Election Day, Early Voting ballots, including ballots by mail received up to that point, will be tabulated before 7 p.m., but in no case will results reports be released before 7 p.m.

J. 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 ES&S's ExpressPolls 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 early voting check-ins from ES&S’s ExpressPolls to the number of ballots cast. (127.007(b))

Additionally, in accordance with Texas Election Code Section 127.131(f), the *Presiding and Alternate Judges* of the central counting station shall provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots using a form created and rules promulgated by the secretary of state to facilitate compliance with this subsection. Once completed, the form shall be posted on a website maintained by the county along with election returns and results.

K. PRINTING OF PRECINCT RETURNS AND ELECTION TOTALS:

Under Section 127.127, the *Tabulation Supervisor* and the *Tabulation Assistants* 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 *Presiding and Alternate Judges* of the CCS are responsible for preparing the precinct election returns. The *Presiding and Alternate Judges* are required to sign the precinct returns to certify their accuracy.

The printed “precinct by precinct” report will be adjusted to include any hand-counted ballots (if necessary) and constitutes our certified precinct returns. (Section 127.127(e)), Texas Election Code.

The unofficial election results shall be released as soon as available after the polls close. Alternatively, the *Presiding and Alternate Judges* of the CCS, in cooperation with the Elections Administrator 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 Smith County’s Elections Administration webpage, beginning no earlier than 7:00p.m. on Election Day. Election Day results will be released incrementally as processed through acceptance and tabulation until all results are in.

L. 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).

M. 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 both certificate completion of the Texas SoS Poll Watcher Training and their certificate of appointment to the appropriate *Presiding Judge* of the CCS and the *Presiding Judge* must countersign their certificate of appointment.

Poll watcher(s) are permitted to stand or sit to observe the counting activities. The *Presiding Judge* may dictate where the poll watcher(s) may stand and/or sit in order to prevent interference with the duties of the Central Counting Station personnel while still being able to observe all activities. There will be a maximum limit of two (2) poll watchers at anytime inside the *Tabulation Room* (there is a window for observing all activity, so more watchers can be present outside the room).

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

N. 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 ballot cards, 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.