

**CALDWELL COUNTY ELECTIONS DEPARTMENT  
CENTRAL COUNTING STATION PLAN  
NOVEMBER 8,  
2022**

**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 Caldwell County Central Counting Station will be located at Scott Annex Building, 1403 Blackjack Street, Ste. A (*Caldwell County Elections Office - Main Room and Tabulation Room, Building Conference Room for Paperwork Processing*), Lockhart, TX 78644. The Central Counting Station will convene at 4:30p.m. on Tuesday, November 8, 2022.

**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 County Clerk / Early Voting Clerk (Teresa Rodriguez) will serve as the *Central Counting Station Manager* to manage the overall administration of the station and supervision of personnel.
- The Senior Deputy Elections Administrator (Sarah Fullilove) will serve as the *Assistant Central Counting Station Manager* to assist the central counting manager in the overall administration of the station and supervision of personnel.
- The Election Equipment Coordinator (Mayra Calderon) will serve as the *Tabulation Supervisor* to operate automatic tabulating equipment.
- The *Assistant Tabulation Supervisors* to assist the Tabulation Supervisor: Devante Coe, employees of ES&S, and other qualified employees (as needed).
- The Caldwell County Sheriff's Office will serve as the *Law Enforcement Agency* to ensure the security of the operations inside and outside the Central Counting Station. *Appendix A List of Central Counting Station Staff*

- The *Presiding Judges* will serve to maintain order at the Central Counting Station, administer oaths, and receive ballots to be counted.

David Tschirhart will serve as the *Presiding Judge*.

Vanessa Gutierrez will serve as the *Alternate Presiding 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. (*Appendix A List of Central Counting Station Clerks*).

*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)

#### **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 Tuesday, November 8, 2022 at 3:00p.m.

The Central Counting Station will begin the process to count early voting in-person ballots on Tuesday, November 8, 2022 after 5:00 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 Tuesday, November 8, 2022 beginning at 7:00p.m.

The Central Counting Station will begin the process to count accepted provisional ballots and accepted late ballots by mail on Wednesday, November 16, 2022 at 3:00 P.M. (Appendix B: Early Voting Ballot Board Process)

#### **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 the November 8, 2022 election (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 and at least one clerk brings ALL VOTED ballots (in sealed ballot bin or Ballot Boxes) and USB-Drives from locations with DS200s (in sealed election bag) to the Central Counting Station intake.
2. *Central Counting Station Clerks* will verify location tags and 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 from Election Day Polling locations with DS200s to the Tabulation Room inside the elections office.
4. The Data Transfer USB bag along with ballot boxes from Election Day Polling locations without DS200s, Provisional Bag with paperwork, Canceled Ballot by Mail Bag with paperwork, and Blue Curbside Bag with unused ballots to the front counter inside the Elections Office where *Central Counting Station Clerks* will verify the seal numbers with the Ballot and Seal Certificate under the supervision of the *Presiding Judges*.

#### **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 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.

1. The *Presiding Judge* and *Resolution Board* will make a determination of voter intent prior to duplication of a ballot.
2. The duplicate ballot will then be created by the *Presiding Judge* and CCS clerks in the manner in which the voter intent was deciphered.
3. Determining Voter Intent for Write-in Candidates state law provides that the failure of a voter to mark a ballot in conformity with the Election Code does not invalidate the ballot. If a voter does not write the name exactly as it appears on the List of Declared Write-In Candidates, the vote shall be counted as long as the presiding judge is able to determine voter intent. Additionally, if the voter fails to properly mark the write-in box on the voter's ballot, but **writes** in the candidate's name, a vote for a write-in candidate may still be counted if the intent of the voter can be determined. Sections 65.008, 65.009, 127.006, 127.007, 127.125, 127.126

#### **I. TABULATION PROCEDURES:**

A person may be lawfully present in the central counting station while ballots are being counted if the person is: The counting station manager, assistant counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk; a watcher; a state inspector; a voting system technician, as authorized by Section 125.010; the county election officer or a person whose presence has been authorized by the counting station manager in accordance with Section 127.008.

## **Election Day – November 8, 2022**

- Beginning at 4:30pm, the *Presiding Judge of Central Count and/or the Alternate Judge of Central Count* will confirm that seals match the Seal Log for Early Voting USB Bags, Ballot Bins, and Provisional Bags.
- Early Voting USB bags, along with Ballot Boxes from Early Voting Polling Locations without DS200s, will be returned to the Tabulation Room to be opened by the *Tabulation Supervisor*. Once seals have been verified, Early Voting Provisional Bags with Cancelled Ballot by Mail Envelope (if available) will be given to Elections Staff for processing.
- After Ballot Board completes their review of the Early Voting ballots by mail, approved ballots will be scanned at the DS450. Any ballots needing to be reviewed will be resolved by the resolution board under the direction of the *CCS Presiding Judge* on Election Day.
- After all Early Voting ballots by mail have been scanned, results will be saved to a USB drive, and read into the ElectionWare Results Module.
- Ballots by mail will be placed in a ballot box which will be sealed by the *EVBB Presiding Judge* and stored in the Tabulation Room.
- The *Presiding Judge of Central Count*, and the Tabulation Supervisor will complete the 2nd Testing of the Tabulation Equipment.
- The *Tabulation Supervisor* will break the seals on all Early Voting USB Bags, and Serial numbers will be checked against the Seal 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 *Central Count Manager* and *Presiding Judge of Central Count*.
- All USBs will be read into the ElectionWare Results Module by the *Central Count Manager and Assistant Manager* with the *Presiding Judge of Central Count* present to review and assign any write-ins captured by the DS450 and DS200 that were not assigned or correctly assigned to a certified write-in candidate.
- Any un-scanned approved ballots will be scanned at the DS450, and any ballots needing to be reviewed will be resolved by the resolution board 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.
- *Central Count Manager* and *assistant manager* 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 created before 7 p.m.
- After the polls close at 7:00 p.m., the *Tabulation Supervisor and/or assistants* will use the Election Day DS200 USB drives to load USB drives to ElectionWare from each Voting Site.

## **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 ePollbooks, plus the spoiled ballot log, 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 Election Day check-ins from ES&S ePollbooks, plus the spoiled ballot log, to the number of ballots cast. (127.007(b))

Additionally, in accordance with Texas Election Code Section 127.131(f), the *Presiding Judge* 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 Judge* of the CCS is 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 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 Judge* of the CCS, in cooperation with the Early Voting 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 Caldwell County’s Elections Department webpage, beginning no earlier than 7:00 p.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). For this election, this information will be reported to the SOS through an online portal established by the SOS.

**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 both their certificate of completion of 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 watchers (s) are permitted to stand or sit to observe the counting activities. All activities of poll watcher(s) shall be in compliance with the current *Poll Watchers Guide* issued by the Secretary of State.

**N. RETENTION 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.